

Bidford-on-Avon Parish Council

Bidford-on-Avon Neighbourhood Plan

Independent Examiner's Report

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Summary

I have been appointed as the independent examiner of the Bidford-on-Avon Neighbourhood Development Plan. The examination was carried out by written representations and I undertook a visit to the area in September 2016.

Bidford-on-Avon is a large village located on the River Avon, some six miles southwest from Stratford-on-Avon and about six miles northeast of Evesham. The Parish consists of Bidford-on-Avon village and three small hamlets.

The Plan is well presented with policies relating to housing, economy, environment and amenities clearly laid out with explanatory text.

Further to consideration of the Plan and its policies I have recommended a number of modifications that are intended to ensure that the basic conditions are met satisfactorily and that the Plan is clear enabling it to provide a practical framework for decision-making.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Stratford-on-Avon District Council that the Bidford-on-Avon Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Ann Skippers Planning
31 October 2016



1.0 Introduction

This is the report of the independent examiner into the Bidford-on-Avon Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Stratford-on-Avon District Council (SDC) with the agreement of Bidford-on-Avon Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over twenty-five years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The examiner is required to check¹ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

¹ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

The basic conditions² are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two basic conditions in addition to those set out in primary legislation and referred to in the paragraph above. These are:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site³ or a European offshore marine site⁴ either alone or in combination with other plans or projects, and
- Having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this is not applicable to this examination as it refers to orders).

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁵

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

² Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

³ As defined in the Conservation of Habitats and Species Regulations 2012

⁴ As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁵ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Stratford-on-Avon District Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

3.0 Neighbourhood plan preparation and the examination process

A Consultation Statement (CS) has been prepared and submitted in accordance with the Neighbourhood Planning (General) Regulations 2012.⁶

The CS explains that work on the Plan built on earlier work on a Parish Plan (the B50). In May 2013, awareness rising was carried out about neighbourhood planning including events, articles, leaflets, letters and dedicating the Annual Parish Assembly in April 2014 to the Plan.

A Steering Group formed shortly afterwards and divided into sub-groups to consider issues. A household survey was undertaken in December 2014/January 2015 resulting in 1039 questionnaires being completed. The analysis was undertaken by the Consultation & Insight Unit at SDC and is of a very high standard. A Business Survey was undertaken in February 2015 attracting a response rate of about 36%.

Informal consultation took place on a draft Plan between 25 May – 6 July 2015. This stage was publicised in a number of ways including articles, flyers, exhibitions and the Annual Parish Assembly meeting.

Pre-submission (Regulation 14) consultation took place between 24 September – 6 November 2015. This formal stage was publicised by a wide range of methods and copies of the draft Plan were available online as well as in various locations. Facebook and Twitter were used, articles and notices in newspapers, banners and posters, as well as letters.

The Plan has been the result of sustained effort and consultation over a long period of time. The evidence strongly demonstrates that the Plan has emerged as a result of seeking, and taking into account, the views of the community and other bodies.

Submission (Regulation 16) consultation was carried out between 23 June – 5 August 2016. This resulted in 16 representations which I have carefully considered during the examination.

During the course of the Regulation 16 consultation period, the Core Strategy was adopted by SDC. I wrote to SDC about this situation and my letter is attached to this report at Appendix 3. I considered that it would be prudent to have a further short two

⁶ Regulation 15 of the Neighbourhood Planning (General) Regulations 2012

week period of consultation. This was carried out by SDC and this period ended on 23 September 2016. This resulted in four further representations and I have also taken these into account during this examination.

Some representations suggest that sites should be allocated. There is no requirement for neighbourhood plans to contain policies which address all types of development or allocate sites.⁷ Others suggest additions or amendments to the Plan. I have set out my remit earlier in this report. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further additions or amendments are required. On occasion I refer to a specific representation, but I have not felt it necessary to comment on each of them.

It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁸ PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁹

As PPG explains¹⁰ the general rule of thumb is that the examination will take the form of written representations,¹¹ but there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. After careful consideration of all the documentation and representations, I decided that neither circumstance applied and therefore it was not necessary to hold a hearing.

I made an unaccompanied site visit to Bidford-on-Avon and the neighbourhood plan area on 11 September 2016.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

⁷ PPG paras 040 and 042 ref ids 41-040-20160211 and 41-042-20140306

⁸ *Ibid* para 055 ref id 41-055-20140306

⁹ *Ibid*

¹⁰ *Ibid* para ref id 41-056-20140306

¹¹ Schedule 4B (9) of the Town and Country Planning Act 1990

4.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

Qualifying body

The Basic Conditions Statement (BCS) confirms that Bidford-on-Avon Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is met.

Plan area

The Plan area is coterminous with the Parish administrative boundary. SDC approved the designation of the area on 10 February 2014. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is clearly shown on page 4 of the Plan.

Plan period

The BCS confirms that the Plan covers the period from 2011 to 2031. I do not believe that the Plan itself sets out the time period it covers and this should be remedied in the interests of providing a practical framework by the inclusion of the start and end dates on the front cover and within the Plan itself.

- **Insert the time period of “2011 – 2031” on the front cover of the Plan and state the period to which the Plan has effect in the Plan itself**

Excluded development

The Plan includes Policy ENV11 which deals with minerals and aggregates extraction. This type of development falls within the categories of excluded development and therefore later in this report I have recommended deletion of this policy. Subject to this modification being enacted, the Plan will be able to meet this requirement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹² Subject to any such modifications, this requirement can be satisfactorily met.

¹² PPG para 004 ref id 41-004-20140306

5.0 The basic conditions

Regard to national policy and advice

The main document that sets out national planning policy is the National Planning Policy Framework (NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.¹³

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.¹⁴

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at planningguidance.communities.gov.uk. The planning guidance contains a wealth of information relating to neighbourhood planning and I have had regard to this in preparing this report.

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.¹⁵

PPG indicates that a policy should be clear and unambiguous¹⁶ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.¹⁷

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁸ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.¹⁹

¹³ NPPF paras 14, 16

¹⁴ *Ibid* para 184

¹⁵ NPPF para 17

¹⁶ PPG para 041 ref id 41-041-20140306

¹⁷ *Ibid*

¹⁸ *Ibid* para 040 ref id 41-040-20160211

¹⁹ *Ibid*

The BCS sets out how the Plan has responded to national policy and guidance particularly through a table which sets out each of the core planning principles in the NPPF and discusses each with reference to the Plan and a second table that details some of the themes of the NPPF and discusses these in relation to the Plan. A third table is a matrix of the Plan's policies and the NPPF.

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole²⁰ constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.²¹

The BCS contains a section with a commentary that explains how the Plan will contribute to the achievement of sustainable development.

General conformity with the strategic policies in the development plan

The development plan consists of the Stratford-on-Avon District Core Strategy 2011 to 2031 (CS). This was adopted by SDC on 11 July 2016.

The CS states that the eight Main Rural Centres, of which Bidford-on-Avon is one, continue to perform an important role as service hubs providing public services and commercial facilities in these larger rural settlements. CS Policy CS.15 indicates that Main Rural Centres are suitable locations for housing and business development and the provision of local services and strategies are set out in the CS for each of the eight Main Rural Centres. CS Policy CS.16 distributes approximately 3,800 homes to the Main Rural Centres.

The CS's vision includes for Bidford-on-Avon "an improvement to the provision of community facilities and enhancements to its industrial area. The village centre will have been strengthened as the focus of small-scale shopping and other commercial activities and the quality of the built environment will have been enhanced."²²

CS Policy AS.3 is an area strategy for Bidford-on-Avon and puts forward a variety of environmental, social and economic principles in considering applications and other initiatives relating to the area.

The BCS offers an assessment of each policy in the Plan against the relevant policies of the Local Plan Review 2006 and the emerging Core Strategy of February 2016. The situation has now changed of course with the passage of time as the CS has been

²⁰ NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

²¹ *Ibid* para 7

²² Core Strategy page 15

adopted. Whilst the BCS is now out of date it was up to date at the time of submission and this assessment has formed part of my own examination in any case.

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

PPG indicates that it is the responsibility of local planning authorities to ensure that the Plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive) when it takes the decision on a) whether the Plan should proceed to referendum and b) whether or not to make the Plan.²³

Strategic Environmental Assessment

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.

A screening assessment was undertaken on behalf of SDC by Lepus Consulting in accordance with Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004. The screening report dated April 2016 concluded it is unlikely significant environmental effects would occur and a SEA would not be needed. The statutory consultees all responded and all agreed with this conclusion.

I have taken the screening report of April 2016 to be the statement of reasons. I am therefore satisfied that the requirements in this respect have been satisfactorily met.

Habitats Regulations Assessment

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identified whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.²⁴ The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

²³ PPG para 031 ref id 11-031-20150209

²⁴ *Ibid* para 047 ref id 11-047-20150209

As there are no European sites within or near the Plan area, I am satisfied that the Plan is not likely to have a significant effect on any European site.

European Convention on Human Rights (ECHR)

The BCS includes a short statement that the Plan has had regard to the fundamental rights and freedoms guaranteed under the ECHR and the Human Rights Act 1998. There is nothing in the Plan that leads me to conclude there is any breach of the Convention or that the Plan is otherwise incompatible with it.

6.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions.

The Plan is very well presented with an eye catching front cover. It begins with a helpful contents page.

The policies are clearly identified and contained within a box. An explanation follows each policy whilst at the start of each of the four sections of the Plan that deal with policies on housing, economy, environment and amenities, strategic objectives are set out.

There does seem to be a presentational issue with footnotes. I recommend that this issue be reviewed throughout the Plan to ensure that there is consistency between the text and the footnotes in the interests of clarity and accuracy.

- **Check the footnotes throughout the Plan are correct and tie up with the text and make any changes as necessary**

1.0 Introduction

This is a well-worded section that sets out basic and helpful information about the Plan. The section also includes a clear map of the Plan/Parish area.

In paragraph 1.2 the Plan indicates that it does not have the “power to stop all development”. I appreciate this may be viewed as explanation for readers, but it may also be interpreted as being negative and out of line with the NPPF which requires neighbourhood plans to “plan positively”.²⁵ For this reason I suggest a modification.

In paragraphs 1.14, 1.15 and 1.16 reference is made to the emerging Core Strategy. With the passage of time, the Core Strategy has now been adopted and these paragraphs now require updating in the interests of accuracy.

²⁵ NPPF para 16

- Replace the second sentence in paragraph 1.2 with *“It cannot prevent development, but must plan positively to support local development and is a powerful tool in shaping that development in line with local wishes.”*

- Replace paragraphs 1.14, 1.15 and 1.16 with a new paragraph which reads:

“This NDP has been prepared in the context of the Stratford on Avon District Local Plan Review 1996 -2011 (LP) adopted in 2006 and an emerging Core Strategy. The Core Strategy determines how many new homes are to be built, how many jobs will be created and how people can travel to get to things they need over the next 15 years amongst other things. The Core Strategy was adopted by SDC on 11 July 2016.”

- Consequential paragraph renumbering will be needed

2.0 Background

Another well-worded, clear and informative section. Just some minor modifications to help with clarity, and as suggested by SDC, are recommended.

- Add the word *“area”* after *“(SDC)”* in paragraph 2.1
- Change the word *“seven’* to *“eight’* in paragraph 2.5

3.0 Neighbourhood Housing

Policy H1 Village Boundary

This policy defines a village boundary shown on Map 1 and supports new housing development within it. Outside the boundary, it indicates rural workers dwellings, replacement dwellings and those dwellings supported by Policy H2 will be permitted. The policy could be worded a little more clearly and also more flexibly in order to take better account of national policy and to help achieve sustainable development.

The Map shows a different boundary from the one shown in the CS for Bidford-on-Avon; the Plan seeks to enlarge this boundary. The boundary on the Map includes some sites shown as commitments, but not all of them. In response to my query, I have been provided with an updated Map 1 and it seems to me that it would make sense to include all of the sites shown as housing commitments within the village boundary in order to provide a practical framework. SDC also advise that the new dwelling figure is now 770 rather than 565 referred to in paragraph 3.2. As the map is to be updated, the text should also reflect the latest position.

References to the emerging CS of course need to be updated; this applies to paragraphs 3.1 and 3.8.

- **Reword the last sentence of the policy to read: “*New housing development in the countryside will usually be limited to dwellings for rural workers, replacement dwellings and housing development permitted under Policy H2.*”**
- **Include all of the housing commitment sites within the village boundary shown on Map 1**
- **Change “565” in paragraph 3.2 to “770” and change the timescale accordingly if need be**
- **Update paragraphs 3.1 and 3.8 in relation to the now adopted Core Strategy**

Policy H2 Rural Exception Housing

This criteria-based policy permits rural exception housing. It recognises that cross-subsidy with market housing is sometimes needed to achieve such schemes in line with national policy and advice. The policy is also in general conformity with CS Policy CS.15 which, amongst other things, refers to local needs schemes; these may include small-scale community-led schemes that meet a need identified by the community.

The policy refers to the “development boundaries” of Barton, Marlcliff and Broom as well as Bidford-on-Avon. In response to my query, it has been confirmed that only Bidford-on-Avon has a defined boundary. As a result the policy requires some modification so that it is clear how the policy will operate.

Policy H2 seeks to define what local needs under this and CS Policy CS.15G might be. In response to my query, SDC confirm there is no definition of local needs at SDC level. This Plan takes the approach of local connections. However, the explanatory text in paragraph 3.11 does not offer a clear link back to Policy H2 or CS Policy CS.15. In addition as a representation points out the local connection criteria might not allow someone to return to the area who was born there, but now had no family there. For this reason greater clarity and more flexibility are needed to ensure the explanatory text will not prevent sustainable development taking place.

- **Reword the first paragraph of the policy so that it reads: “Affordable housing development will be permitted on small sites beyond, but reasonably adjacent to the *village boundary of Bidford-on-Avon and the settlements of Barton, Marlcliff and Broom* where the following is demonstrated:...”**
- **Reword criterion b) to read: “No other suitable and available sites exist within the *village boundary of Bidford-on-Avon and the built-up areas of the settlements of Barton, Marlcliff and Broom*; and...”**

- **Replace paragraph 3.11 with:**

“One of the ways local needs can be demonstrated is through a housing need survey or up-to-date evidence of local housing need. In addition Core Strategy Policy CS.15 allows local needs schemes within and adjacent to settlements including small-scale community-led schemes to meet a need identified by that community.

For the purposes of local needs housing for Policy H2 this will usually be based on a local connection with the Parish. A local connection is usually defined as:

- ***Someone who has lived in the Parish for a minimum of six months***
 - ***Someone who has previously lived in the Parish for 6 out of the last 12 months or 3 out of 5 years***
 - ***Someone who has close family (parents, siblings or children) residing in the Parish for at least 3 years***
 - ***Someone who has full or part-time work in the Parish and has been employed for at least 6 months***
 - ***Someone who can otherwise demonstrate a connection to the Parish.”***
- **Consequential changes to paragraph numbering may be needed**

Policy H3 Promoting an Appropriate Mix of Housing

This is a table-based policy that seeks to set out housing mix on sites of five or more units for both market and affordable housing. There is no explanation of why the threshold has been set at five or more units. Whilst the policy refers to the most up to date and locally available evidence for the mix of market housing, the table then prescribes what is required and so there seems to be an internal tension in the policy. The supporting text explains that mix will be negotiated adding to this inconsistency.

CS Policy CS.19 refers to housing mix and type; it sets out the preferred mix, but does not apply any thresholds. For market housing Policy H3 requires a lower proportion of 2-bed houses than CS Policy CS.19. This seems to be at odds with the supporting text that indicates a preference for smaller family homes. For affordable housing, the proportions fall within the band ranges in CS Policy CS.19.

In relation to affordable housing, the policy states that this will be in accordance with CS Policy CS.17 (now with the passage of time numbered Policy CS.18 in the adopted CS). CS Policy CS.18 requires affordable housing on sites of either 11 or more dwellings or six or more dwellings with a combined floorspace of more than 1,000 square metres to contribute to affordable housing provision of 35% unless site-specific evidence of viability indicates otherwise. CS.18 defines affordable housing and sets out a preferred tenure mix albeit with consideration of site-specific and local circumstances being taken into account.

Bearing in mind the lack of justification for setting a threshold in the policy, the more flexible stance taken by the CS, the internal tensions in the policy and between the policy and the supporting text, the prescriptive nature of the policy, modification is required to ensure the policy meets the basic conditions.

- **Reword Policy H3 as follows:**

“Market Housing

Developments should provide a mix of house types and sizes which reflects the most up to date needs of the Parish and be informed by the Strategic Housing Market assessment, Parish level surveys or Housing Need Surveys as well as any site-specific issues and evidence of market circumstances.

As a guide, market housing should be provided with the following mix:

[insert table from the existing Policy H3]

Affordable Housing

Affordable housing should be provided in accordance with Policy CS.18 of the Core Strategy. As a guide a variety of house types and sizes should be provided with the following mix:

[insert second table form the existing Policy H3]

The requirement for, and provision of, a mix of different types and sizes of both market and affordable housing within the Parish will be monitored throughout the Plan period to ensure that local needs are being met and to inform this policy.”

Policy H4 Use of Brownfield Land

This policy encourages the use of brownfield land for housing development. The Plan defines what is meant by brownfield land in this context in the supporting text. The policy is clearly worded and will particularly help to achieve sustainable development. It meets the basic conditions.

Paragraph 3.20 is not consistent with national policy and does not reflect the contents of the policy. In the interests of clarity it should be deleted.

- **Delete paragraph 3.20 in its entirety**
- **Consequential amendments to paragraph numbering will be required**

Policy H5 Use of Garden Land

Development on garden land within the settlement boundary of Bidford-on-Avon is supported subject to a number of criteria. All the criteria are appropriate, the policy is clearly worded and will help to achieve sustainable development. It meets the basic conditions and therefore no modifications are suggested.

4.0 Neighbourhood Economy

Policy ECON1 Protecting and Enhancing Existing Employment Sites

Existing employment sites are protected by this policy; however the policy outlines various circumstances when changes of use or redevelopment will be permitted. The policy is worded clearly and is in line with national policy and guidance as it will help to build a strong economy whilst avoiding the long term protection of employment sites where there is no reasonable prospect of a site being used for that purpose and will help to achieve sustainable development. It takes its lead from CS Policy CS.22. As a result it meets the basic conditions and no modifications are recommended.

Policy ECON2 Protecting and Enhancing the Village Centre

Policy ECON2 deals with Bidford-on-Avon Village Centre defined on Map 1. It is quite hard to see easily the limits of the Village Centre on the map and so for this reason I make a recommendation in the interests of clarity.

The village centre differs from that defined in the CS. It extends further west to include a supermarket, petrol station/shop and the village hall and extends further east to include units in the High Street. However, as well as making the area larger which reflects what is to be found on the ground, it also excludes some buildings and sites that fall within the CS's Village Centre boundary. I cannot see any rationale has been put forward for excluding sites identified in the CS and this will not provide a practical framework for decision-making. Therefore a modification to the Map is needed to ensure there is general conformity with the strategy in the CS and to take account of national policy.

The policy seeks to resist the loss of shops or commercial premises in the Village Centre and only permits change of use to residential once a marketing exercise has been carried out. It also encourages new retail and commercial uses. This generally reflects CS Policy CS.23 which supports retail, business and community uses, but leisure, tourism and cultural and community uses should be supported more to help ensure that the vitality and viability of the Village Centre is promoted. This is particularly the case given the larger Village Centre.

In addition, CS Policy CS.20 supports the provision of flats above shops in principle where this would not dilute or undermine the commercial activity on the site or in the vicinity. A variety of other uses including a relatively high proportion of residential uses pepper the Village Centre area.

Therefore to provide a more practical framework, to take better account of national policy and to ensure there is no conflict between the Plan and the CS, the following modifications are recommended to make sure the policy meets the basic conditions.

- **Include the whole of the Village Centre area in the Bidford-on-Avon CS Inset on an amended Map 1 and make Map 1 clearer in relation to the definition of the Village Centre notation by including a separate inset map at a larger scale**
- **Reword Policy ECON2 as follows:**

“Proposals for new or enhanced retail, commercial and community uses will be supported within the Village Centre defined on Map 1 and Inset Map X where there is no conflict with other policies in the development plan.

The loss of retail, commercial or community uses will be resisted unless it can be demonstrated that the unit is no longer viable for such uses. In the case of changes of use to residential, the provision of flats above shops is supported in principle. Changes of use to residential of the whole unit will not usually be permitted unless it can be demonstrated through a marketing exercise that no alternative retail, commercial or community use will come forward in a reasonable time frame.”

Policy ECON3 Promoting High Speed Broadband

Poor infrastructure such as broadband and mobile phone coverage is often a key barrier to economic growth. This simply worded policy has regard to the NPPF particularly in relation to building a strong, competitive economy, supporting a prosperous rural economy and supporting high quality communications infrastructure. The CS recognises the importance of broadband in achieving small and home-based businesses and supports provision in CS Policy CS.26. This policy will help to achieve sustainable development and meets the basic conditions. Therefore no modifications are recommended.

Policy ECON4 Parking in the Village Centre

This policy resists any development that would adversely affect the parking provision in the Village Centre shown on Map 1. The explanation sitting alongside the policy explains that the current level of parking should be maintained. There is an inherent

issue with this policy in that it refers to current provision without defining what that is on a map. The policy does not offer any flexibility at all. Finally, the explanatory text also seeks enhancement as well as future development according with the County Council's standards; neither point is included in the policy as it is currently worded. Therefore to provide a more practical framework, a modification to the policy is suggested to address these concerns and to ensure the policy meets the basic conditions.

- **Reword Policy ECON4 to read:**

“Development which would result in the loss of any parking provision in the Village Centre which is defined on Inset Map X will be resisted unless it is replaced by equivalent or enhanced provision is provided in a suitable location.

Proposals which enhance and improve parking provision in the Village Centre will normally be supported subject to other relevant development plan policies.

New development in the Village Centre should provide parking in accordance with the applicable County Council standards or as otherwise agreed on a site-by-site basis.”

- **This policy should make reference to the new inset map (whatever number that will be)**

Policy ECON5 Promoting Riverside Activities

At my site visit it was clear that many visitors are attracted to Bidford-on-Avon because of its pretty riverside location and setting. This policy seeks to promote and enhance riverside facilities to support visitors as the Plan rightly recognises they support the local economy. This generally conforms to the theme of CS Policy CS.24 too. The policy is clearly worded; it meets the basic conditions and no modifications are recommended.

Policy ECON6 Homeworking and Live-Work Units

This policy supports homeworking and live-work units. It encourages new dwellings to be designed so that home working can be supported. It responds to increasing trends for homeworking and this criteria-based policy has sufficient safeguards and flexibility to define what the Plan seeks. It will support the rural economy. The CS recognises that the District is entrepreneurial and CS Policy CS.22 also encourages the incorporation of workspace within residential development to encourage home-based working. The policy therefore meets the basic conditions and no modifications are recommended.

5.0 Neighbourhood Environment

Policy ENV1 Renewable and Low Carbon Energy

This clearly worded policy supports renewable and low carbon energy proposals provided there is an acceptable effect on character and appearance. It also seeks to ensure that energy efficiency measures are used where appropriate. The policy will help to support the delivery of such schemes which is central to the achievement of sustainable development and in line with national policy and guidance whilst achieving an appropriate balance between protection of the environment. It reflects CS Policy CS.3 which supports a range of proposals subject to viability and satisfactory impacts and encourages community led initiatives for renewable and low carbon energy. It therefore meets the basic conditions and as a result no modifications are necessary.

Policy ENV2 Green Infrastructure

Policy ENV2 seeks provision or enhancement of green infrastructure where appropriate. It includes the protection of trees and hedges and seeks proposals to be landscape led. This will help to achieve sustainable development in particular and reflects CS Policy CS.7. The policy is clear and meets the basic conditions. It is not necessary then for me to recommend any modifications to it. More explanation could have usefully been added to this policy including reference to the District-wide Study which includes consideration of the eight Main Rural Centres.²⁶

Policy ENV3 Blue Infrastructure

This policy protects rivers, streams and ponds within and adjacent to development sites and resists any proposals that would have a harmful effect. It recognises the importance of blue infrastructure, is clearly written and meets the basic conditions. No modifications are recommended.

Policy ENV4 Reducing Flood Risk

This policy contains a number of requirements and takes account of CS Policy AS.3. However, in my view it is not as clearly worded as it might be.

CS Policy CS.2 addresses sustainability standards in buildings amongst other things. CS Policy CS.4 deals with the water environment and flood risk; this is a detailed and

²⁶ Core Strategy page 54 onwards refers

comprehensive policy that sets out a number of requirements.

Sustainable drainage systems help to control surface water run off close to where it falls and to reduce the causes and impacts of flooding. They can also remove pollutants from urban run-off at source and combine water management with green space and associated benefits for wildlife and recreation.²⁷

However, they are not appropriate for all types of new development. The Government has issued a Written Ministerial Statement (WMS)²⁸ that indicates that sustainable drainage systems for the management of run-off should be put in place unless it is demonstrated to be inappropriate. However, this applies to developments of 10 or more dwellings and to major commercial development.

In addition, the Government has created a new approach to setting technical standards for new housing development. Another WMS²⁹ made it clear that neighbourhood plans cannot set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. Optional new technical standards can now only be required through Local Plan policies.

Therefore to bring the policy in line with national policy and guidance, it requires amendment to ensure it meets the basic conditions. Most of the matters are covered by the relevant CS policies.

- **Reword Policy ENV4 as follows:**

“New developments of ten or more dwellings and major commercial development will be expected to provide and incorporate sustainable drainage systems unless it is demonstrated that this would be inappropriate.

Other measures such as the reuse and recycling of water, the use of permeable paving and other measures that help with water efficiency and those which enhance ecology will be encouraged in all development schemes.

Proposals which do not satisfactorily address fluvial and pluvial flooding considerations will not be supported.”

- **Move criteria d) and e) of the existing policy to the explanatory text referring to the relevant Core Strategy policies in doing so, but make sure they reflect the Core Strategy policies and do not go beyond their requirements**

²⁷ PPG para 051 ref id 7-051-20150323

²⁸ Written Ministerial Statement of 18 December 2014

²⁹ Written Ministerial Statement of 25 March 2015

Policy ENV5 Foul Drainage

This policy aims to ensure that necessary infrastructure is in place to serve new development. However, the policy goes beyond dealing with foul drainage. A representation from Warwickshire County Council also suggests removing the word “foul” from the policy as this may limit the scope of works and I agree. Based on these two issues, modifications are recommended to ensure the policy is clear. The CS identifies local concerns about both foul and surface drainage indicating it is essential that further development does not increase the drainage problems. The policy therefore takes account of CS Policy AS.3 and will help to achieve sustainable development subject to these modifications.

- **Delete the word “Foul” from the policy’s title**
- **Delete the word “foul” from the second paragraph of the policy**

Policy ENV6 Protection of the Best and Most Versatile Agricultural Land

The NPPF supports a prosperous rural economy and promotes the development and diversification of agricultural and other land based rural businesses. It also indicates that whilst the economic and other benefits of the best and most versatile agricultural land should be taken into account, if significant development of agricultural land is necessary then areas of poorer quality land should be sought to be used in preference to land of a higher quality.³⁰ The wording of this policy reflects the stance in the NPPF. It also recognises that agricultural-related development would be regarded as compatible with the policy. It meets the basic conditions and no modifications are recommended.

Policy ENV7 Valued Landscapes, Skylines and Views

A Parish Landscape Character Assessment (PLCA) has been carried out as part of the work on the Plan. This policy seeks to ensure that all development proposals have regard to that document and resists any schemes which would have a harmful impact on the landscape, skylines or views identified in the PLCA. The policy is clearly worded and responds to local evidence reflecting local circumstances and is in general conformity with CS Policy CS.5.

I noted that the PLCA, dated March 2016, which is included with the Plan as Appendix B, excludes Area B. The policy and supporting text also refers to a PLCA of February 2016. In response to my query it has been confirmed that this Area B was excluded in error.

³⁰ NPPF paras 28 and 112

Some figures are also 'missing'. In addition as a result of the development at Waterloo Road, the Parish Council have expressed a wish to update the PLCA. Unfortunately to substitute an amended or updated PLCA is not possible when it is intrinsically linked to the policy because no one has had the chance to comment on it. The opportunity to substitute a different PLCA should be taken if the Plan is revised. However, the issue with the date needs to be remedied. It would also be useful if the key features, landmarks, skylines and views referred to in the policy could be illustrated on a Map and that this is cross-referenced in the policy so that a practical framework is provided.

- **Delete "February 2016" from the policy**
- **Delete "...of February 2016..." from paragraph 5.20**
- **Show the key features, landmarks, skylines and views identified in the PLCA on a new Map X**
- **Add to the end of the first paragraph of Policy ENV7 "...and as shown on Map X."**

Policy ENV8 Designated Heritage Assets

The NPPF³¹ sets out the Government's approach to designated heritage assets which include listed buildings, conservation areas and scheduled monuments. The whole thrust of the Government's approach is to consider the significance of the designated heritage asset whilst attaching great weight to its conservation. The NPPF advises that substantial harm to or loss of a Grade II listed building should be exceptional and substantial harm to assets of the highest importance should be wholly exceptional. Where substantial harm to or total loss of significance is caused by a proposal, permission should be refused unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Policy ENV8 therefore misses the issue of significance and is more restrictive than the NPPF and CS Policy CS.8. Therefore modifications are needed to ensure the policy meets the basic conditions.

The supporting text refers to Map 2 which shows Bidford-on-Avon's designated heritage assets, but given there are also heritage assets in Broom, Marlcliff and Barton and that these are shown on Maps 4, 5 and 6 respectively these should also be referred to in paragraph 5.22 for completeness.

- **Reword the first paragraph of Policy ENV8 as follows:**

³¹ NPPF Section 12

“Proposals which may affect a heritage asset will be required to include an assessment which describes the significance of the asset and their setting. Proposals which lead to substantial harm to or total loss of significance of a designated heritage asset will only be permitted if it can be demonstrated that a) the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or b) the nature of the heritage asset prevents all reasonable uses of the site and no viable use can be found, and grant or other funding or ownership is not possible, and the harm or loss is outweighed by bringing the site back into use.

Proposals which lead to less than substantial harm to the significance of a designated heritage asset will be considered against the public benefits of the proposal including securing the optimum viable use of the heritage asset.”

For the avoidance of doubt the remaining three paragraphs of the policy can be retained

- Change the word “preserve” to “conserve” in paragraph three of the policy
- Change “(See Map 2)” in paragraph 5.22 on page 19 of the Plan to “(See Maps 2, 4, 5 and 6)”

Policy ENV9 Promoting High Quality Design

The NPPF states that good design is a key aspect of sustainable development.³² Policy ENV9 emphasises the importance of local character. It also seeks to ensure that crime and the fear of crime is addressed in new developments. This chimes with the NPPF’s aim of creating safe and accessible environments.³³

Whilst I appreciate that the requirement for all development proposals to demonstrate how both aspects have been considered might be regarded as an onerous one, the rationale and intent behind the policy simply reflects the principles of good planning. The information submitted alongside any planning application can be proportionate and commensurate with the scheme.

The policy is not prescriptively worded in terms of requiring local materials to be used for instance, but seeks to ensure that local character is considered and how any new development respects this and makes a contribution to the distinctiveness of the area.

The policy is clearly and flexibly worded, takes its lead from CS Policy CS.9 and will help to achieve sustainable development. It meets the basic conditions and no modifications are recommended.

³² NPPF para 56

³³ *Ibid* paras 58 and 69

Policy ENV10 Nature Conservation

This policy refers to biodiversity and the need for schemes to minimise impacts and seek net gains wherever possible. New habitats and ecological networks are encouraged. Landscape quality, scenic beauty and tranquility as well as light pollution are referred to. The policy reflects national policy and guidance and CS Policy CS.6 and will help to achieve sustainable development. It meets the basic conditions and no modifications are recommended.

Policy ENV11 Minerals and Aggregates Extraction

Whilst this policy is clearly worded and reflects the wishes of the community as Broom in particular has seen extensive mineral extraction, part of my role as set out in Section 2.0 of this report is to check whether the Plan includes provision about excluded development. I consider that this policy falls within the category of excluded development and as a result I am left with little option but to recommend deletion of this policy.

- **Delete Policy ENV11 and paragraph 5.26**

6.0 Neighbourhood Amenities

Policy AM1 Protecting and Enhancing Health Opportunities

This policy seeks to ensure that healthcare is provided and delivered by both protecting existing provision and encouraging new provision. I saw at my site visit the new health centre provided outside of Bidford-on-Avon village and the health centre site within the village.

The NPPF promotes healthy communities³⁴ and urges plans to plan positively for services that enhance the sustainability of communities and guard against the loss of services that then means day-to-day needs are not provided for. CS Policy CS.25 seeks to retain community facilities unless a number of circumstances can be demonstrated. Although the policy is clearly worded, it does not include sufficient flexibility to be in general conformity with CS Policy CS.25 and for this reason a modification is recommended to ensure the policy meets the basic conditions. In addition the first paragraph is not policy, but explanation.

³⁴ NPPF Section 8

The supporting text refers to the community's wishes for services to be provided on the health centre site and a footpath to be provided from Bidford-on-Avon to the new health centre. These are important community aspirations captured by the Plan. It would therefore be welcome if these were detailed in a separate section or annex of the Plan in line with national guidance.³⁵

I note that a representation on behalf of the Health Centre suggests additional wording for the policy and that a map be included. These are useful suggestions, but not ones I need to recommend modifications on in terms of my remit, but could be considered by the Parish Council in any future review of the Plan.

- **Move the first paragraph of the policy to the supporting text (paragraph 6.2)**

- **Add the following sentence to the end of the second paragraph of the policy:**

“...unless it can be satisfactorily demonstrated that a) there is no realistic prospect of the facility continuing on that site for operational reasons; or b) the site has been marketed or made available for another community use; or c) the facility can be provided elsewhere in a suitable location in accordance with the community's wishes; or d) there are overriding environmental benefits in the use being discontinued.”

- **Include the aspirations outlined in paragraphs 6.3 and 6.4 in a separate section or annex of the Plan and make reference to those aspirations in this part of the Plan through the inclusion of a new paragraph that reads “Both of these community aspirations have been included in a separate section XXXX.”**

Policy AM2 Protecting and Enhancing Education and Library Facilities

Protection and expansion of the primary school and the library are covered by this policy. This takes account of national policy which seeks to deliver the social, recreational, cultural facilities and services needed by the community and the emphasis on the provision of school places and the desire to minimise journey lengths for such activities. However, the policy indicates that expansion of the school and library should not be “at the expense of” existing play or sport areas and landscape. This is quite restrictive and may well prevent any expansion taking place. In order to address this concern by adding in some flexibility to the policy, a modification is recommended.

The supporting text encourages a review of transport arrangements for secondary school pupils and the use of Community Infrastructure Levy (CIL) to support the library. Similar to my comments for Policy AM1, both of these aspirations could usefully be placed in a separate section or annex of the Plan.

³⁵ PPG para 004 ref id 41-004-20140306

- Add the following sentence after “existing play areas” to first paragraph of the policy:

“...and sports areas unless it can be satisfactorily demonstrated that the area is surplus to requirements or any loss of open space, sports or play areas would be replaced by equivalent or enhanced provision in a suitable location and landscape.”

- Include the aspirations outlined in paragraphs 6.6 and 6.7 in a separate section or annex of the Plan and make reference to those aspirations in this part of the Plan through the inclusion of a new paragraph that reads *“Both of these community aspirations have been included in a separate section XXXX.”*

Policy AM3 Community Facilities

Policy AM3 supports the retention of community facilities where appropriate and promotes new community facilities. The policy is succinct and clear in what it seeks to achieve and its aims are in line with national policy and will help to achieve sustainable development. No modifications are therefore recommended to the policy as it meets the basic conditions.

Policy AM4 Local Green Space

The NPPF explains that LGSs are green areas of particular importance to local communities.³⁶ The effect of such a designation is that new development will be ruled out other than in very special circumstances. Identifying such areas should be consistent with local planning of sustainable development and complement investment. The NPPF makes it clear that this designation will not be appropriate for most green areas or open space. Further guidance about LGSs is given in PPG.

Fifteen LGSs are proposed to be designated in the policy in Bidford-on-Avon, Broom and Marlcliff. All are shown on Maps 3, 4 and 5 respectively. Some include multiple areas. It should be noted that Malthouse Close, Broom is shown on Map 4, but does not appear in the list in Policy AM4 and so this is subject to a modification to include it within the policy. I do not consider that anyone’s interests have been adversely affected by this oversight given the area was clearly shown on the Map.

I visited each of the areas on my site visit. Taking each one in turn:

³⁶ NPPF paras 76, 77 and 78

Bidford-on-Avon

1. Playing fields west of Dugdale Avenue, relatively flat and open area with trees and hedges and a well-defined boundaries
2. Dugdale Avenue and
3. Paddock Close are areas of open space that are integral to the character and setting of the residential areas they fall within
4. Allotments, Sports Pitches and Cemetery, Salford Road, popular areas for recreation and quiet reflection; they are situated close to Crawford Memorial Hall. A representation queries the boundaries of this proposed LGS. In response to my query on this, whilst another boundary may also have been appropriate, I am content that the boundary put forward is appropriate in relation to the basic conditions
5. Big Meadow and Monie Meadow, areas alongside the river used for recreation, picnics and central to the setting of the village; Big Meadow was the most important aspect to residents alongside Bidford Bridge in the household survey carried out in January 2015 and is identified in the CS as a popular recreation ground and attraction. Part of this area also falls within an Area of Restraint as identified in the CS and CS Policy CS.13 applies. The LGS is compatible with this District level designation
6. Primary School Playing Fields, Bramley Way
7. Russet Way, planned open space on new development
8. St Laurence Way, multi-spaces that contribute to the setting of the residential areas and provide a well defined play area
9. Chestnut Way, proposed play area, but currently a construction compound. In answer to my query on this, I am informed that the site forms part of a housing development and will be transferred from the developer to the Parish Council. The area is clearly not yet demonstrably special to the local community as it currently is not in use as a green space. It therefore does not meet the criteria at the present time
10. Crompton Avenue, grassed area that forms part of the setting to residential development
11. The Leys, Hill View Road, Wessons Road and Jubilee Close form an integral part of the setting of residential development adding significantly to its character
12. Wards Lane Play Area, youth shelter area

Broom

1. Millers Bank, an open space alongside the river which is tranquil and backs onto residential development
2. Kings Lane Play Area, a well defined open space and play area
3. Malthouse Close, provides setting for a horseshoe group of modern houses with grass, trees and seat

Marlcliff

1. The Bank, village green which is open and has a bench, very attractive visually

In my view, all of the proposed LGSs, including Malthouse Close, but with the exception of Chestnut Way, meet the criteria in the NPPF satisfactorily. I am also mindful that the CS identifies the need to provide more accessible greenspace and play areas in CS Policy AS.3 and the designation of some of these areas as LGS will help to ensure that the supply is not diminished.

The policy is clearly worded identifying the areas and explaining what development will be permitted on the LGSs and in what circumstances. It also signals the use of CIL to enhance the areas.

There are therefore two modifications to make sure the policy meets the basic conditions.

- **Add BRM 3 Malthouse Close to the list of LGSs under Broom in the policy**
- **Delete Chestnut Way, Bidford-on-Avon from the policy and the designation “Bid 9” from Map 3**

Policy AM5 Allotments and Growing Space

Firstly, this policy seeks to protect and encourage allotment provision. It does so in a flexible way allowing equivalent or enhanced provision elsewhere and ensuring that new allotments are suitably located and serviced.

The second element of the policy seeks to ensure that new dwellings of three or more bedrooms provide private and secure gardens of at least 10.5m in length to give homeowners opportunities to grow their own food. Whilst the supporting text presents a strong argument for the opportunity to grow food, it does not seek to explore the rationale for the high bar the policy sets. This then needs changing so that greater flexibility is incorporated into the policy so that it encourages this provision rather than thwarts development. This will also deal with paragraph 6.17 that refers to both private and amenity space whereas the existing policy talks about private gardens.

There is a minor typo in paragraph 6.14; “uncertainly” should be “uncertainty” I think.

- **Amend the third paragraph of the policy to read: “Residential developments are encouraged to provide shared space or private gardens which are suitable for and encourage and enable residents the opportunity to grow their own food.”**

- Substitute “*uncertainty*” for “*uncertainly*” in paragraph 6.14

Policy AM6 Promoting Walking and Cycling

This policy promotes walking and cycling routes and aims to ensure that development is well connected. This encourages sustainable forms of transport, promotes healthy lifestyles and recreation opportunities and will help to increase the connectivity and integration of new development, all of which will contribute to achieving sustainable development. The CS identifies the need to improve pedestrian and cycle links and this policy will help to achieve that. However, as currently worded it applies to all development including for example householder extensions which could be regarded as unduly onerous. Subject to a modification to address this concern, the policy will meet the basic conditions.

- **Replace the words “All new development...” at the start of the second paragraph of the policy with “As appropriate, development...”**

Appendix 1

The appendix refers to a “table below”, but the table concerned appears on pages 76 and 77 of the Plan. It has been confirmed in response to my query that this is a presentational issue. I therefore recommend a modification to correct this.

Paragraph five, as SDC point out, refers to another neighbourhood plan and Town Council. In the interests of accuracy, these references should be corrected.

The table that lists infrastructure and projects that may be funded by the Community Infrastructure Levy (CIL) introduced by CS Policy CS.27 is comprehensive, clear and linked to specific policies in the Plan.

- **Restructure the Plan so that the table on pages 76 and 77 of the Plan appear in Appendix 1**
- **Replace “Stratford-on-Avon” with “Bidford-on-Avon” and “Town Council” with “Parish Council” in paragraph five on page 25 of the Plan**

Appendix 2

Appendix 2 contains the Parish Landscape Character Assessment.

Maps

Where I have felt it necessary to do so, I have commented on these maps at the appropriate place earlier in this report.

7.0 Conclusions and recommendations

I am satisfied that the Bidford-on-Avon Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Stratford-on-Avon District Council that, subject to the modifications proposed in this report, the Bidford-on-Avon Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Bidford-on-Avon Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan should proceed to a referendum based on the Bidford-on-Avon Neighbourhood Plan area as approved by SDC on 10 February 2014.

Ann Skippers MRTPI

Ann Skippers Planning
31 October 2016

Appendix 1

List of key documents specific to this examination

Bidford-on-Avon Neighbourhood Plan Submission Version June 2016

Basic Conditions Statement June 2016

Consultation Statement June 2016 and Appendices

Strategic Environmental Assessment of the Bidford-on-Avon Neighbourhood Development Plan April 2016 (Lepus Consulting) and SDC letter of 3 June 2016

Stratford-on-Avon District Core Strategy 2011 – 2031 (adopted 11 July 2016)

Other documents forming part of the lever arch files 1 and 2 of examination documentation sent by SDC on 11 August 2016.

List ends

Appendix 2

Questions from examiner to SDC and the Parish Council of 5 October 2016

Bidford-on-Avon Neighbourhood Plan Examination

Questions of clarification from the Examiner to the Parish Council and SDC

Having completed an initial review of the Neighbourhood Plan (the Plan) and some of the evidence submitted in support of it, I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information.

Please ensure that your answers are as brief as possible and factual in nature. Please do not send or direct me to evidence that is not already publicly available.

1. Map 1 Village Boundary
 - a) Please prepare an updated map which shows all the commitment sites in the village boundary. This map also needs to include land at Waterloo Road. (It may be that this is the same map as per email of 5 August to SDC? If so, please just simply confirm this)
 - b) Please provide me with a reference and/or link to the planning permission for land at Waterloo Road and details of any other schemes that have been granted permission since Map 1 was prepared. It would be helpful to indicate all these sites on a map (or confirm all are shown on the updated map as per question 1. above).
2. Policy H2 refers to development boundaries for Barton, Marlcliff and Broom as well as Bidford-on-Avon. Please let me know where I might find the boundaries for the other villages and indicate whether you think it would be useful to show these on a map(s).
3. Has the Development Requirements Supplementary Planning Document (SPD) referred to in the Core Strategy been produced or adopted yet?
4. Is there a definition of "local needs" at SDC level? If so, what is it and where do I find it? This is in relation to Policy CS.15 G.
5. Two queries on Policy H3
 - a) Policy H3 refers to Core Strategy Policy CS.17; should this now be CS.18?
 - b) Policy H3 requirements appear to differ from CS.19; please direct me to any evidence that supports Policy H3.
6. Map 1 which shows the boundary of the Village Centre for Policy ECON2 differs from the boundary in the CS. Please explain the difference and the rationale for the proposed boundary.
6. Queries on Policy AM4
 - a) Was it the intention that Malthouse Close, Broom shown on Map 4, but not

included in the list of proposed Local Green Spaces (LGS) in the policy be designated as a LGS?

- b) Please provide maps at a larger scale of proposed LGSs numbers 4 (Allotments, Sports Pitches and Cemetery, Salford Road), 9 (Chestnut Way) and 11 (The Leys, Hill View Road, Wessons Road and Jubilee Close). This request is made because in relation to no. 4, a representation from Angus MacDonald suggests the area is shown incorrectly and at my site visit it was not clear to me where the boundaries of the area lie; in relation to no.9 it appears this area is being used as a construction compound, but may be proposed as open space as part of a planning permission and if this is the case please could this be confirmed and the extent of the proposed LGS be confirmed as the extent of any permitted open space attached to any grant of permission and in relation to no.11 it looked as if one of the spaces included a garage court from my site visit and so I would like to clarify this.
 - c) Does part of no.5 Big Meadow and Monie Meadow fall partly within the Area of Restraint identified in the Core Strategy?
7. Appendix 1 indicates that a table is to be found and I assume this is the table on pages 76 and 77 of the Plan; is this correct?
8. Please confirm there are no European sites within or near to the Plan area.
9. Queries on the Parish Landscape Character Assessment (PLCA)
- a) Does it exclude a chapter relating to Area B? If so, why is this?
 - b) A representation from RPS suggests that in the light of permission being granted for the land at Waterloo Road site, the PLCA should be reconsidered. Please briefly give me your view on this (this may relate to a) above?).
 - c) Figures 2 – 5 appear to be missing?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks.

Ann Skippers
5 October 2016

Appendix 3

Letter from examiner to SDC of 5 September 2016



146 New London Road, Chelmsford, Essex CM2 0AW
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5 September 2016

Dear Mr. Neal,

Examinations of the Bidford-on-Avon and the Wilmcote and Pathlow Neighbourhood Plans

I am writing in relation to the above two examinations which I am undertaking via NPIERS.

The Bidford-on-Avon Neighbourhood Plan's Regulation 16 consultation period (24 June – 5 August 2016) and the Wilmcote and Pathlow Regulation 16 consultation period (1 July – 12 August 2016) coincided with the adoption of the District Council's Core Strategy on 11 July 2016.

Whilst I appreciate that the adoption of the Core Strategy is unlikely to have been a surprise to those involved in planning in the District and that the consultation periods for both Neighbourhood Plans had not ended before its adoption, I consider it would be prudent to allow a further short and targeted period of consultation on both Neighbourhood Plans. This is because the adoption of the Core Strategy represents a material change in circumstances as it becomes the development plan. As you know, one of the basic conditions that both I, as independent examiner, and the local planning authority will consider is whether a policy in a neighbourhood plan is in general conformity with the strategic policies contained in the development plan. Given that the development plan has changed during the periods of consultation there is a chance that representors may not have realised this.

I therefore write to request that a further two week period of consultation is carried out on both Neighbourhood Plans. The two week period should be advertised on the local planning authority website and anyone making representations at the Regulation 16 stage should be directly contacted by the local planning authority by letter or email and the change in circumstance and the further period of consultation drawn to their attention with an invitation to change or submit additional representations if they wish to do so (also please confirm that their originally submitted representations will be brought forward and considered).

Once I have received your confirmation that the two periods have been advertised and any representations received forwarded to me, I shall progress work on both examinations.

I appreciate that this request may come as a disappointment to you and the qualifying bodies concerned; it is only after very careful consideration I believe this is the prudent and fair way to proceed. Whilst the Bidford-on-Avon examination will be delayed slightly, this should not adversely affect our agreed timetable for Wilmcote and Pathlow.

The comments made in this letter are without prejudice to my conclusions on any other issue.

Yours sincerely,

Ann Skippers
Ann Skippers

via email to Matthew Neal, Neighbourhood Planning Officer, Chief Executive's Unit, Stratford on Avon District Council

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