



## **DECISION STATEMENT**

### **NEIGHBOURHOOD PLAN PROCEEDING TO REFERENDUM**

#### **1. Kineton Neighbourhood Development Plan**

1.1 I confirm that the Kineton Neighbourhood Development Plan (NDP), as revised according to the modifications set out below, complies with the legal requirements and Basic Conditions set out in the Localism Act 2011, and with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Plan can therefore proceed to referendum. It is anticipated that the referendum will be held sometime in July 2016.

1.2. I also declare that I have no personal or prejudicial interest in respect of this decision.

Signed

A handwritten signature in black ink, appearing to read "Dave Nash".

Dave Nash,  
Policy Manager (Planning and Housing)

#### **2. Background**

2.1 On 18 January 2013 Kineton Parish Council requested that, in accordance with section 5(1) of the Neighbourhood Planning (General) Regulations 2012 ("The Regulations"), their Parish area be designated as a Neighbourhood Area, for which a Neighbourhood Development Plan will be prepared.

2.2 The District Council confirms that for the purposes of section 5 (1) of The Regulations the Parish Council is the "relevant body" for their area.

2.3 In accordance with section 6 of the Regulations, Stratford-on-Avon District Council placed on their website this application, including a parish boundary map, details of where representations could be sent, and by what date, for a six week period 31 January to 15 March 2013. In addition, it publicised the application by issuing a press release. Similarly, the relevant application, together with details of where representations could be sent, and by what date, was advertised within the appropriate parish via the Parish Council.

2.4 The District Council designated the Kineton Neighbourhood Area by way of approval of The Cabinet on 20 May 2013.

2.5 In accordance with Regulation 7 of The Regulations, the decision to designate the Kineton Neighbourhood Area was advertised on the Council website together with the name, area covered and map of the area.

2.6 The Parish Council consulted on a pre-submission version of their draft Neighbourhood Development Plan between 7 December 2014 and 18 January 2015 fulfilling all the obligations set out in Regulation 14 of The Regulations.

2.7 The Parish Council submitted their Neighbourhood Development Plan to Stratford-on-Avon District Council on 19 June 2015 in accordance with Regulation 15 of The Regulations.

2.8 The District Council publicised the submitted Plan and its supporting documents for 6 weeks between 23 July and 4 September 2015 in accordance with Regulation 16 of The Regulations.

2.9 Ann Skippers was appointed to examine the Plan, and the Examination took place between November 2015 and January 2016, with the Examiner's report being issued on 11 January 2016.

2.10 The Examiner concluded she was satisfied that the Neighbourhood Development Plan was capable of meeting the legal requirements set out in the Localism Act 2011, including meeting the Basic Conditions, subject to the modifications set out in her report, in the table below.

2.11 Schedule 4B s.12 to the Town and Country Planning Act 1990, as inserted by the Localism Act 2011, requires that a Local Authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each recommendation. If the authority is satisfied that, subject to the modifications made, the draft Neighbourhood Development Plan meets the legal requirements and Basic Conditions as set out in legislation, a referendum must be held on the making of the Plan by the Local Authority. If the Local Authority is not satisfied that the plan meets the basic conditions and legal requirements then it must refuse the proposal. A referendum must take place and a majority of residents who turn out to vote must vote in favour of the Neighbourhood Plan (50% plus one vote) before it can be 'made'.

## 2.12 The Basic Conditions are:

1. Have regard to national policy and guidance issued by the Secretary of State
2. Contribute to the achievement of sustainable development
3. Be in general conformity with the strategic policies contained in the development plan for the area of the Authority (or any part of that area)
4. Does not breach, but is otherwise compatible with EU obligations – this includes the SEA Directive of 2001/42/EC and Human Rights requirements

### 3. Examiner’s Recommendations and Local Authority’s Response (Regulation 18(1))

Examiner’s Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
<b>Introduction:</b>			
Change “2015 to 2031” to “2011 to 2031” in paragraph 1.1. (p.13)	Section 1: Introduction (p.3)	Modification agreed. Date to be amended to cover the same period as the Core Strategy.	Date in paragraph 1.1 to read: “2011-2031”.
Reword the last sentence in paragraph 1.5 to read: <i>“Once the Plan is made it will become part of the development plan for the area and will be an important consideration in the determination of planning applications as these must be determined in accordance with the development plan unless material considerations indicate otherwise.”</i> (p.13)	Section 1: Introduction (p.3)	Modification agreed. The amount of weight to be given to a policy is a matter for the decision maker. The modification suggested by the Examiner is proposed so as to avoid confusion on the issue of ‘weight’ to be given. Text to be amended, accordingly.	Paragraph 1.5 modified to read:  “The Neighbourhood Development Plan is based on extensive research and influenced by robust engagement with the local community. <del>When the Plan is made it will have very significant weight in the determination of planning applications.</del> Once the Plan is made it will become part of the development plan for the area and will be an important consideration in the determination of planning applications as these must be determined in accordance with the development plan unless material considerations indicate otherwise”.
Add <i>“and strategic”</i> after “...to meet local...” and before “...requirement” in the third bullet point in paragraph 1.7. (p.13)	Section 1: Introduction (p.3)	Modification agreed. Required to ensure achievability of sustainable development in a strategic context and met the basic conditions.	Bullet point 3 of Paragraph 1.7 modified to read:  “Supporting measured, proportionate, timely and sustainable development to meet local <u>and strategic</u> requirement”

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Reword the first bullet point in paragraph 1.8 to read: <i>"Delivery of a housing growth strategy that reflects both the needs of the Parish and wider area and is tailored to the context of Kineton Parish"</i> or similar. (p.13)	Section 1: Introduction (p.4)	Modification agreed. Required to ensure achievability of sustainable development in a strategic context and meet the basic conditions.	First bullet point of Paragraph 1.8 modified to read:  "Delivery of a housing growth strategy <u>that reflects both the needs of the Parish and wider area and is tailored to the needs</u> <del>and within</del> the context of Kineton Parish".
Change or add to the map title on page 5 to make it clear that the map shows the Plan area. (p.13)	Section 1: Introduction (p.5)	Modification Agreed. For clarification purposes, only.	Title of map modified to read:  "Kineton Parish Boundary, defining the area covered by the Plan".
Make the Plan area boundary on this map more distinctive and easier to read. (p.13)	Section 1: Introduction (p.5)	Modification Agreed. For clarification purposes, only.	Map on p.5 to be replaced with one with more distinctive boundary line.
<b>The Neighbourhood Development Plan:</b>			
Change the sentence in paragraph 2.1 which reads "...the Plan must be used in law to determine planning applications in Kineton." to <i>"...as the Plan will then become part of the development plan for the area and the determination of planning applications must then be made in accordance with the development plan unless other material considerations indicate</i>	Section 2: The Neighbourhood Development Plan (p.6)	Modification agreed. Amendment put forward by the Examiner to better reflect the legal position. No impact on conformity with Basic Conditions.	Paragraph 2.1 modified to read:  "A Neighbourhood Development Plan is a new element in the planning process, established under the Government's Localism Act. This became law in April 2012, and aims to give local people more say in the future of where they live. Once approved under the local referendum, this Neighbourhood Plan will be adopted by Stratford-on-Avon District Council (SDC) as the <u>Pplan which must be used in law to determine planning applications in Kineton will then become part of the development plan for the area</u>

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<i>otherwise.</i> " (p.14)			<p><u>and the determination of planning applications must then be made in accordance with the development plan unless other material considerations indicate otherwise.</u></p> <p>The Neighbourhood Plan will become part of the Development Plan alongside SDC's Core Strategy. For Kineton, this is a great opportunity for people living in the village to decide how the village should evolve in the years to 2031. The Plan contains the vision for Kineton that was developed through consultation with the village, and sets out clear planning policies to support this vision".</p>
Ensure paragraph 2.4 on page 6 ties up with the structure and layout of the Plan. (p.14)	Section 2: The Neighbourhood Development Plan (p.6)	Modification Agreed. For clarification purposes, only.	The word "opposite" has been removed from the final sentence of Paragraph 2.4 to read "A map of the parish with the boundary marked is shown on page 5 <del>opposite.</del> "
<b>Kineton – History and Future:</b>			
Amend the sentence "Any new developments should include pedestrian and cycle links to the schools and shops." in paragraph 3.12 to " <i>New development should consider the provision of appropriate pedestrian and cycle links to facilities and services.</i> " (p.16)	Section 3: History and Future (p.9)	Modification agreed. As drafted, the sentence was trying to introduce statements of policy within supporting text, which is not appropriate.	<p>Paragraph 3.12 to read:</p> <p>"The scale of sustainable development in Kineton, whilst needing to comply with final figures determined by the Emerging SDC Core Strategy, should reflect the comparatively modest provision of shops and services. <del>Any new development should include pedestrian and cycle links to the schools and shops.</del> <u>New development should consider the provision of appropriate pedestrian and cycle links to facilities and services.</u> Appropriate opportunities</p>

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			should be taken to limit the impact of vehicles in the village, through the use of traffic management measures and improvements to pedestrian and cycle links, and to encourage accessibility to the rural areas through public transport links".
Add the word " <i>Appropriate</i> " at the start of the third sentence in paragraph 3.12. (p.16)	Section 3: History and Future (p.9)	Modification Agreed. For clarification purposes, only.	Please see text above, in relation to Paragraph 3.12.
Delete the sentence "These constraints make development to the south and south east unsuitable allowing a green space to be retained." from paragraph 3.14. (p.16)	Section 3: History and Future (p.9)	Modification agreed. Whilst the area includes the River Dene valley and the Battle of Edgehill Historic Battlefield and the land contributes to the separation between Kineton and Little Kineton, it is not appropriate to introduce statements of policy in the supporting text and requires removal in order to comply with Basic Conditions.	Paragraph 3.14 amended to read:  "There are significant constraints affecting large areas of land on the edge of the village. The southern edge is bordered by the Dene Valley but due to the steep valley is not adversely affected by flood risk in this immediate location. In addition, the Battle of Edgehill Historic Battlefield lies to the south and south east of the village. <del>These constraints make development to the south and south east unsuitable allowing a green space to be retained.</del> "
Check the reference to the LSS in paragraph 3.15 is portrayed accurately and insert the words " <i>try and</i> " after "...it is important..." and before "...retain the already established industrial estates...". (p.17)	Section 3: History and Future (p.9)	Modification agreed. The LSS does show that land on the periphery of the village to the north, east and south is classified as 'high sensitivity' toward employment uses and is	Second sentence of para 3.15 to read:  "There is no additional land for employment proposed in Kineton, it is important to <u>try and</u> retain the already established industrial estates in the village and existing levels of employment in the area".

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		therefore portrayed accurately in para 3.15. Therefore, modification looks to attempt to retain land in current employment use given limited options for expansion outside the village.	
Delete the first bullet point under (a) Environmental on page 10 or at least remove the reference to the proposed Area of Restraint. (p.17)	Section 3: History and Future (p.10)	Modification not agreed. SDC propose to amend the wording, not delete the bullet point. The emerging Core Strategy does not designate an Area of Restraint for Kineton. The NDP does not have a specific policy promoting an Area of Restraint and as such, references to such a designation must be deleted. However it is considered appropriate to look to protect the land outside the village boundary, in general terms.	First bullet point under (a) Environmental modified to read:  "Protect the <del>proposed Area of Restraint</del> <u>area</u> to the south of the existing settlement boundary, in order to preserve the River Dene and the open nature of the landscape in this area and maintain the 'green wedge' between Kineton and Little Kineton"



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Remove the reference to Policy CS.24 from the second bullet point under (b) Social on page 10. (p.17)	Section 3: History and Future (p.10)	Modification agreed. There is no need to quote emerging CS, since policy numbers and content may change, thus making the Plan out of date very quickly.	Second bullet point to read:  "Ensure appropriate play spaces for children and young people <u>are provided</u> to meet <del>the standard set out in Policy CS.24 Healthy Communities</del> <u>relevant guidelines</u> ".
Delete the first bullet point under (c) Economic on page 10 or at least remove references to the retention of the industrial estate at Brookhampton Lane and support for a proposed scheme at Land East of Southam Road. (p.17)	Section 3: History and Future (p.10)	Modification agreed. Reference to specific sites in effect set out policy for these sites, which is inappropriate given they are not subject to site-specific policies in the Plan.	First bullet point removed from the Plan:  <del>"Retain the established industrial estate at Brookhampton Lane and support the proposed development of business units on Land East of Southam Road"</del>
Delete the reference to a link road from the core principles and include it, if desired, in the Plan but clearly labelled as a community aspiration and in a separate section of the Plan or another document. (p.17)	Section 3: History and Future (p.11)	Modification agreed. The Plan does not put forward robust evidence for its need or delivery and can only be regarded as a community aspiration. Any mention of the link road requires removal from the Plan and added to an Appendix, should the community wish to pursue this.	Second bullet point under (d) Infrastructure, deleted from the Plan:  <del>"Minimise traffic impacts in the centre of the village by the construction of a link road around the north of Kineton between Warwick Road and Southam Road"</del>
<b>Kineton Vision Statement:</b>			

<b>Examiner's Recommendation (incl. page number in her report)</b>	<b>Section within draft NDP (incl. page no.)</b>	<b>SDC Decision and reason</b>	<b>New text or amendment to original text, as applicable</b>
<p>Consider the vision and objectives, core planning principles, vision statements and strategic objectives again with a view to amalgamating them into one section (perhaps section four?) and ensure that they are clear, relate to development and use of land matters, relate to the policies in the Plan or are clearly indicated as community aspirations. (p.16)</p>	<p>Section 4: Vision Statements (p.12)</p>	<p>The work involved would be significant and timely. The proposed changes would result in a substantial re-draft without particular benefit to how the Plan will be read or used. This alteration would not affect its compliance with the Basic Conditions and conclude the Plan can remain as currently drafted.</p>	<p>No change required to existing layout in this particular instance.</p>

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
Delete the words "smaller developments" from paragraph 4.4 and replace them with " <i>developments of an appropriate size and</i> with an appropriate density of houses." (p.18)	Section 4: Vision Statements (p.12)	Modification agreed. The preference for 'smaller developments' could be seen to be at odds with the proposed allocations and there is no policy within the Plan that follows this through. The Examiner provided alternative wording to deal with this issue satisfactorily.	Paragraph 4.4 amended as follows:  "The expansion of housing within Kineton would be in keeping with the rural character of the village. Any new housing would be in <del>smaller</del> <u>developments of an appropriate size and</u> with an appropriate density of houses. The mix of housing to be built would be compatible with the economic and diverse social needs of Kineton and surrounding area. Provision would be required for 'green spaces' in and around the new properties and local stone/brick should be used in their construction. Inappropriate in-filling (i.e. development which does not comply with Policies D1-D10 of this Plan) within existing developments in the village should be avoided. The sustainability of any new development will be of critical importance and, given the recognised limitations of the current infrastructure, new housing developments must ensure adequate measures are in place to address additional pressures placed on village infrastructure".
Delete the last sentence in paragraph 4.4 which reads "The provision of housing should meet the identified needs of the neighbourhood area." (p.18)	Section 4: Vision Statements (p.12)	Modification agreed. Whilst the reference to local needs does not necessarily prevent wider needs being addressed, it reads as a restriction and should be removed.	Last sentence of paragraph 4.4 deleted.  <del>"The provision of housing should meet the identified needs of the neighbourhood area."</del>

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Spelling of medieval in paragraph 4.6 should be corrected. (p.18)	Section 4: Vision Statements (p.13)	Modification agreed. Spelling error.	Spelling corrected:  "mediaeval"
Revise paragraph 4.8 to reflect CA statutory provisions, remove references to CA boundary changes and Article 4 Directions or make it clear that this is an aspiration rather than an aim of the Plan and remove the reference to "controls". (p.18)	Section 4: Vision Statements (p.13)	Modification agreed. It is not appropriate to seek to recommend boundary changes to Conservation Areas; encourage Article 4 directions and improve Conservation Areas through planning applications through a neighbourhood plan.	Paragraph 4.8 to read:  "The Neighbourhood Development Plan will continue to protect and, where possible, enhance the character of both Conservation Areas. It will <u>seek to</u> correct the deficiencies in the current designated areas by better protecting the setting of buildings within each Area. <del>by recommending adjustments to boundaries where appropriate and by encouraging Article 4 directions to control alterations to non-listed buildings which, nevertheless, make a significant contribution to the character of each Area. It will also recommend controls to retain significant historic boundary treatments [walls, hedges etc] and paving.</del> Where possible non-conforming treatments which would detract from the character of the Area [modern colour-stained fencing, concrete panels etc.] will be addressed through the consideration of <u>planning applications</u> ".
Delete the sentence "...and development will not be allowed to climb Pittern Hill, in order to safeguard the setting of the village." from paragraph 4.9. (p.19)	Section 4: Vision Statements (p.13)	Modification agreed. This paragraph looks to introduce a policy. However, there is no associated policy or appropriate evidence to support it and as such the sentence should be	Paragraph 4.9 amended as follows:  "The setting of the Conservation Areas should be protected by ensuring that development utilises the most appropriate materials and is of a sensitive scale and design which respects the existing character of the area. This will also assist in the preservation of the wider setting of the village.

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
		removed.	Important green spaces and areas of high landscape sensitivity will be protected. <del>and development will not be allowed to climb Pittern Hill, in order to safeguard the setting of the village.</del>
Delete paragraph 4.10. (p.19)	Section 4: Vision Statements (p.13)	Modification agreed. There is no policy basis for the creation of an Area of Restraint and should be deleted.	Paragraph 4.10 deleted:  <del>"An Area of Restraint will be proposed to protect the open space between Little Kineton and Kineton, including the River Dene corridor."</del>
Delete the reference to "an identified need" from paragraph 4.12 changing it to "there is a desire to have more playing fields...and additional tennis courts." (p.19)	Section 4: Vision Statements (p.14)	Modification agreed with additional wording. There was little evidence to show an 'identified need' for more playing fields. However, the Examiner was happy to accept there was a desire locally for new playing fields. PC wished the word 'strong' be inserted before 'desire'. This minor amendment was deemed to be acceptable by officers.	Paragraph re-numbered 4.11. First sentence amended as follows:  "Despite the existing provision of leisure facilities within the village, there is <del>an identified</del> <u>a strong desire to have</u> for more playing fields for junior football and mini football, and additional tennis courts."
<b>Housing:</b>			
Reword paragraphs 5.1.1 and 5.1.2 to read " <i>To meet the economic, social and environmental needs of Kineton</i> "	Section 5: Policies [Explanatory text] (p.16)	Modifications agreed. It is unclear what is meant by 'without breaking down existing structures'. It	Paragraph 5.1.1 amended as follows:  "To meet the economic, social and environmental needs of <u>Kineton the village</u> and its contribution to

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<i>and its contribution to the overall housing requirements of the District through sustainable growth."</i> as the strategic objective for this section. (p.19)		also suggests only local demands will be met. The paragraphs require amendment to bring them in line with national policy and guidance, to generally conform with Kineton's position in the settlement hierarchy and to help achieve sustainable development.	<p><del>the overall housing requirements of the district through sustainable growth. through sustainable organic growth, meeting local demand without breaking down existing structures."</del></p> <p>Paragraph 5.1.2 amended as follows:</p> <p>"This policy will allow a level of development to be permitted which contributes to the overall housing requirements of the district. <del>but which is appropriate to the scale and needs of the Neighbourhood Area."</del></p>
<b>Policy H1 – Housing Supply:</b>			
<p>Reword Policy H1 as follows:</p> <p><i>"The Plan designates settlement boundaries for Kineton and Little Kineton and these are shown on the map entitled "Settlement Boundaries". Within these settlement boundaries the development and reuse of land and buildings for housing will generally be supported.</i></p> <p><i>In the Plan period the provision of a minimum of 200 dwellings is supported to meet the District's overall housing supply up to 2031."</i> (p.21)</p>	Section 5: Policies (p.16)	Modification agreed. It is not clear what is meant by 'continuous but controlled growth'. Whilst the policy indicates a 'target' for the number of new dwellings, in order to plan positively for growth it is important that the overall figure is not capped. Criterion c) and d) are dealt with via other policies in the Plan and do not need to be repeated here. Finally, restricting housing development outside the settlement	<p>Policy H1 re-worded as follows:</p> <p><del>Future development in Kineton will be continuous but controlled in order to achieve steady and moderate growth. This will be accomplished by adhering to the following principles:</del></p> <p><del>a) The development and reuse of land and buildings within the Settlement Boundary as indicated on the Proposals Map will be supported to provide around 200 new dwellings in the plan period;</del></p> <p><del>b) Taking account of the number of homes already built in the village since 2011, together with those with extant planning permissions (100 dwellings as documented in the Proposed Submission Version Core Strategy published in June 2014), a further 100 homes will be required to assist in meeting the</del></p>

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		<p>boundary does not provide for the necessary flexibility in responding to changing circumstances. The policy refers to the settlement boundary but there will be two settlement boundaries, for Kineton and Little Kineton. It is important for a policy to sit alongside these new designations. As such, the modifications proposed by the Examiner are required in order for the policy to meet the Basic Conditions tests.</p> <p>The PC agreed to this modification subject to inclusion of a footnote to define the settlement boundary as having the same meaning as Built-up-Area Boundary as used in the Core Strategy. SDC considers the addition of a footnote to this effect would be acceptable.</p>	<p><del>district's overall housing supply up to 2031;</del>  <del>e) A Housing Needs Survey carried out in 2013 identified a local need for affordable housing. Affordable housing will be required on all qualifying sites in accordance with the provisions of Policy CS.17 of the Core Strategy;</del>  <del>d) Four sites within the Neighbourhood Area have been identified as being suitable for residential development to meet more than is required in this policy. Development on these sites will be in accordance with Policies SSB1-SSB4 and other relevant policies of this Plan, in particular with Policy H2.</del></p> <p><del>New housing located outside of the Settlement Boundary of the Neighbourhood Area will not be permitted unless it is supported by another policy in this Plan.</del></p> <p><u>"The Plan designates settlement boundaries for Kineton and Little Kineton and these are shown on the map entitled "Settlement Boundaries for Kineton and Little Kineton". Within these settlement boundaries the development and reuse of land and buildings for housing will generally be supported.</u></p> <p><u>In the Plan period the provision of a minimum of 200 dwellings is supported to meet the District's overall housing supply up to 2031."</u></p>

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			<u>(Footnote 20: Settlement Boundary throughout this Plan has the same meaning as Built-up Area Boundary as used within SDC's Core Strategy).</u>
Change the title of the policy to "Housing Development and Supply". (p.21)	Section 5: Policies (p.16)	Modification agreed. For clarification purposes, only.	Title of Policy H1 amended as follows:  "Housing <u>Development and Supply</u> "
Change the title of the map to "Settlement Boundaries for Kineton and Little Kineton" and consider including it within the main body of the Plan. (p.21)	Appendices: Maps	Modification agreed. For clarification purposes, only.	Title of Map amended to read:  " <u>Settlement Boundaries for Kineton and Little Kineton</u> ".
Consequential amendments to the supporting text will be required. (p.21)	Section 5: Policies [Explanatory text] (p.16-17)	Modification agreed. Paragraphs 5.1.4, 5.1.5 and 5.1.6 to be amended to reflect the Examiner's modifications to the associated policy.	Paragraph 5.1.4 amended as follows:  "The Constraints Map illustrates a number of constraints to development in the Neighbourhood Area. This has been used to inform the location of four allocations for residential development. Large scale greenfield development which could harm the landscape and the special environment of Kineton will not normally be acceptable. However, in order to accommodate the level of housing need required in the Neighbourhood Area, <del>two</del> <u>three</u> greenfield sites have been identified. The other <del>two</del> sites is currently <del>utilise previously unused</del> <u>utilised previously unused</u> . ( <del>currently waste</del> ) sites."  First sentence of Paragraph 5.1.5 to be amended as follows:



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			<p>"This Plan <u>supports</u> the conclusion of the Draft Core Strategy <del>concludes</del> that larger numbers of new dwellings cannot be accommodated within the village without substantial harm to the existing infrastructure and services".</p> <p>First sentence of Paragraph 5.1.6 amended to read:</p> <p>"In addition to the housing allocations outlined in this Plan, small windfall developments on land within the Settlement Boundaries <u>ies</u> will provide for its housing needs without significant damage to its character".</p>
<b>Policy H2 – Prioritising the use of Brownfield Land:</b>			
Remove the word "Prioritising" from the title of the policy. (p.22)	Section 5: Policies (p.17)	Modification agreed. For clarification purposes, only.	Title of Policy H2 amended as follows:  " <del>Prioritising the</del> Use of Brownfield Land".
Insert the words " <i>to create new homes</i> " after "...brownfield land..." and before "...will be supported..." in the first sentence of the policy. (p.22)	Section 5: Policies (p.17)	Modification agreed. For clarification purposes, only.	First paragraph of policy amended as follows:  "Any proposals for the redevelopment of brownfield land <u>to create new homes</u> will be supported subject to the following criteria:"
Add at the end of criterion c) <i>"...would not result in the loss of any land of high environmental value."</i> (p.22)	Section 5: Policies (p.17)	Modification agreed. The policy fails to recognise that previously developed land can be of high	Criterion c) amended as follows:  "The proposal would lead to an enhancement in the character and appearance of the site <u>and would not</u>

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		environmental value and sometimes that value might exceed that of a greenfield site.	<u>result in the loss of any land of high environmental value;</u> "
Delete criterion d) which reads "The proposal would not conflict with any other policies in this Plan". (p.22)	Section 5: Policies (p.17)	Modification agreed. The criterion is unnecessary since the Plan will be read as a whole anyway.	Criterion d) deleted:  <del>"d) The proposal would not conflict with any other policies in this Plan".</del>
Delete the final paragraph of Policy H2 which begins "Unless specifically allocated..." to end. (p.22)	Section 5: Policies (p.17)	Modification agreed. This paragraph introduces a presumption against the development of greenfield land requiring exceptional circumstances to be shown in order for development to be regarded favourably. This goes against the grain of the presumption in favour of sustainable development in the NPPF and as such does not have regard to national policy and will not help to achieve sustainable development.	Final paragraph of policy deleted:  <del>"Unless specifically allocated in this plan, there is a general presumption against the development of greenfield land. Proposals for development on greenfield land must clearly demonstrate exceptional circumstances before proposals will be looked upon favourably".</del>
Consequential amendments to the supporting text will be needed. (p.22)	Section 5: Policies [Explanatory text] (p.17-18)	Modifications agreed. Paragraphs amended to recognise that brownfield	Paragraph 5.1.7 amended as follows:  "It would be contrary to the principles of sustainable

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
		land can be of high environmental value, to remove prioritisation given to previously developed land and bring the text in line with the modifications recommended by the Examiner in relation to the associated policy.	<p>development to allow more homes on greenfield sites than would be necessary to meet identified housing need. <del>arising in the Neighbourhood Area.</del> The development of <u>greenfield land</u> <del>previously undeveloped land</del> is not supported by parish residents unless it can be clearly demonstrated that there is no available brownfield land, existing buildings suitable for conversion or infill plots within the existing village envelope. This policy supports the use of land which enhances the local environment by reusing sometimes unsightly and neglected land while protecting greenfield sites which are of value to the community and contribute to the appearance, and in some areas the <del>linear</del> character of the village. This policy does not promote a change of use of buildings and land in active business use. <del>unless in accordance with Policy J1.</del>"</p> <p>Paragraph 5.1.8 amended as follows:</p> <p>"It is recognised that in order to achieve affordable housing to meet the needs of people with a specific local connection, it may be necessary to accept development of land not available for open market housing which consequently attracts a lower land value, provided such land is in a sustainable location, <u>not of high environmental value, and</u> which will not have a harmful impact on the countryside. <del>and complies with Policy H2.</del>"</p>

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
<b>Policy H3 – Affordable Housing:</b>			
Remove any references to specific policies in the emerging Core Strategy. (p.22)	Section 5: Policies (p.18)	Modification agreed. By including a generic reference to the Core Strategy rather than quoting specific policies, it saves the NDP being out of date should the final version of the CS end up different to the draft version.	First paragraph amended to read:  "This Neighbourhood Development Plan supports the provision of affordable housing on qualifying sites in accordance with the provisions of <del>Policy CS.17</del> of the Core Strategy".
Change the first sentence in the second paragraph in the policy to read " <i>Affordable housing will be secured in perpetuity through planning obligations or other appropriate mechanisms.</i> " (p.23)	Section 5: Policies (p.18)	Modification agreed. Minor wording change to provide more appropriate/flexible description of potential mechanisms for securing affordable housing.	Second paragraph amended to read:  <del>"Appropriate affordable housing tenures will be secured in perpetuity through a Section 106 legal agreement. Affordable housing will be secured in perpetuity through planning obligations or other appropriate mechanisms.</del> The criteria for local occupancy are set out in the Housing Needs Survey 2013".
Add the word " <i>generally</i> " after "...will not..." and before "...be supported." In the third paragraph of the policy. (p.23)	Section 5: Policies (p.18)	Modification agreed. Amendment required to provide flexibility in the policy.	Final paragraph amended to read:  "Proposals which do not contribute appropriate levels and tenures of affordable housing will not <u>generally</u> be supported".
<b>Policy H4 – Use of Garden Land:</b>			

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable																		
Delete last bullet point of Policy H4 that reads "are in accordance with Policy H1 of this Plan". (p.23)	Section 5: Policies (p.18)	Modification agreed. Bullet point to be deleted due to modifications to Policy H1 recommended by the Examiner.	Bullet point 5 deleted:  " <del>Are in accordance with Policy H1 of this Plan</del> ".																		
<b>Policy H5 – Housing Mix:</b>																					
<p>Reword Policy H5 to read:</p> <p><i>"Developments of 10 or more units should meet the housing mix, including size and type, and tenure requirements identified by up to date evidence informed by the Strategic Housing Market Assessment, local Housing Needs Surveys or other sources of evidence. Consideration should be given to changing demographic trends, market trends and the needs of different groups in the community."</i> (p.24)</p>	Section 5: Policies (p.19)	Modification agreed. The policy sets a threshold of ten or more units before it applies, but it is not made clear why the threshold has been set at this figure and the implication for doing so. The policy refers to evidence for its requirement in the Strategic Housing Market Assessment or the Housing Needs Survey and requirements as set out in Table 1 which seem to be taken from emerging CS Policy CS.18, but do not tie up exactly given the situation has changed at District level in the intervening months. The policy needs	<p>Policy as originally drafted deleted (including associated Table indicating housing type and mix):</p> <p><del>"Developments of 10 or more units should seek to meet the requirements identified by current up-to-date evidence such as the Strategic Housing Market Assessment or local Housing Needs Survey, and specifically to meet the mix of sizes indicated in Table 1. In addition, consideration must be given to the requirement of a changing demographic mix"</del>.</p> <table border="1" data-bbox="1323 970 2049 1329"> <thead> <tr> <th data-bbox="1323 970 1563 1007"><b>District Housing Size Requirements (Core Strategy Policy CS.18)</b></th> <th data-bbox="1568 970 1637 1007">1- bed</th> <th data-bbox="1641 970 1711 1007">2- bed</th> <th data-bbox="1715 970 1785 1007">3- bed</th> <th data-bbox="1789 970 1859 1007">4+ bed</th> <th data-bbox="1863 970 2049 1007">Total</th> </tr> </thead> <tbody> <tr> <td data-bbox="1323 1169 1563 1206">Market Housing</td> <td data-bbox="1568 1169 1637 1206">5%</td> <td data-bbox="1641 1169 1711 1206">40%</td> <td data-bbox="1715 1169 1785 1206">40%</td> <td data-bbox="1789 1169 1859 1206">15%</td> <td data-bbox="1863 1169 2049 1206">100%</td> </tr> <tr> <td data-bbox="1323 1209 1563 1246">Social Rented or Affordable Rented</td> <td data-bbox="1568 1209 1637 1246">10%</td> <td data-bbox="1641 1209 1711 1246">40%</td> <td data-bbox="1715 1209 1785 1246">30%</td> <td data-bbox="1789 1209 1859 1246">20%</td> <td data-bbox="1863 1209 2049 1246">100%</td> </tr> </tbody> </table>	<b>District Housing Size Requirements (Core Strategy Policy CS.18)</b>	1- bed	2- bed	3- bed	4+ bed	Total	Market Housing	5%	40%	40%	15%	100%	Social Rented or Affordable Rented	10%	40%	30%	20%	100%
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Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
		to meet the needs of the neighbourhood and the wider needs of the District. Given the need for flexibility and the changing circumstances across a long Plan period that will be based on local and District wide need, the policy needs amending to comply with the Basic Conditions tests.	<p>Housing Intermediate      0%    50%    40%    10%    100% Affordable Housing</p> <p>Paragraph replaced by the following:</p> <p><u>"Developments of 10 or more units should meet the housing mix, including size and type, and tenure requirements identified by up to date evidence informed by the Strategic Housing Market Assessment, local Housing Needs Surveys or other sources of evidence. Consideration should be given to changing demographic trends, market trends and the needs of different groups in the community."</u></p>
Reword paragraph 5.1.15 to read: <i>"It is important to ensure that different tenures are integrated throughout the layout and for that reason integration will be strongly encouraged and concentrations of tenure discouraged, particularly in areas of poorer environmental quality."</i> (p.24)	Section 5: Policies [Explanatory text] (p.19)	Modification agreed. Revised wording to take account of amendments to associated policy and ensure wording cannot be classified as policy, given it has status of explanatory text.	Paragraph 5.1.15 amended as follows:  " <del>It is important to ensure that the tenure mix is well integrated into the layout and not concentrated into a single location or into locations with the worst environmental quality.</del> that different tenures are integrated throughout the layout and for that reason integration will be strongly encouraged and concentrations of tenure discouraged, particularly in areas of poorer environmental quality".

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
Reword paragraph 5.1.18 to read: " <i>Whilst smaller scale developments of less than ten units are not covered by Policy H5, encouragement will be given to those schemes which contribute to meeting tenure needs.</i> " (p.24)	Section 5: Policies [Explanatory text] (p.19)	Modification agreed. Revised wording to take account of amendments to associated policy and ensure wording cannot be classified as policy, given it has status of explanatory text.	Paragraph 5.1.18 amended as follows:  <del>"For</del> Whilst smaller scale developments ( <del>less than 10 units</del> ), the tenure mix should contribute towards meeting needs by supporting the existing pattern of tenures or introducing new tenures as appropriate. of less than 10 units are not covered by Policy H5, encouragement will be given to those schemes which contribute to meeting tenure needs".
<b>Policy H6 – Safeguarded Land:</b>			
Add the words " <i>residential-led</i> " before "development" in the first paragraph. (p.25)	Section 5: Policies (p.20)	Modification agreed. For clarification purposes, only.	First paragraph of Policy H6 amended as follows:  "This Plan supports the safeguarding of land at the following locations as shown on the <u>Proposals Site Allocations and Safeguarded Land Map</u> for potential future <u>residential-led</u> development:"
Delete "local" from the second paragraph which begins "The above sites..." (p.25)	Section 5: Policies (p.20)	Modification agreed. The identified need restricts this to a 'local housing need' and this should be altered to include the strategic development needs of the District in line with national policy and guidance.	Second paragraph amended as follows:  "The above sites will only be released during the plan period if it can be demonstrated through the submission of evidence that there is an identified <del>local</del> housing need for their early release".

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
Change "Development on these sites will only be permitted providing the following requirements are met:" to " <i>Development on these sites will be expected to comply with all the following requirements subject to a rigorous viability assessment:</i> " (p.25)	Section 5: Policies (p.20)	Modification agreed. There is a long list of requirements in this Policy. There is concern that some set a very high bar that may affect the viability and deliverability of these sites. This modification is recommended to recognise the issue of viability.	Amend third paragraph amended as follows:  "Development on these sites will <u>be expected to comply with all</u> <del>only be permitted providing the following requirements</del> <u>subject to a rigorous viability assessment</u> are met:"
Delete "...utilising the most up to date technologies in building construction and renewable energy technology..." from criterion a). (p.25)	Section 5: Policies (p.20)	Modification agreed. The wording suggested by the Examiner does not take away from the requirement of 'good design' but looks to delete prescriptive elements that can be dealt with through other technical regulations such as Building Control.	Criterion a) amended as follows:  "A high quality design <del>utilising the most up to date technologies in building construction and renewable energy technology;</del> "
Delete criterion b) that reads: "An appropriate site layout which will facilitate a roadway linking both sites, with an intention to form a link road between Southam Road and Lighthorne Road, and onward	Section 5: Policies (p.20)	Modification agreed. As mentioned elsewhere in this schedule, the link road is a community aspiration, not a policy, and as such requires removal from the Plan.	Criterion b) deleted.  " <del>An appropriate site layout which will facilitate a roadway linking both sites, with an intention to form a link road between Southam Road and Lighthorne Road, and onward through to Warwick Road;</del> "



<b>Examiner's Recommendation (incl. page number in her report)</b>	<b>Section within draft NDP (incl. page no.)</b>	<b>SDC Decision and reason</b>	<b>New text or amendment to original text, as applicable</b>
through to Warwick Road;" (p.25)			
Delete criterion h) that reads: "Sites from Policies SSB1-4 within this Plan have been brought forward for development". (p.26)	Section 5: Policies (p.20)	Modification agreed. The release of the safeguarded sites is dependent on the four proposed allocations being brought forward first, as written in the NDP. There are a multitude of reasons why these 4 allocated sites may not be developed and as such this criterion may hinder the achievement of sustainable development. In order for the policy to meet the Basic Conditions tests, this criterion needs to be deleted.	Criterion h) deleted.  <del>"Sites from Policies SSB1-4 within this Plan have been brought forward for development"</del> .
Delete the last paragraph of Policy H6 which begins "All development proposals...". (p.26)	Section 5: Policies (p.20)	Modification agreed. The final paragraph of this policy is superfluous.	Final paragraph of policy deleted.  <del>"All development proposals must comply with other policies outlined in this Plan"</del> .

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
Consequential amendments to the supporting text will be needed including the deletion of the sentence "If such a need is established then the sites will be released for housing development in order of appearance, depending on the level of need." from paragraph 5.1.21 (p.26)	Section 5: Policies [Explanatory text] (p.20-21)	Modifications agreed. Reference to the Core Strategy Examination removed from paragraph 5.1.19. There is no reason or justification for land parcels 6a and 6b be released 'in order of appearance' and as such this statement should be deleted from Paragraph 5.1.21	Paragraph 5.1.19 amended as follows:  "Stratford-on-Avon District Council is currently preparing its Core Strategy which will govern the spatial vision for new housing in the district up to 2031. <del>Stage 1 of the Examination in Public is now complete. The Inspector's interim conclusions on the stage 1 examination were published on 18 March 2015.</del> "  Paragraph 5.1.21 amended to read:  "It is for this reason that this Plan has identified 2 potential sites as 'Safeguarded Land' which will be protected from development until such times as a specific, evidence based need for housing arises. <del>If such a need is established then the sites will be released for housing development in order of appearance, depending on the level of need.</del> "
Rename the map " <i>Site Allocations and Safeguarded Land</i> " adding the relevant policy numbers. (p.26)	Appendices: Maps	Modification agreed. For clarification purposes, only.	Map re-titled:  " <u>Site Allocations and Safeguarded Land</u> "
Amend the extent of the two parcels of safeguarded land H6a and H6b to correct any errors made in relation to land ownership on the two sites. (p.26)	Appendices: Maps	Modification agreed. For clarification purposes, only.	Revised Map dated January 2016 with Parcels A and B clearly indicated.

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
<b>Policy J1 – Employment Sites:</b>			
Delete "...consistent with other policies in this Plan and..." from paragraph one of the policy. (p.26)	Section 5: Policies (p.21)	Modification agreed. The statement relating to other policies in the Plan is superfluous.	First paragraph to read:  "In the interests of developing a sustainable community and in the light of a rapidly increasing population, proposals for new employment sites <del>consistent with other policies in this Plan and</del> which support the growth of local employment will be encouraged".
Replace the word "and" at the end of criterion a) with the word "or". (p.27)	Section 5: Policies (p.21)	Modification agreed. The first two criteria are interdependent and would lead to the potential stagnation of some sites based on an overall supply requirement. Therefore, 'and' should become 'or' and criterion b) modified to bring in line with the NPPF.	Criterion a) to read:  "There is a sufficient supply of sites for a range of employment uses to meet both immediate and longer term requirements over the Plan period; <del>and</del> <u>or</u> "
Add the words " <i>or where there is no reasonable prospect of the site being used for employment uses</i> " at the end of criterion b) before the "or". (p.27)	Section 5: Policies (p.21)	Modification agreed. See explanation above in relation to criterion a)	Criterion b) to read:  The applicant can demonstrate that the site/premises is no longer capable of meeting employment needs; <u>or where there is no reasonable prospect of the site being used for employment uses;</u> or"

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
Add at the end of the policy as a new paragraph " <i>Where there is no reasonable prospect of a site being used for the allocated employment use, planning applications for alternative uses will be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.</i> " (p.27)	Section 5: Policies (p.21)	Modification agreed. The addition of this new paragraph provides the necessary flexibility for appropriate potential future re-use of existing employment sites in accordance with the requirements of the NPPF.	New paragraph added:  <u>"Where there is no reasonable prospect of a site being used for the allocated employment use, planning applications for alternative uses will be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."</u>
<b>Policy J2 – Home Working:</b>			
Replace the words "must include" in the first sentence with " <i>are encouraged to provide</i> " and add "where appropriate" after "and" and before "incorporate cabling..." in the first paragraph. (p.27)	Section 5: Policies (p.21)	Modifications agreed. Proposed re-wording necessary to provide the flexibility to take account of all circumstances and given that the space could be the ability to convert an existing room to an office (for example) the policy should be amended to give encouragement rather than require flexible spaces.	First paragraph to read:  <u>"All new dwellings <del>must include</del> are encouraged to provide space to support home-working, with flexible space adaptable to a home office, and where appropriate incorporate cabling to support broadband".</u>

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
Delete criteria f) (p.27)	Section 5: Policies (p.22)	Modification not agreed. The recommendation of deletion of this criterion was due to confusion over its purpose. The PC confirmed to officers that the intention of this criterion was to ensure both uses could operate from the site without conflict. SDC is content that the proposed re-wording as set out in the final column clarifies the issue, meets the Basic Conditions tests and can be retained as amended.	Criterion f) amended as follows:  <u>"Layout and design ensures that residential and work uses can operate without conflict"</u> .
<b>Policy D2 – Responding to Local Character:</b>			
Add to the end of the sentence "Existing open green spaces within the settlement should be retained." the words " <i>where they make an important contribution to the character and local distinctiveness of the area.</i> " in criterion a) (p.29)	Section 5: Policies (p.23)	Modification agreed. This criterion is not flexible and it is not recognised that on occasion development of a green space can result in enhanced provision elsewhere. Suggested amendment addresses this concern in the context of local character	Criterion a) to read:  "Be compatible with the distinctive character of the area, respecting the local settlement pattern, building styles and materials whilst taking a positive approach to innovative, contemporary designs that are sensitive to their setting. Existing open green spaces within the settlement should be retained <u>where they make an important contribution to the character and local distinctiveness of the area</u> "

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
		assessment.	
Change the phrase "preserve and enhance heritage assets..." to "preserve <i>or</i> enhance heritage assets..." in criterion c) (p.29)	Section 5: Policies (p.23)	Modification agreed. Change of wording to reflect thrust of national and local plan policy relating to protection of heritage assets.	Criterion c) to read: "Preserve <del>and</del> <u>or</u> enhance heritage assets including listed buildings and the designated Conservation Areas;"
Change the phrase "protect and enhance landscape and biodiversity..." to "protect <i>or</i> enhance landscape and biodiversity..." in criterion d) (p.29)	Section 5: Policies (p.23)	Modification agreed. Change of wording to reflect thrust of national and local plan policy relating to protection of heritage assets.	Criterion d) to read: "Protect <del>and</del> <u>or</u> enhance landscape and biodiversity by incorporating landscaping consistent with Warwickshire Landscape Guidelines;"
Change criterion e) from "Conserve views to and from higher slopes, skylines and sweeping views across the landscape;" to read " <i>Key features of views to and from higher slopes, skylines and across the wider landscape can continue to be enjoyed;</i> " (p.29)	Section 5: Policies (p.23)	Modification agreed. The criterion requires some modification to ensure that it does not stifle development.	Criterion e) to read: " <u>Key features of views to and from higher slopes, skylines and across the wider landscape can continue to be enjoyed;</u> "
Replace the words "treated cautiously" at the end of paragraph 5.3.4 to "resisted." (p.29)	Section 5: Policies [Explanatory text] (p.24)	Modification agreed. It is not clear what 'treated cautiously' means or how it would work in reality. If a proposal fails the policy, then the development should be resisted on	Paragraph 5.3.4. amended as follows:  "It is important to ensure that local character is preserved and where appropriate enhanced. New development that is at odds with a distinctive local character can be harmful <del>so will be treated cautiously</del> <u>will be resisted</u> ".

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
		those grounds.	
<b>Policy D3 – Use of Design Codes and Master Planning:</b>			
Make the definition of “large-scale development” in the first element of the policy clearer by including the definition found in paragraph 5.3.12 in the policy itself. (p.30)	Section 5: Policies [Explanatory text] (p.25)	Modification agreed. Whilst the policy relates to large-scale development, the policy does not include an appropriate threshold and so it is unclear when this part of the policy would apply. This modification would remedy this potential confusion.	First paragraph amended to read:  “All proposals for large-scale development ( <u>10 or more dwellings or 1,000 square metres or more of non-residential floor space</u> ) will be expected to demonstrate design rationale through the appropriate use of design codes (SDC District Design Guide April 2001) and master planning”.  Paragraph 5.3.12 deleted:  “ <del>The threshold for large scale development is 10 or more dwellings or 1,000 square metres of non-residential floor space.</del> ”
Change the phrase “The master plan/contextual plan must take account of recent and potential future development in the area so as to provide a degree of future-proofing.” in the second paragraph to “ <i>The master plan/contextual plan should include consideration of existing or proposed developments in the area to enable a holistic approach to be developed</i> ”	Section 5: Policies (p.24)	Modifications agreed. The Plan is to provide flexibility for future development, not ‘future proof’ as set out in the policy. It would be onerous to expect a master plan would ‘ameliorate’ the additional demand and the word ‘mitigate’ would be more precise in this regard. The	The second paragraph of the Policy amended as follows:  “All large-scale housing developments ( <del>10 or more dwellings</del> ) should be accompanied by a master plan (for outline applications) or a contextual plan (for detailed applications) which demonstrates how the development integrates into the existing community by encouraging social cohesion and how it delivers the necessary infrastructure to support the development. The master plan/contextual plan <u>should include consideration of existing or proposed</u>

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
<p><i>wherever possible.</i>" (p.30)</p> <p>Replace the word "ameliorate" with "mitigate" in the second paragraph and delete "through a Transport Assessment" in the third paragraph. (p.30)</p>		<p>term 'transport assessment' is defined in the NPPF glossary and it may be the case that some development proposals caught by this policy would not require the submission of such a document. These proposed amendments will provide more flexibility and ensure that its requirements are appropriately based on the scale of development and its particular effects.</p>	<p><u>developments in the area to enable a holistic approach to be developed wherever possible</u> <del>must take account of recent and potential future development in the area so as to provide a degree of future proofing.</del> The plan must include consideration of means to <del>ameliorate</del> <u>mitigate</u> the additional demand that the development would place on the highway system, <del>through a Transport Assessment</del>, and on services such as schools and medical facilities, as well as the need to provide public open space and environmental improvements."</p>
<p><b>Policy D4 – Replacement Dwellings:</b></p>			



<b>Examiner's Recommendation (incl. page number in her report)</b>	<b>Section within draft NDP (incl. page no.)</b>	<b>SDC Decision and reason</b>	<b>New text or amendment to original text, as applicable</b>
Delete paragraph three of Policy D4, which begins: "Proposals will be expected to demonstrate how a replacement is more sustainable in the longer term..." (p.31)	Section 5: Policies (p.25)	Modification agreed. The Government has now withdrawn the Code for Sustainable Homes as part of its new approach to setting technical standards for new housing development. A written Ministerial Statement of 25 March 2015 made it clear that NDPs cannot set out any additional local technical standards or requirements relating to the construction of new dwellings. As such, this element of the Policy does not accord with national policy and guidance and must be deleted.	Paragraph three deleted in its entirety:  " <del>Proposals will be expected to demonstrate how a replacement is more sustainable in the longer term than refurbishment, alteration or extension to the existing building. In this respect all replacement dwellings must meet at least Level 5 of the Code for Sustainable Homes. In the event of the Code for Sustainable Homes being withdrawn during the term of this Plan then the replacement dwellings should be constructed to standards which exceed the relevant Building Regulations in force at the time of construction</del> ".
<b>Policy D5 – Designing out Crime:</b>			

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
Amend the wording in paragraph 5.3.16 to read "CABE's comprehensive...a safe community. All development proposals will be <i>expected, where necessary</i> , to demonstrate how these characteristics...proposed design." (p.31)	Section 5: Policies [Explanatory text] (p.26)	Modification agreed. There is a mismatch between the policy and the supporting text. This amendment aligns the policy and explanatory text to provide the correct flexibility set out within the policy itself.	Paragraph 5.3.16 amended as follows:  "CABE's comprehensive 'Safer Places' paper identifies seven key characteristics that create a safe community. All development proposals will be <u>expected, where necessary</u> , <del>required</del> to demonstrate how these characteristics have been incorporated into the proposed design".
<b>Policy D7 – Environmental Sustainability:</b>			
Reword Policy D7 to read as follows:  <i>"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."</i> (p.32)	Section 5: Policies (p.27)	Modification agreed. SuDS are not appropriate for all types of development and its location. The revised wording looks to bring the policy in line with national policy and guidance.	Policy D7 modified to read as follows:  <del>"All new development should demonstrate that it has taken account of best practices to achieve high levels of sustainability and safety through design and layout. Appropriate measures to deal with climate change should be demonstrated together with the use of sustainable drainage systems."</del>  <u>"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."</u>
Consequential amendments to the supporting text will be needed (p.33)	Section 5: Policies [Explanatory text] (p.27)	Modifications agreed. Amendments to various paragraphs to bring in line with revised policy	Paragraph 5.3.19 amended as follows:  <del>"New dwellings must be designed to be environmentally sustainable in construction and in</del>

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		wording and comply with national policy and guidance.	<p><del>use. This includes building in the ability to recycle water collection.</del> Any features, including solar panels and heat pumps, must be designed to avoid harm to the appearance of the building and the street scene. If a building is listed or within the conservation area then equipment specifically designed and sited to meet the conservation / listed buildings criteria will be required".</p> <p>Paragraph 5.3.20 deleted:</p> <p><del>Any new buildings should contribute to the achievement of sustainable development. Consequently it is important to reduce the environmental impact of new development and the energy costs to new occupiers. Works to improve the performance of traditional buildings should be compatible with their building technology.</del></p> <p>Re-numbering of subsequent paragraphs.</p> <p>Paragraph 5.3.21 split into two separate paras:</p> <p>i) "It is important that in all cases steps are taken to minimise any noise from equipment in order to protect neighbours' amenity".</p> <p>ii) "All parking and driveway areas will be designed with permeable surfaces to reduce surface water run-off".</p>

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
<b>Policy D8 – Parking Provision:</b>			
Change or amend title of Policy D8 to fully reflect the contents and coverage of the policy. (p.33)	Section 5: Policies (p.27)	Modification agreed in the interests of clarity, since the policy covers more than just vehicular parking.	Title of Policy amended to:  "Parking Provision for <u>Parking, Pedestrians and Cyclists</u> ".
Delete the sentence beginning "Dwellings comprising two or more bedrooms... (excluding garages but including car ports)." from Policy D8 (p.33)	Section 5: Policies (p.28)	Modification agreed. There is little evidence provided (other than citing congestion and high levels of car ownership) for setting such parking standards. It is overly prescriptive and inflexible and should be deleted.	First paragraph of Policy amended to read:  "All new development must include adequate provision for off-road parking for residents and visitors. <del>Dwellings comprising two or more bedrooms must provide off road spaces for at least two cars (excluding garages but including car ports)</del> ".
Reword the final paragraph of Policy D8 to read " <i>New developments, where appropriate, should take any available opportunities to provide new, or enhance existing, accessible and safe pedestrian and cycle routes from the development to the village centre and schools.</i> " (p.33)	Section 5: Policies (p.28)	Modification agreed. Whilst an appropriate objective, the wording needs to be more flexible so it does not apply to all development.	Final paragraph re-worded as follows:  " <del>New developments must develop easy pedestrian and cycle routes into the village centre and to schools.</del> <u>New developments, where appropriate, should take any available opportunities to provide new, or enhance existing, accessible and safe pedestrian and cycle routes from the development to the village centre and schools</u> ".
<b>Policy D9 – Effective and Efficient Use of Land:</b>			

<b>Examiner's Recommendation (incl. page number in her report)</b>	<b>Section within draft NDP (incl. page no.)</b>	<b>SDC Decision and reason</b>	<b>New text or amendment to original text, as applicable</b>
Delete criterion a) which reads: "Density which is designed to enhance the character and quality of the local area, commensurate with a viable scheme and infrastructure capacity". (p.34)	Section 5: Policies (p.28)	Modification agreed. This criterion appears inconsistent with para 5.3.24 as it focuses on the context of the site. It is unclear what 'commensurate with a viable scheme and infrastructure capacity' means in relation to density. Given overlap with Policy D2 and lack of clarity, it should be deleted as the point is covered elsewhere in the Plan.	Criterion a) deleted:  <del>"Density which is designed to enhance the character and quality of the local area, commensurate with a viable scheme and infrastructure capacity".</del>
Delete criterion b) which reads: "Giving priority to reusing previously developed land over greenfield land". (p.34)	Section 5: Policies (p.28)	Modification agreed. The issue of prioritising brownfield land over greenfield land was dealt with under Policy H2 and should be deleted.	Criterion b) deleted:  <del>"Giving priority to reusing previously developed land over greenfield land".</del>

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
Add at the end of the policy " <i>to help integrate new development and to reflect the site's setting and reinforce local distinctiveness, but a site-by-site approach will be encouraged.</i> " (p.34)	Section 5: Policies (p.28)	Modification agreed. As originally drafted, this element of the policy might inadvertently reduce the ability of new development to integrate satisfactorily within existing development. The policy needs to be flexible enough to consider each site on its merits.	Final paragraph amended to read:  "The built-up areas should appear to emerge gradually from the surrounding countryside, with higher density and building heights located towards the village centre, and lower density and building heights on the periphery of the built-up area boundaries <u>to help integrate new development and to reflect the site's setting and reinforce local distinctiveness, but a site by site approach will be encouraged</u> ".
Delete the sentence "Densities would not normally be above 25 – 30 dwellings per hectare." from paragraph 5.3.24. (p.35)	Section 5: Policies [Explanatory text] (p.28)	Modification agreed. The wording relating to proposed densities is tantamount to introducing policy within explanatory text and the final sentence of this paragraph should be deleted.	Paragraph re-numbered 5.3.23.  Paragraph amended as follows:  "While there is no rigid design density set for the Neighbourhood Area, in all cases development will be expected to respond to local character. Higher densities close to the village centre where there is a high level of accessibility may be acceptable whereas lower densities will be more appropriate on the periphery of the village. <del>Densities would not normally be above 25-30 dwellings per hectare.</del> "
Delete the words "internal and" from paragraph 5.3.26. (p.35)	Section 5: Policies [Explanatory text] (p.29)	Modification agreed. This paragraph seeks to secure an internal space standard which is not an appropriate task for a NDP.	Paragraph 5.3.26 to read:  "High quality design will enhance amenity through housing density levels that also secure adequate <del>internal and</del> external space, dwelling mix, privacy and sunlight and daylight to meet the requirements

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			of future occupiers".
<b>Policy D10 – Heritage Assets:</b>			
Delete the words "as a minimum" from the third paragraph of the policy. (p.35)	Section 5: Policies (p.29)	Modification agreed. Minor amendment in order to bring into line with national policy and guidance.	Third paragraph amended to read:  "All proposals must <del>as a minimum</del> preserve the important physical fabric, appearance, scale and settings of listed buildings and scheduled monuments".
Change the phrase "a negative impact" in the fourth paragraph of the policy to " <i>an effect</i> ". (p.35)	Section 5: Policies (p.29)	Modification agreed. Minor amendment in order to bring into line with national policy and guidance.	Last sentence of fourth paragraph amended to read:  "This includes development outside the boundary of each Conservation Area which, by virtue of its design, scale or materials would nevertheless have a <del>negative impact</del> <u>an effect</u> on the character and setting of each area"
Delete the word "minimise" from paragraph five of the policy and replace with the words " <i>have a satisfactory</i> " (p.35)	Section 5: Policies (p.29)	Modification agreed. Minor amendment in order to bring into line with national policy and guidance.	Final paragraph amended to read:  "Any development within or immediately adjacent to the registered battlefield site should be designed to <del>minimise</del> <u>have a satisfactory</u> impact on the battlefield in terms of design, scale and materials and of views across the battlefield from Kineton and Little Kineton".
Change the title of the policy to " <i>Designated Heritage Assets</i> ". (p.35)	Section 5: Policies (p.29)	Modification agreed, to provide additional clarity.	Policy title amended to:  " <u>Designated</u> Heritage Assets"
<b>Environment: Strategic</b>			

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
<b>Objective</b>			
Delete the sentence "New development must conform to past forms and patterns, mass, scale, and building materials although the function of the building can be modern." from paragraph 5.4.2. (p.35)	Section 5: Policies (p.30)	Modification agreed. As drafted, this sentence is at odds with other policies within the Plan which do not seek to stifle innovation. As such, it fails to comply with national and local plan policy.	Paragraph 5.4.2 amended to read:  "The natural beauty of the area around the settlement of Kineton is derived from the geology, vegetation and historic land use. <del>New development must conform to past forms and patterns, mass, scale, and building materials although the function of the building can be modern.</del> "
<b>Policy E1 – Agricultural Land</b>			
Reword Policy E1 as follows:  <i>"Development of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) will normally be resisted unless it can be demonstrated that significant development of agricultural land is necessary and no other land of a poorer agricultural quality is available."</i> (p.36)	Section 5: Policies (p.30)	Modification agreed. The wording of the policy as drafted does not reflect the NPPF sufficiently since it adds a requirement about the need for exceptional circumstances to outweigh the loss of best and most versatile land. Proposed wording brings the policy in conformity with the NPPF.	Policy amended as follows:  <del>"Development proposals which would result in the complete or partial loss of the best and most versatile agricultural land (defined as land in grades 1-2 and 3a of the Agricultural Land Classification) will not be permitted unless there are exceptional circumstances that outweigh the loss. Development of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) will normally be resisted unless it can be demonstrated that significant development of agricultural land is necessary and no other land of a poorer agricultural quality is available."</del>



Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
Replace the word "must" in the last sentence of paragraph 5.4.6 with the word "should" (p.36)	Section 5: Policies [Explanatory text] (p.31)	Modification agreed. This paragraph introduces a protection akin to policy and requires minor amendment in order for it to comply with policy.	Paragraph 5.4.6 amended as follows:  "Agricultural land is an essential part of the landscape of Kineton as well as providing local employment and food security for the nation. In addition the beauty of the landscape around Kineton consists of the combination of hills and agricultural land. In many fields adjoining the settlement, the ancient pattern of ridge and furrow is well preserved. This historic landscape feature is greatly valued and <del>must</del> <u>should</u> be protected.
<b>Policy E2 – Landscapes, Vistas and Skylines:</b>			
Reword Policy E2 to read:  <i>"Development proposals must ensure that key features of the views identified on the plan titled "Important Views" can continue to be enjoyed including distinct buildings, heritage assets, areas of landscape and the juxtaposition of village edges and the open countryside.</i>  <i>Large scale proposals should submit a landscape and visual impact assessment to help to demonstrate this."</i> (p.37)	Section 5: Policies (p.31)	Modification agreed. The policy as drafted attempts to cover views, vistas, skylines and landscapes. The associated map shows views as well as 'green fingers' but the plan itself does not reference 'green fingers'. Whilst the views and the settings of the settlements are important, such a policy should not preclude new development, but look to ensure development	Policy E2 amended as follows:  <del>"Development proposals should ensure that all prominent views of the landscape and important vistas and skylines are maintained and safeguarded, particularly where they relate to historic assets, existing landmark buildings, 'gateway' sites and settlement boundaries. Development proposals must ensure that key features of the views identified on the plan titled 'Valued Landscapes' can continue to be enjoyed including distinct buildings, heritage assets, areas of landscape and the juxtaposition of village edges and the open countryside.</del>  <u>Development proposals must ensure that key features of the views identified on the plan titled 'Valued Landscapes' can continue to be enjoyed including distinct buildings, heritage assets, areas of landscape and the juxtaposition of village edges and the open countryside.</u>  <del>All large scale development proposals should demonstrate, through the submission of a landscape</del>

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		would reflect those views. The proposed new wording looks to achieve an appropriate balance between presumption of sustainable development and protection of local distinctiveness.	<del>led design, that they preserve the landscape, vistas and skylines and where possible enhance these important attributes of the Neighbourhood Area.</del>  <u>Large scale proposals should submit a landscape and visual assessment to help demonstrate this.</u>
Change the name of the map currently titled "The Natural Environment" to "Important Views" and add the relevant policy number to it (Policy E2). (p.38)	Appendices: Maps	Modification not agreed. The title of the map has been amended to 'Valued Landscapes in order to reflect language used in paragraph 109 of the NPPF at the PCs request, which is considered an acceptable minor change which does not affect the general thrust of the associated policy.	Map title to be changed to:  <u>"Valued Landscapes"</u>
Delete green fingers from the map. (p.38)	Appendices: Maps	Modification agreed. No evidence for this designation.	'Green Fingers' have been removed from the 'Valued Landscapes' map.

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<p>Replace the words "will not be permitted" which appear in two instances in paragraph 5.4.7 and one in paragraph 5.4.8 with "will not be <i>encouraged</i>". (p.38)</p>	<p>Section 5: Policies [Explanatory text] (p.31)</p>	<p>Modifications agreed. As drafted, these two paragraphs read as policy rather than supporting text. Amendments as set out necessary in order for them to be retained as supporting text to the policy.</p>	<p>Paragraph 5.4.7 to be amended as follows:</p> <p>"Communication masts, pylons, wind turbines, or other structures such as solar panel farms which are highly visible will <u>normally be resisted</u> <del>not be permitted</del> if they would have an adverse impact on the character of the landscape and the built environment of the settlement. Highly visible skyline building of houses will <u>normally be resisted</u> <del>not be permitted</del>.</p> <p>Paragraph 5.4.8 to be amended as follows:</p> <p>"Preservation of the unbroken skylines of the surrounding hills to the northwest, north, east and south is an important objective in any new development. Skyline housing on original footprints (old farms etc.) will be required to comply with original sight lines, and other new skyline structures will <u>normally be resisted</u> <del>not be permitted</del>.</p>

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
Delete paragraph 5.4.10 in its entirety. (p.38)	Section 5: Policies [Explanatory text] (p.31)	Modification not agreed. It is agreed that the paragraph as drafted was a further example of supporting text introducing policy, which is inappropriate and should be deleted. However, the PC have requested the paragraph be replaced by wording that cannot be classed as introducing policy, but looks to reflect the LSS. Officers consider this re-wording to be acceptable.	<p>The following paragraph is to be deleted:</p> <p><del>"The land to the north and east of Walton Fields and any land to the north of existing Banbury Road properties will be protected from future building. The Landscape Sensitivity Study 2011 states that under no circumstances should there be any development to the north of the new housing estate (Walton Fields) to ensure that the settlement edge is stepped and well below the minor ridge top".</del></p> <p>Replaced by:</p> <p><u>"The Landscape Sensitivity Study 2011 indicates that any development to the north of the new housing estate (Walton Fields) would affect the way in which the settlement edge is stepped and well below the minor ridge top. Any development in this area would be significantly challenged by this constraint."</u></p>
Consequential amendments to the text will be needed. (p.38)	Section 5: Policies [Explanatory text] (p.31)	Modifications agreed (see above).	All amendments to Policy E2 and associated Explanatory text is set out, above.
<b>Policy E3 – Minimising Pollution:</b>			

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
<p>Reword the first paragraph of Policy E3 as follows (for the avoidance of doubt the second paragraph can be retained as is):</p> <p><i>"Development proposals which would give, or potentially give, rise to pollution because of its type or its location will only be supported if they are accompanied by evidence that demonstrates any harmful impacts particularly arising from noise, light or traffic generation, including details of any measures to be taken to deal with the anticipated impacts of the proposal, are satisfactory."</i></p> <p>(p.39)</p>	<p>Section 5: Policies (p.32)</p>	<p>Modification agreed. The policy as drafted takes a blanket approach requiring all development to provide a written statement, which is an onerous and often unnecessary requirement. As written, there is no requirement on the applicant to actually implement any measures. The policy needs re-wording in order for it to provide the practical framework national policy and guidance seeks.</p>	<p>First paragraph amended as follows:</p> <p><del>"All development will be required to demonstrate, through a written supporting statement, how measures to minimise the impact of pollution have been considered. Development proposals which would give, or potentially give, rise to pollution because of its type or its location will only be supported if they are accompanied by evidence that demonstrates any harmful impacts particularly arising from noise, light or traffic generation, including details of any measures to be taken to deal with the anticipated impacts of the proposal, are satisfactory."</del></p>
<p>Delete the second sentence in paragraph 5.4.14 which begins "Helipads or airstrips..." (p.39)</p>	<p>Section 5: Policies [Explanatory text] (p.31)</p>	<p>Modification agreed. This paragraph seeks to introduce policy and is not appropriate.</p>	<p>Paragraph 5.4.14 amended as follows:</p> <p><del>"The Neighbourhood Development Plan will follow the recommendations of the Council for the Preservation of Rural England (CPRE) to minimise noise generation. Helipads or airstrips for powered gliders, microlites etc. will only be permitted within the Neighbourhood Area where they do not give rise to unacceptable levels of noise pollution."</del></p>

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
<b>Policy E5 – Streamside Development:</b>			
<p>Reword Policy E5 as follows:</p> <p><i>"Development should not increase flood risk. Planning applications for development within the Plan area must be accompanied by a site-specific flood risk assessment in line with the requirements of national policy and advice, but may also be required on a site-by-site basis based on locally available evidence. All proposals must demonstrate that flood risk will not be increased elsewhere and that the proposed development is appropriately flood resilient and resistant.</i></p> <p><i>Information accompanying the application should demonstrate how any mitigation measures will be satisfactorily integrated</i></p>	<p>Section 5: Policies (p.33)</p>	<p>Modifications agreed. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and advocates a sequential, risk-based approach to the location of development. It also sets out circumstances in which a site-specific flood risk assessment will be required. Given the prescriptive requirements of national policy, Policy E5 should align with national policy in order for it to meet the basic conditions.</p>	<p>Policy amended as follows:</p> <p>Revised Title: "<u>Streamside Development Flooding and Surface Water Drainage System</u>".</p> <p><del>"Development proposals on the defined flood plain as per the Environment Agency Surface Water Flood Map within the Neighbourhood Area must clearly demonstrate by means of a hydrological survey that it would not increase flooding to houses and property lower down the valley. If necessary, proposals must include full details of any ameliorating infrastructure such as SuDS features to mitigate any impact.</del></p> <p><u>Development should not increase flood risk. Planning applications for development within the Plan area must be accompanied by a site-specific flood risk assessment in line with the requirements of national policy and advice, but may also be required on a site by site basis based on locally available evidence. All proposals must demonstrate that flood risk will not be increased elsewhere and that the proposed development is appropriately flood resilient and resistant.</u></p> <p><u>Information accompanying the application should</u></p>

<b>Examiner's Recommendation (incl. page number in her report)</b>	<b>Section within draft NDP (incl. page no.)</b>	<b>SDC Decision and reason</b>	<b>New text or amendment to original text, as applicable</b>
<p><i>into the design and layout of the development.</i></p> <p><i>The use of sustainable urban drainage systems and permeable surfaces will be encouraged where appropriate."</i> (p.40)</p>			<p><u>demonstrate how any mitigation measures will be satisfactorily integrated into the design and layout of the development.</u></p> <p><u>The use of sustainable urban drainage systems and permeable surfaces will be encouraged where appropriate."</u></p>
<p><b>Policy E6 – Trees and Hedgerows:</b></p>			

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
<p>Reword the first paragraph of Policy E6 as follows (for the avoidance of doubt the second and third paragraphs of the policy are retained):</p> <p><i>"Development should retain and protect existing trees and hedgerows which are important for their historic, visual or biodiversity value unless the need for, and the benefits of, the development in that location clearly outweigh any loss. Where it is not possible or feasible to retain such trees or hedgerows in these circumstances replacement trees or hedgerows of an equivalent or better standard will be required in an appropriate location on the site."</i> (p.41)</p>	<p>Section 5: Policies (p.33)</p>	<p>Modification agreed. This policy as drafted is quite permissive and would potentially allow the removal of trees of value simply because it was not 'possible' to retain them. The policy needs to be reworded to ensure every effort is made to retain trees of value before mitigation is considered.</p>	<p>First paragraph of Policy E6 amended as follows:</p> <p><del>"All new development will be expected to protect mature healthy trees and hedges. Where this is not possible, new trees and hedges should be planted to replace those lost. Development should retain and protect existing trees and hedgerows which are important for their historic, visual or biodiversity value unless the need for, and the benefits of, the development in that location clearly outweigh any loss. Where it is not possible or feasible to retain such trees or hedgerows in these circumstances replacement trees or hedgerows of an equivalent or better standard will be required in an appropriate location on the site."</del></p>
<p>Add a definition of "large scale development" to the supporting text which would usually be 10 or more dwellings, but can also cover non-residential development ensuring that thresholds are in line with</p>	<p>Section 5: Policies [Explanatory text] (p.33-34)</p>	<p>Modification agreed. Since the final paragraph of the policy refers to large-scale development, it would be appropriate to define this within the supporting text.</p>	<p>Paragraph added to read as follows:</p> <p><u>"Large-scale developments refer to 10 or more dwellings or 1,000 square metres or more of non-residential floor space."</u></p>



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accepted definitions. (p.41)			
Remove the word "agricultural" from paragraph 5.4.20. (p.41)	Section 5: Policies [Explanatory text] (p.33)	Modification agreed. This is too restrictive as drafted, since there may be other reasons why hedgerows cannot be retained in certain circumstances.	Paragraph 5.4.20 amended as follows:  "New developments must not cramp the root run of established trees or require lopping to a degree that would materially hinder the future growth of the tree. Established hedgerows should be preserved unless there are exceptional <del>agricultural</del> reasons justifying their removal".
<b>Policies E5 – Streamside Development and Policy E7 – Flooding &amp; Surface Water Drainage</b>			
Delete either Policy E5 or E7 and replace the retained policy with the suggested wording given for Policy E5 earlier in this report. (p.42)	Section 5: Policies (p.33-34)	Modification agreed. Policy E7 has been deleted from the NDP. However, the policy wording has been added to Policy E5. Whilst not strictly necessary, as there is an element of duplication in the meaning of the text suggested by the Examiner and the wording of Policy E7, the Examiner did not indicate that the wording for Policy E7 was not acceptable or appropriate. Therefore,	Policy E7 deleted:  <b><del>Policy E7 – Flooding and Surface Water Drainage</del></b>  <del>Development within Flood Zones 1 and 2 must demonstrate that it will not reduce the capacity and capability of the functional flood plain. Water compatible uses within Flood Zone 3 may be acceptable in certain circumstances but other forms of development will be strictly resisted.</del>  <del>All development proposals must incorporate suitable and sustainable means of drainage where site conditions are favourable. Where site conditions are proven to be unfavourable or unfeasible, an</del>

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		SDC considers that there would be no harm in including these paragraphs within Policy E5. It would still comply with national and local plan policy in this revised state.	<del>alternative drainage solution will need to be agreed by the council and the relevant water authority. The re-use and recycling of water within developments will be encouraged.</del>  <del>Proposals which do not satisfactorily demonstrate secure arrangements for the prevention of fluvial and pluvial flooding will not be supported.</del>
Consider retaining the contents of paragraphs 5.4.22 and 5.4.23 as community aspirations in a clearly differentiated section or separate document and take the representation from Warwickshire County Council into account. (p.42)	Section 5: Policies [Explanatory text] (p.34)	Both paragraphs removed from NDP but were not retained as community aspirations in a separate document/appendix to the Plan.	No new text.
Consequential amendments to the Plan will of course be needed. (p.42)	Section 5: Policies [Explanatory text] (p.33-34)	Modification agreed, for clarification purposes only.	No new or amended text over and above the modifications proposed by the Examiner in relation to Policies E5 and E7.
<b>Policy E8 – Foul Drainage:</b>			
Ensure that the policy's title reflects its contents so consider changing the title to "Foul Drainage <i>and Water Supply</i> " or similar. (p.42)	Section 5: Policies (p.34)	Modification agreed. For clarification purposes only.	Policy re-numbered as E7 and title amended to: "Foul Drainage <u>and Water Supply</u> ".
Replace "in" in the first sentence of paragraph three with " <i>and its separation from the surface</i> "	Section 5: Policies (p.34)	Modification agreed. Required to enhance clarity and based on	Third paragraph amended as follows:  Proposals to expedite the improvement and upgrade

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
<i>water / highway drainage systems within...</i> (p.42)		representations by Warwickshire County Council.	the existing foul drainage network <del>is</del> <u>and its separation from the surface water / highway drainage systems within</u> the village will be supported. All developments will be expected to demonstrate that there are suitable and satisfactory arrangements in place to deal with foul water".
<b>Policy E9 – Neighbourhood Area Biodiversity Action Plan:</b>			

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
<p>Reword Policy E9 as follows:</p> <p><i>"Development should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible. Existing ecological networks should be retained and new ecological habitats and networks are particularly encouraged. Measures to improve landscape quality, scenic beauty and tranquillity and to reduce light pollution are encouraged."</i> (p.43)</p>	<p>Section 5: Policies (p.35)</p>	<p>Modification agreed. It is not possible for a planning policy to set out the aspiration to prepare a Neighbourhood BAP as policies within the NDP must relate to the development and use of land. The suggested wording from the Examiner provides a suitable policy stance on this issue which will allow the policy to meet the Basic Conditions.</p>	<p>Policy amended as follows:</p> <p><del>"A Biodiversity Action Plan shall be prepared for the Neighbourhood Area in consultation with key stakeholders and the public.</del></p> <p><del>All proposals should take account of the Local Biodiversity Action Plan and show what effect, if any, they will have on local biodiversity. Where development involves a loss of biodiversity or habitat, appropriate habitat should be created in mitigation.</del></p> <p><u>Development should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible.</u></p> <p><u>Existing ecological networks should be retained and new ecological habitats and networks are particularly encouraged. Measures to improve landscape quality, scenic beauty and tranquillity and to reduce light pollution are encouraged."</u></p>
<p>Consider retitling the policy to something along the lines of "Biodiversity" or similar. (p.43)</p>	<p>Section 5: Policies (p.35)</p>	<p>Modification agreed, for clarification purposes.</p>	<p>Policy re-numbered as E8 and title amended to: "Biodiversity".</p>

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
Consequential amendments to the supporting text will be needed to give more explanation about the more generalised nature of the policy, but the references to the BAPs can be retained although may need some editing/reordering etc. for clarity. (p.43)	Section 5: Policies [Explanatory text] (p.35)	Modifications agreed to reflect the new policy stance and the status of the LBAP document as an aspiration only.	<p>Paragraph 5.4.27 amended as follows:</p> <p><del>"The A</del> Local Biodiversity Action Plan (LBAP) <u>could</u> provide a neighbourhood level response to the Government's National Action Plans for threatened habitats species and <del>will</del> <u>would</u> sit alongside Warwickshire County Councils LBAP, which is currently under review".</p> <p>Paragraph 5.4.28 amended as follows:</p> <p><del>"The A</del> LBAP <u>would</u> contribute to national targets wherever these are relevant to the neighbourhood area but also <u>could</u> set local targets".</p>
The reference to the proposal to prepare a BAP should be moved as an aspiration to a separate appendix or document and clearly labelled as such. (p.43)	Section 5: Policies (p.35)	Modifications agreed. Paragraphs deleted following the re-drafting of the policy, since they refer specifically to the document which has been removed from the policy itself.	<p>Deletion of the following paragraphs from the NDP:</p> <p>5.4.32 <del>"The LBAP contains action plans for all our local habitats (woodlands, wetlands, grasslands, etc.) and many of our threatened and declining local species."</del></p> <p>5.4.33 <del>"The plan will have clear measurable targets and assemble the local people and local organisations that are ideally placed to deliver the necessary action."</del></p> <p>5.4.34 <del>"The LBAP will provide a strategy for action in two parts. Firstly, it will set out the strategic framework and main courses of action, and secondly, it will contain the detailed actions required</del></p>

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
			for priority habitats and species in the neighbourhood area."
<b>Infrastructure: Strategic Objective</b>			
Amend/replace the strategic objective in paragraph 5.5.1 as follows:  <i>"Infrastructure is needed to support development and to help ensure that development can be delivered in a sustainable way. In addition to ensuring that proper account is taken of existing resource limitations and the capacity of existing services, it is necessary to ensure that any additional infrastructure needed to enable development to be delivered in a sustainable and viable way is considered."</i> (p.43/p.44)	Section 5: Policies (p.36)	Modification agreed. The objective only deals with a desire to ensure that the existing situation is not exacerbated by new development, but should go further to ensure new development and infrastructure align. This would be in accordance with PPG (para 045) which confirms that infrastructure is needed to support development and to ensure that a neighbourhood can grow in a sustainable way.	Infrastructure Objective amended as follows:  <del>"To ensure that as Kineton grows proper account is taken in considering any development of existing resource limitations, in particular sewerage, foul water systems and land drainage run-off schemes, but also power, broadband and road traffic congestion. Infrastructure is needed to support development and to help ensure that development can be delivered in a sustainable way. In addition to ensuring that proper account is taken of existing resource limitations and the capacity of existing services it is necessary to ensure that any additional infrastructure needed to enable development is delivered in a sustainable and viable way is considered."</del>
<b>Policy IN1 – Infrastructure Criteria:</b>			
Delete Policy IN1 in its entirety. (p.44)	Section 5: Policies (p.36)	Modification agreed. This policy largely overlaps with others in the Plan	Policy deleted:  <b>Policy IN1 – Infrastructure Criteria</b>

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
		and those requirements and policies have been subject to suggested modifications by the Examiner. Additionally, some of the criteria listed are prescriptive and inflexible and would in any case need to be deleted. The policy as written is not in conformity with national policy and given these circumstances, the recommendation to delete the policy entirely seems appropriate.	<p><del>"All new developments within the Neighbourhood Area, must not adversely impact the existing infrastructure.</del></p> <p><del>All new developments must be sustainable and where practical self-sufficient.</del></p> <p><del>Developments of 5 or more dwellings must demonstrate:</del></p> <p><del>a) A hydrological survey has been carried out and a satisfactory Sustainable Urban Drainage scheme has been adopted which demonstrates that the development will not increase the likelihood of surface water flooding in the village;</del></p> <p><del>b) An agreement is in place with Severn Trent Water that sufficient treatment capacity is available and good connections can be made to the main sewer;</del></p> <p><del>c) Telecommunication connection to new properties will be by fibre optic cabling;</del></p> <p><del>d) A high standard of energy efficiency measures is incorporated in the design of the proposed dwellings;</del></p> <p><del>e) Provision is made for off road parking for at least 2 cars; and</del></p> <p><del>f) All proposed path and driveway areas incorporate permeable surface materials.</del></p>
Insert paragraphs 5.5.2, 5.5.3 and 5.5.4 elsewhere in the Plan as appropriate taking account of	Section 5: Policies [Explanatory text] (p.36)	Modification agreed. The three paragraphs have been moved to include as	Paragraph 5.5.2 has been added as a paragraph in Explanatory text associated with Policy E7 (Foul Drainage and Water Supply):

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
the representation from Warwickshire County Council. (p.44)		explanatory text in association with relevant policies in relation to drainage matters.	<p><u>"All new developments must not exacerbate the already unsatisfactory foul water drainage system in Kineton which, for the majority of existing dwellings, is already at capacity and causes occasional unpleasant and unhygienic overflows"</u>.</p> <p>Paragraph 5.5.3 has been added as a paragraph in Explanatory text associated with Policy E5 (Flooding and Surface Water Drainage):</p> <p><u>"This policy aims to ensure that development does not make this unsatisfactory situation worse by requiring that appropriate mitigation measures are in place in a timely manner. Consideration should be given to the retention of land which can be used to slow down the flow of surface water and the creation of containment ponds"</u>.</p> <p>Paragraph 5.5.4 has been added as a paragraph in Explanatory text associated with Policy E5 (Flooding and Surface Water Drainage):</p> <p><u>"Flood risk management is the responsibility of the Environment Agency and the Lead Local Flood Authority (Warwickshire County Council). In the future, developers will be required to meet the national and local guidelines for Sustainable Drainage Systems (SUDS) as set out by SUDS Approval Bodies (SABs). An explanation of</u></p>



Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
			<u>Sustainable Drainage Systems is given in Appendix 3</u> ".
Consequential amendments will be needed. (p.44)	Section 5: Policies [Explanatory text] (p.36)	Modification agreed, for re-drafting purposes.	No further changes required other than those as set out in this schedule.
<b>Policy IN2 – Community Facilities:</b>			
Delete paragraphs 5.5.7 and 5.5.8 in their entirety. (p.45)	Section 5: Policies [Explanatory text] (p.37)	Modification agreed. The two policies quoted seek to introduce policy requirements through explanatory text, which is inappropriate.	Re-number Policy as IN1. Delete following paragraphs:  <del>5.5.7 School playing fields and sports facilities will be protected against loss or encroachment.</del>  <del>5.5.8 Any proposal which results in the loss of, or harm, to an existing community facility will be expected to demonstrate how that loss is mitigated i.e. through betterment or replacement.</del>
<b>Policy IN3 – Encouraging Safe Walking and Cycling:</b>			
Replace the words "All new development..." at the start of the policy with " <i>As appropriate, development...</i> " (p.45)	Section 5: Policies (p.37)	Modification agreed. As drafted, the policy applies to all development, which is regarded as unduly onerous.	First sentence of policy amended as follows:  <del>"All new</del> <i>As appropriate,</i> development must demonstrate how walking and cycling opportunities have been prioritised".

<b>Examiner's Recommendation (incl. page number in her report)</b>	<b>Section within draft NDP (incl. page no.)</b>	<b>SDC Decision and reason</b>	<b>New text or amendment to original text, as applicable</b>
Make it clear that speed limits are a community aspiration and not planning policy in paragraph 5.5.11 and place in a separately identified appendix or document. (p.45)	Section 5: Policies [Explanatory text] (p.38)	Paragraph 5.11 to be deleted. Speed limits are not generally regarded as a planning matter and should be deleted. The community could pursue this as a separate aspiration, should they wish.	Paragraph 5.5.11 deleted:  <del>"Research shows a direct correlation between vehicle speeds and the severity of accidents involving pedestrian and cyclists. Walking and cycling can be made safer and prioritised by reducing the speed limit in the village centre and residential areas to 20mph and 10mph past schools at drop off and pick up times".</del>
Consider altering the title of the policy to better reflect its scope as described in paragraph 5.5.12. (p.45)	Section 5: Policies [Explanatory text] (p.37)	Modification agreed. The supporting text makes it clear that routes are more than roads and footpaths and the title of the policy should be amended to reflect a wider remit.	Re-number as Policy IN2 and re-title:  " <u>Encourage Safe Use of Public Routes</u> ".
<b>Policy IN4 – Protecting and Enhancing Existing Green Open Spaces</b>			
Remove the word "existing" from the title of Policy IN4 and the first paragraph of Policy IN4 and paragraph 5.5.15. (p.46)	Section 5: Policies [Explanatory text] (p.38)	Modification agreed. There is no need to include the word 'existing' as this is self-evident and will change over time.	Re-number as Policy IN3 and re-title:  "Protecting and Enhancing <del>Existing</del> Green Open Spaces".  Amend first paragraph as follows:  " <del>Existing</del> <u>Green</u> open spaces will be protected and enhanced in order to ensure a suitable quantum and quality of recreational space is available for the residents of and visitors to the Neighbourhood Area"

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
Delete the second and third paragraphs of the policy. (p.47)	Section 5: Policies (p.38)	Modification agreed. The policy refers to Local Green Space (LGS), a designation introduced via the NPPF. However, the Plan did not seem to identify any areas that the community wish to designate as LGS. After seeking clarification, the PC informed the Examiner that it was their intention to designate 'Areas of Landscape Significance' and 'Public Open Space' as LGS, as identified on the 'Development Constraints map. However, the Examiner had no evidence to support any such designations and felt had no option but to recommend deletion of these paragraphs due to this lack of clarity/evidence. With no other evidence available, the LPA has no option but to agree with the deletion	Following paragraphs deleted:  <del>"Local Green Space designations will be used to ensure that important local pockets of green space as identified in the Development Constraints Map, whether private or public, will be protected from inappropriate development.</del>  <del>Proposals which result in the loss or partial loss of Local Green Space will not be supported".</del>

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
		of the paragraphs.	
Consequential amendments to the supporting text will be needed. (p.47)	Section 5: Policies [Explanatory text] (p.38)	Modifications agreed. Minor amendments to reflect the changes to the host policy as described above.	Paragraph 5.5.15 amended as follows: "Safeguarding <del>existing</del> green open spaces within the Settlement Area will ensure the delivery of a green corridor along both sides of these important arterial public routes".  Paragraph 5.5.17 amended as follows:  "The green areas identified <u>in the Development Constraints Map</u> are considered important spaces within the Settlement Area worthy of such protection".
<b>Policy IN5 – Highway Safety and Transport:</b>			
Check the cross-reference to Policy D8 to ensure it is still relevant as Policy D8 has been recommended for modifications. (p.47)	Section 5: Policies (p.38-39)	Modification agreed and achieved through the removal of reference to Policy D8 in criterion c).	Re-number as Policy IN4.  Amend criterion c) as follows:  "There is adequate off road parking to serve the development <del>in accordance with Policy D8;</del> "
Delete the references in the policy and the supporting text to the link road and include this as a community aspiration in a clearly differentiated section or separate document. (p.47)	Section 5: Policies (p.38-39)	Modification agreed. For consistence throughout the plan, removal of reference to a proposal that is classified as a community aspiration.	Final paragraph of Policy amended:  "In recognition of existing on-street parking problems in the village centre, any proposals which seek to increase the opportunity for off-road parking in or adjacent to the village centre will be supported. <del>In addition a link road between Warwick</del>

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
			<p><del>Road and Southam Road will be pursued."</del></p> <p>Paragraph 5.5.24 deleted:</p> <p><del>"The construction of a link road joining Warwick Road to Southam Road, will be actively promoted to provide some relief to the centre of the village. The safety of all road users is paramount. Applicants will be expected to demonstrate that safety is not compromised through their development proposals."</del></p>
<p>Make it clear in paragraph 5.5.18 that the claims about congestion and safety are opinions or add in the evidence which supports these claims. (p.47)</p>	<p>Section 5: Policies [Explanatory text] (p.39)</p>	<p>Modification as proposed by the PC is deemed by SDC to comply with the wishes of the Examiner and is acceptable.</p>	<p>First sentence of Paragraph 5.5.18 amended as follows:</p> <p>"Kineton has for many years been impacted by a confluence of vehicle routes that, <u>in the opinion of the Parish Council</u>, has caused serious <u>visible</u> vehicular congestion and safety issues."</p>
<p>Remove paragraph 5.5.23 from the Plan, but include this as a community aspiration in a clearly differentiated section or separate document if desired and provided the restriction on new development is removed. (p.48)</p>	<p>Section 5: Policies [Explanatory text] (p.39)</p>	<p>Modification agreed. This is clearly a community aspiration and should be removed to an appendix or separate section of the Plan and identified as such.</p>	<p>Paragraph 5.5.23 removed from Plan:</p> <p><del>"Surveys for the potential of a one-way system in Manor Lane, Kineton and in Little Kineton should be conducted to ease the traffic congestion before any new development is permitted."</del></p>
<p>Consequential amendments will be required. (p.48)</p>	<p>Section 5: Policies [Explanatory text] (p.39)</p>	<p>Modifications agreed, as set out above.</p>	<p>See above.</p>
<p><b>Site Specific Briefs:</b></p>			

<b>Examiner's Recommendation (incl. page number in her report)</b>	<b>Section within draft NDP (incl. page no.)</b>	<b>SDC Decision and reason</b>	<b>New text or amendment to original text, as applicable</b>
Change title of this section to "Site Specific Policies". (p.49)	Section 5: Policies (p.40)	Modification agreed. The title as drafted could potentially lead to confusion, as the four policies that follow allocate land. In the interests of clarity, the title should be changed to better reflect the scope of this section of the Plan.	Policy title amended to:  "Site Specific <del>Briefs</del> <u>Policies</u> "
Remove references to the emerging Core Strategy. (p.49)	Section 5: Policies (p.40-44)	Modification agreed. The Examiner felt that since there is a level of uncertainty about the CS, it would be preferable not to rely on an emerging document. There is no requirement to quote CS policies.	Strategic Objective amended to read:  "Kineton is designated as a Main Rural Centre in <del>Policy CS.15</del> of the Draft Core Strategy. As a Main Rural Centre, Kineton will play its part in meeting housing needs for the local area and the district. In order to achieve this role, the Neighbourhood Development Plan will provide for approximately <del>up to</del> <u>20011</u> dwellings <u>within the period of the Plan.</u> "
Ensure that all policies refer to the amended titled map. (p.49)	Appendices: Maps	Modification agreed. Policies SSB1 to SSB4 have all been amended to refer to the newly titled map.	Proposals map re-titled as follows:  " <u>Site Allocations and Safeguarded Land</u> "
<b>Policy SSB1 – Land to the north of Warwick Road:</b>			

<b>Examiner's Recommendation (incl. page number in her report)</b>	<b>Section within draft NDP (incl. page no.)</b>	<b>SDC Decision and reason</b>	<b>New text or amendment to original text, as applicable</b>
Replace the words "up to" in the first paragraph of the policy with the word " <i>approximately</i> ". (p.50)	Section 5: Policies (p.40)	Modification agreed. The wording as drafted imposes a cap on the amount of development which is not appropriate for neighbourhood plans to do, since it would not allow for the flexibility the NPPF seeks in responding to changing conditions or ensure the best use of land. This change is required in order to meet the Basic Conditions.	First paragraph amended to read:  "Residential development for <del>up to</del> <u>approximately</u> 78 dwellings will only be permitted on this site subject to compliance of the following identified site specific criteria:"
Delete criterion b) which reads: "The retention and long term preservation of the mature tree/s and hedgerow/s within the allocated site;" (p.50)	Section 5: Policies (p.40)	Modification agreed. This criterion is unnecessary given the overlap with policy E6 (as modified).	Criterion b) deleted:  <del>"The retention and long term preservation of the mature tree/s and hedgerow/s within the allocated site;"</del>
Delete criterion c) which reads: "This development will provide a link road between Warwick Road and Lighthorne Road". (p.50)	Section 5: Policies (p.40)	Modification agreed. A link road has been referred to throughout the Plan. Since there is little evidence in the Plan to consider this as anything other than a community aspiration, reference to it must be deleted.	Criterion c) deleted:  <del>"This development will provide a link road between Warwick Road and Lighthorne Road".</del>
Delete the final sentence of the policy which reads "Proposals	Section 5: Policies (p.40)	Modification agreed. There is no need to cross-	Final sentence of the policy deleted:

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
which fail to demonstrate compliance with the above criteria or conflict with other Policies within this Plan will not be permitted." (p.50)		reference other policies in the Plan as the Plan will be read as a whole.	<del>"Proposals which fail to demonstrate compliance with the above criteria or conflict with other Policies within this Plan will not be permitted."</del>
Check the deliverability of the site as defined on the map and take action as needed. (p.50)	Section 5: Policies (p.40)	Modification agreed.	No action required. Planning application subsequently submitted and approved for housing development.
<b>Policy SSB2 – Land to the south of Banbury Road:</b>			
Replace the words "up to" in the first paragraph of the policy with the word " <i>approximately</i> ". (p.51)	Section 5: Policies (p.41)	Modification agreed. The wording as drafted imposes a cap on the amount of development which is not appropriate for neighbourhood plans to do, since it would not allow for the flexibility the NPPF seeks in responding to changing conditions or ensure the best use of land. This change is required in order to meet the Basic Conditions.	Paragraph amended to read:  "Residential development for <del>up to</del> <u>approximately</u> 8 dwellings".



<b>Examiner's Recommendation (incl. page number in her report)</b>	<b>Section within draft NDP (incl. page no.)</b>	<b>SDC Decision and reason</b>	<b>New text or amendment to original text, as applicable</b>
Delete criterion a) which reads: "The retention and long term preservation of the mature tree/s and hedgerow/s within the allocated site;" (p.51)	Section 5: Policies (p.41)	Modification agreed. This criterion is unnecessary given the overlap with policy E6 (as modified).	Criterion a) deleted:  <del>"The retention and long term preservation of the mature tree/s and hedgerow/s within the allocated site;"</del>
Delete criterion b) which reads: "Access will only be permitted off Banbury Road". (p.51)	Section 5: Policies (p.41)	Modification agreed. There is little evidence to suggest why only access from Banbury Road would be acceptable but also it is unclear what alternative public highway the site could utilise, in any case.	Criterion b) deleted:  <del>"Access will only be permitted off Banbury Road".</del>
Delete the final sentence of the policy which reads "Proposals which fail to demonstrate compliance with the above criteria or conflict with other Policies within this Plan will not be permitted." (p.51)	Section 5: Policies (p.41)	Modification agreed. There is no need to cross-reference other policies in the Plan as the Plan will be read as a whole.	Final sentence of policy deleted:  <del>"Proposals which fail to demonstrate compliance with the above criteria or conflict with other Policies within this Plan will not be permitted."</del>
<b>Policy SSB3 – Land to the north east of Little Kineton:</b>			
Delete Policy SSB3 and all associated references. (p.52)	Section 5: Policies (p.42-43)	Modification not agreed. Based on additional evidence received from the landowner and the meeting with all parties held on 2 June 2016 at	Retain Policy SSB3 but with the following amendments:  "Residential development for <del>up to</del> <u>approximately 15</u> 10 dwellings will only be permitted on this site subject to compliance of the following identified site

Examiner's Recommendation (incl. page number in her report)	Section within draft NDP (incl. page no.)	SDC Decision and reason	New text or amendment to original text, as applicable
		<p>Kineton Village Hall, SDC considers that there is new evidence sufficient to overcome the Examiner's reasons for recommending its removal in her report. This is based on clarification of the site boundary and land ownership and confirmation there is no public right of way within the site. An application could be made to the LPA to discharge the existing s.52 agreement on the land and, without prejudice to the formal decision-making process, on balance it is felt that the land can be allocated with a reasonable expectation that the development will prove deliverable. It is considered the re-instatement of the policy would meet the basic conditions.</p>	<p>specific criteria:</p> <p>a) A landscaped buffer zone along the eastern and southern boundaries of the allocated site in order to preserve the setting of this sensitive aspect of the site and assist in assimilating the development into the natural environment;</p> <p><del>b) The retention and long term preservation of the mature tree/s and hedgerow/s within the allocated site;</del></p> <p><del>c) Access will only be permitted off Bridge Street, Little Kineton;</del></p> <p><del>d) b) Development will not be permitted to extend onto the Registered Battlefield Site.</del></p> <p><del>Proposals which fail to demonstrate compliance with the above criteria or conflict with other Policies within this Plan will not be permitted".</del></p>

<b>Examiner's Recommendation (incl. page number in her report)</b>	<b>Section within draft NDP (incl. page no.)</b>	<b>SDC Decision and reason</b>	<b>New text or amendment to original text, as applicable</b>
Other consequential amendments to the Plan and maps will be needed. (p.52)	Section 5: Policies [Explanatory text] (p.42-43) and Appendices: Maps	Modification not agreed. Site SSB3 to be re-instated. See explanation above and associated Cabinet report for officer's recommendation on this issue.	The associated maps have been amended to re-instate site SSB3.
<b>Policy SSB4 – Land adjacent to Walnut House, Little Kineton:</b>			
Replace the words "up to" in the first paragraph of the policy with the word " <i>approximately</i> " (p.52)	Section 5: Policies (p.44)	Modification agreed. The wording as drafted imposes a cap on the amount of development which is not appropriate for neighbourhood plans to do, since it would not allow for the flexibility the NPPF seeks in responding to changing conditions or ensure the best use of land. This change is required in order to meet the Basic Conditions.	Paragraph amended to read:  "Residential development for <del>up to</del> <u>approximately</u> 10 dwellings will only be permitted on this site subject to compliance of the following identified site specific criteria: "
Delete criterion b) which reads: "The retention and long term preservation of the mature tree/s and hedgerow/s within the allocated site". (p.52)	Section 5: Policies (p.44)	Modification agreed. This criterion is unnecessary given the overlap with policy E6 (as modified).	Criterion b) deleted:  <del>"The retention and long term preservation of the mature tree/s and hedgerow/s within the allocated site"</del>

<b>Examiner's Recommendation (incl. page number in her report)</b>	<b>Section within draft NDP (incl. page no.)</b>	<b>SDC Decision and reason</b>	<b>New text or amendment to original text, as applicable</b>
Delete the final sentence of the policy which reads "Proposals which fail to demonstrate compliance with the above criteria or conflict with other Policies within this Plan will not be permitted." (p.52)	Section 5: Policies (p.44)	Modification agreed. There is no need to cross-reference other policies in the Plan as the Plan will be read as a whole.	Final sentence deleted:  <del>"Proposals which fail to demonstrate compliance with the above criteria or conflict with other Policies within this Plan will not be permitted."</del>
<b>Appendices:</b>			
Undertake the amendments suggested by Warwickshire County Council in their representation. (p.53)	Appendices	Modification agreed.	WCC comments taken into account when considering Environmental Policies E5 and E7. Any new text has been set out in this schedule and included within Referendum version of the Plan.
Bind the appendices into the Plan. (p.53)	Appendices	Modification not agreed. The fact that the Appendices do not sit within the Plan itself does not lead the Plan to fail the Basic Conditions tests. There is no requirement for the appendices to be integral and the solution put forward by the PC is considered to be acceptable.	The associated Appendices are to remain as separate documents to the Plan itself.

<b>Examiner's Recommendation (incl. page number in her report)</b>	<b>Section within draft NDP (incl. page no.)</b>	<b>SDC Decision and reason</b>	<b>New text or amendment to original text, as applicable</b>
Bind the maps into the Plan. (p.53)	Appendices	Modification not agreed. The fact that the maps are enclosed as an Appendix to the Plan rather than sit within the Plan itself does not lead the Plan to fail the Basic Conditions tests. There is no requirement for these maps to be integral and the solution put forward by the PC is considered to be acceptable.	The associated maps are to remain as separate documents to the Plan itself.

**Assessment of the Neighbourhood Plan as a whole, against the three dimensions of sustainable development, as set out in the National Planning Policy Framework (NPPF):**

<b>Sustainable Development Role (NPPF)</b>	<b>Neighbourhood Development Plan's Contribution</b>
Economic	<p>The Neighbourhood Plan seeks to support the local economy through promotion of a viable mix of uses, including small businesses and tourist accommodation and through facilitating environmental improvements.</p> <p>If implemented these policies will have a positive impact on the local economy, safeguarding jobs and local services.</p>
Social	<p>The Neighbourhood Plan sets a framework that will help to support the achievement of sustainable social development.</p> <p>The Plan promotes a number of policies that look to support local services.</p> <p>The Plan looks to safeguard and promote improvements of locally important sites.</p> <p>Policies seek to promote the local distinctiveness of the area, and recognise locally important heritage assets. Transport policies seek to mitigate the negative impacts of the existing highways infrastructure, making roads a safer and more welcoming environment for pedestrians and cyclists.</p>
Environmental	<p>The Neighbourhood Plan sets out a set of policies that support environmental sustainability for the community.</p> <p>With Kineton and Little Kineton having Conservation Areas, the Plan has policies that look to protect, and where possible, enhance the natural environment for future generations which have a positive impact on the environmental sustainability of the plan.</p>

3.1 The District Council concurs with the view of the Examiner that:

- Subject to the modifications above, the Kineton Neighbourhood Plan meets the Basic Conditions set out in paragraph 2.12 above; and
- The referendum area should be coterminous with the neighbourhood area.

#### **4. Availability of Decision Statement and Examiner's Report (Regulation 18(2))**

This Decision Statement and the Examiners Report can be inspected online at:

[www.stratford.gov.uk/kinetonnp](http://www.stratford.gov.uk/kinetonnp)

And can be viewed in paper form at:

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