



DECISION STATEMENT

NEIGHBOURHOOD PLAN PROCEEDING TO REFERENDUM

1. Welford-on-Avon Neighbourhood Development Plan

1.1 I confirm that the Welford-on-Avon 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 October 2017.

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 that reads "JCP Careford". The signature is written in a cursive style with a horizontal line underneath the name.

John Careford,
Policy Manager (Planning and Housing)

2. Background

2.1 On 11 March 2013 Welford-on-Avon 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 between 28 March and 17 May 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 Welford-on-Avon Neighbourhood Area by way of approval of The Cabinet on 9 July 2013.

2.5 In accordance with Regulation 7 of The Regulations, the decision to designate the Welford-on-Avon 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 24 September and 6 November 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 at the end of August 2105 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 10 September and 23 October 2015 in accordance with Regulation 16 of The Regulations.

2.9 Dr Louise Brooke-Smith was appointed by the District Council to examine the Plan, and the Examination took place during October and November 2015. The Examiner's report was issued on 4 December 2015.

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, as set out 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/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
Overall Presentation and form of the Plan:			
The Plan should adopt Section and paragraph numbering for ease of referencing.	Various (throughout the Plan)	<i>Modification not agreed.</i> The proposed amendment was the Examiner’s preference, but was not a requirement to meet the Basic Conditions. The Qualifying Body chose not to add pagination to the NDP but officers are of the view that this modification is not necessary for the Plan to proceed to referendum. No impact on Basic Conditions test.	The referendum version does not include section and paragraph numbering.
All plans should be included at a scale where relevant details can be easily read.	Various (throughout the Plan)	<i>Modification agreed.</i> Various maps and Figures throughout the NDP have been created, replaced or modified in order to ensure they are of sufficient scale and quality to interpret the detail shown. Officers are satisfied the maps are now of	Certain maps and plans included within the NDP have been enlarged to improve legibility and to avoid ambiguity in interpretation. Other maps have been added to comply with modifications recommended by the Examiner.

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		an acceptable standard. No impact on Basic Conditions test.	
Relevant supporting information reflecting the evidence base should be cross referenced within the text and a comprehensive list of the evidence base should be included within the Appendices rather than only accessed remotely via a web site.	N/A	<i>Modification agreed.</i> The addition of Appendix 'C' assists the reader in understanding the basis for the policies set out in the NDP. Officers are satisfied the Examiner's wishes have been met in this regard. No impact on Basic Conditions test.	<u>Appendix 'C' – Evidence Base Index</u> has been added to the referendum version of the NDP. It includes lists and links to: Consultation documents; Welford-on-Avon Specific Information; Stratford-on-Avon District policy documents; Central Government policy documents and additional planning guidance; list of maps and figures and miscellaneous documents (historical environmental records, Strategic Flood Risk Assessments etc). Text has been improved throughout the NDP via additional reference to national and local plan policies and evidence base documents.
Consideration should be given to relocating the saved local plan and emerging core strategy policies references to an annex.	N/A	<i>Modification not agreed.</i> This NDP was examined prior to the Core Strategy having been adopted. The passage of time and the adoption of the Core Strategy has meant that the 'saved' policies of the Local Plan and the 'emerging' policies within the draft Core Strategy do not need to be added to an	Saved Local Plan and emerging Core Strategy Policies have not been referenced in an annex to the NDP.

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		annex of the Plan. No impact on Basic Conditions test.	
Foreword:			
<p>Given other comments [within the report] relating to housing policies, and to avoid ambiguity, the foreword should be updated to take into account the current position relating to the Core Strategy and distinguish between consented development within the village, on the village boundary and out in open countryside.</p>	Foreword (p.3)	<p><i>Modification agreed.</i></p> <p>The foreword to the Plan has been updated to take account of the passage of time and the subsequent adoption of the Core Strategy together with the up-to-date position in relation to housing commitments through recent planning permissions. Officers are satisfied that the revised wording is appropriate and meets the request of the Examiner. No impact on the Basic Conditions test.</p>	<p>Section of foreword relating to housing provision amended as follows:</p> <p><u>"Under SDC's Core Strategy there is a requirement to build a significant number of new dwellings in the District by 2031. The Core Strategy indicates that 700 homes would be allocated to Category 2 Local Service Villages (which includes Welford) with no more than around 12% to any one settlement. This equates to approximately 84 homes. As of November 2016, there have been successful applications to build 115 new homes in Welford-on-Avon, all of which are within the built-up area boundary.</u></p> <p><u>Whilst the Parish Council does not wish to rule out more new housing through the Plan Period, we believe strongly that – for reasons of sustainability – future applications for new housing must conform to the specific policies set out in the Welford Plan (as well as those in SDC's own Core Strategy). Also for reasons of sustainability, the Parish Council is keen to ensure that - going forward - Welford-on-Avon can boast excellent infrastructure and services</u></p>

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			<u>within both the village and surrounding countryside</u> ".
Introduction:			
3rd and 4th paras – A Local Plan is one document that comprises the Development Plan for an area. The introductory section confuses reference to 'Local and Development Plans' and it is suggested that a consistent approach is taken.	'What is a Local Plan?' (p.6)	<i>Modification agreed.</i> The paragraph in question has been amended for clarification purposes. Officers are content with change. No impact on the Basic Conditions test.	Paragraphs 3 and 4 deleted and replaced with the following text: <u>"A Local Plan is one document that makes up the Development Plan for the area. The Local Plan for Stratford-on-Avon District is the Core Strategy. SDC has prepared a Core Strategy for the period 2011 – 2031 which was adopted on 11th July 2016"</u> .
Page 6, last paragraph – Basic Conditions do not stipulate that any NDP needs to be in general conformity with an emerging Plan. This needs to be expressed accordingly.	'Basic Conditions' (p.6)	<i>Modification agreed.</i> The paragraph has been amended for clarification, given the passage of time and the subsequent adoption of the Core Strategy. Officers are content with change. No impact on the Basic Conditions test.	Paragraph revised to read: "The basic conditions stipulate that the Neighbourhood Plan has to be in general conformity with both the current Local Plan for the area (SDC Local Plan Review 1996–2011) and the emerging Local Plan, particularly its Core Strategy."
A comprehensive list of the evidence base for the Plan could be included either within an additional Appendix or set out as part of the introductory sections to each of the four	N/A	<i>Modification agreed.</i> The addition of Appendix 'C' assists the reader in understanding the basis for the policies set out in the	The evidence base documents associated with the NDP are now listed in new Appendix C.

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policy areas. At present the evidence base is only set out on the Plan web page and is not easy to follow.		NDP. Officers are satisfied the Examiner's wishes have been met in this regard. No impact on Basic Conditions test.	
Vision and Objectives:			
I query Objective 12, with respect to river and surface water flooding. This has been addressed in part through policies HE9 and INF2 and so the LPA may wish to liaise with the QB so this can be acknowledged.	Plan Objectives (p.10)	<i>Modification agreed.</i> The QB and SDC officers agree with the Examiner that this objective has been adequately addressed through policies in the NDP and does not need to be quoted as an objective listed in the Plan as a 'project' to be delivered "under the auspices of Welford-on-Avon Parish Council".	Objective 12 has been deleted. "River and surface water flooding will have been controlled".
A. Heritage and Environment:			
Addition of reference to specific evidence base documents that support this policy area that could be listed in an Appendix.	N/A	<i>Modification agreed.</i> The addition of Appendix 'C' assists the reader in understanding the basis for the policies set out in the NDP. Officers are satisfied the Examiner's wishes have	The evidence base documents associated with the NDP are now listed in new Appendix C.

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		been met in this regard. No impact on Basic Conditions test.	
The reference to the extent of support for Heritage and Environment policies should be qualified by the addition of '...as presented at that time'	Page 11, para 1	<p><i>Modification agreed.</i></p> <p>The Examiner considered that the policies subject to consultation at that stage have since been the subject of modification and she felt it was therefore misleading to state the degree of support for the policies presented in this section. She also considered it appropriate to confirm that the results were a 'snapshot' in time. Officers agree with this modification. No impact on the Basic Conditions test.</p>	<p>Final sentence of the first paragraph of the Heritage and Environment section amended to read:</p> <p>"The consultation on 6th April 2014 on the initial Welford Plan policies demonstrated over 95% <u>overwhelming support for all the proposed Heritage and Environment policies as presented at that time</u>".</p>
Policy HE1 – Important Views:			
While I consider that the emerging Core Strategy policies are relevant and that the policy in general reflects Section 11 of the NPPF, I consider that this policy as written cannot be considered precise and is	Heritage & Environment (p. 12)	<p><i>Modification not agreed.</i></p> <p><u>Summary of amendments to Examiner's modifications:</u></p> <ul style="list-style-type: none"> • Replacement of 'or' with 'and' in first line. 	<p>Policy HE1 amended as follows:</p> <p><u>"When considering new development proposals in and around the village of Welford-on-Avon, weight full consideration will be given to the protection of the important views listed below and indicated identified on the map at Figure 5:</u></p>

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<p>potentially overly restrictive and thus does not contribute to achieving sustainable growth. To enable it to more appropriately reflect other policies within the NP and the Basic Conditions, I consider it should be modified as follows;</p> <p>"When considering new development proposals in or around the village of Welford on Avon, weight will be given to the protection of the views listed below, and indicated on the map at figure (.....).</p> <p>Such weight will be proportionate to the need for development, that the Development Plan shows to be required.</p> <p>Impact on the views identified should be addressed by any applicant in the form of appropriate landscape and visual impact assessments and, where necessary, accompanied by mitigation proposals.</p>		<ul style="list-style-type: none"> • 'Full consideration' was originally added as replacement for 'weight'. However, officers subsequently removed the word 'full' following receipt of a third party representation to Reg.17A consultation. • The word 'important' was inserted, when discussing the views. • Replacement of 'indicated' with 'identified' • Examiner's proposed sentence beginning 'Such weight will be proportionate to...' was not included. • Addition of View titles A, B, C, D and E for cross-reference with new Figure 5. • View north from public road on Rumer Hill removed at request of PC. <p><u>Justification for amendments</u></p>	<p>The important views around the parish will be protected by resisting development that will be obtrusive by virtue of its shape, size or material. The following are to be protected:-</p> <ul style="list-style-type: none"> • View <u>A</u>: towards St Peter's Church and over the village from Cress Hill • View <u>B</u>: downstream from Binton Bridges • View C: Views over the Glebe Lands towards St Peter's Church and the river • View D: Views north-west from the Milcote Road towards Welford and Weston villages. Views north from the public road on Rumer Hill towards Welford village • View <u>E</u>: south from the crest of the public road on Rumer Hill to the southern boundary of the parish towards Long Marston and the Cotswolds <p>These specific locations and precise direction of important views can be found on the Parish Council and project team websites.</p> <p><u>The impact on the views identified should be addressed by any applicant in the form of appropriate landscape and visual impact assessments and, where necessary, accompanied by mitigation proposals."</u></p>

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<ul style="list-style-type: none"> • View towards St Peter's Church and over the village from Cress Hill • View downstream from Binton Bridges • Views over the Glebe Lands towards St Peter's Church and the river • Views north-west from the Milcote Road towards Welford and Weston villages. • Views north from the public road on Rumer Hill towards Welford village • View south from the crest of the public road on Rumer Hill to the southern boundary of the parish towards Long Marston and the Cotswolds" 		<p>The Examiner's concern related to the ambiguity of the policy as originally drafted. The amendments to the Examiner's modifications have been put forward to better reflect the equal consideration that should be given in the assessment of potential harm to each of the protected views as set out in the NDP. Given each view is to be treated equally in this regard, it was not considered necessary to specify the requirement of 'proportionality' between differing development proposals in differing locations.</p> <p>It is therefore proposed that these additional amendments be incorporated in the policy. Officers consider the policy will still meet the basic conditions with these amendments and are acceptable in this regard. The bullet point relating to</p>	

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		<p>the view from Rumer Hill has been deleted at the request of the Parish Council, since it was discovered not to be a public view. The LPA concur that this is the correct course of action.</p> <p>The decision to delete the word 'full' in the original change to 'full consideration' to the protection of the views listed in the policy was taken following a third party representation criticising the amendment for being too restrictive.</p>	

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[The policy] needs to be supported by the addition of a map indicating the position of the 6 views specifically highlighted and confirmation that these are public views.	N/A	<i>Modification agreed.</i> The number of important views has been reduced from 6 to 5 at the request of the Qualifying Body after consideration of the Examiner's report. These 5 remaining views have been added to a map (Figure 5) on p.16 of the Referendum version of the NDP. Officers are content the map fulfils the Examiner's wishes and is acceptable.	Figure 5 'Important Views' added to compliment Policy HE1 (p.16 of the referendum version NDP).
Policy HE2 – Important Green Spaces:			
As presented HE2 is not considered compliant with the Basic Conditions and should be deleted unless it can address the following; <ul style="list-style-type: none"> • the supporting text needs to explain how the various sites have been the subject of assessment further to para 77 of the NPPF • confirmation of which sites benefit from formal 	Heritage & Environment (p. 13)	<i>Modification not agreed.</i> <u>Summary of amendments:</u> <ul style="list-style-type: none"> • Policy title amended to more appropriate wording • Submission of additional evidence by QB in order to support retention of LGS designations • Associated map now Figure 6, not Figure 5. • Deletion of Shakespeare's 	Policy amended to read as follows: Policy HE2 – Important <u>Local</u> Green Spaces "The following areas (including their flora and fauna) are of particular importance to the local community and are designated as Local Green Spaces: <ul style="list-style-type: none"> • LGS1 - Cress Hill and Shakespeare' • LGS2 - The Permissive Path across the Glebe Lands (including the SSSI 'Welford Field') <u>from Synder Meadow to the gate at the bottom of Boat</u>

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<p>registration as village greens</p> <ul style="list-style-type: none"> • full explanation of how sites LGS1, LGS2 and LGS7 comply with NPPF para 77. Without this, these proposed Local Green Spaces should be deleted from the policy. • figure 5 should be replaced by a map that is fully and accurately annotated and presented at a suitable scale to indicate proposed Local Green Spaces and not confuse these with other designations. 		<p>Avon Way from site LGS1</p> <ul style="list-style-type: none"> • Tighter description of land associated with site LGS2 • Deletion of LGS5 re: highway verges in the Conservation Area and re-numbering of subsequent areas for designation • More detailed description of the areas of land to be designated along Shakespeare's Avon Way at site LGS6 (as amended) • Listing Synder Meadow as a specific site designation and removal of large 'Glebe Lands' designation • Associated amendments to LGS map (Figure 6) <p><u>Justification for amendment:</u></p> <p>The Examiner confirmed that the Policy as originally drafted did not meet para 77 of the NPPF and should be deleted unless modified as</p>	<p><u>Lane.</u></p> <ul style="list-style-type: none"> • LGS3 - Millennium Project to the north of the River Avon at Binton Bridges • LGS4 Village Greens at: <ol style="list-style-type: none"> 1. Maypole Green 2. 'The Greens' in Boat Lane and Church Street 3. 'The Pound' to the south of the Churchyard at the junction of Boat Lane and Church Street 4. 'Bell Green' at the junction of Church Street and High Street 5. 'Bird Green' in Long Marston Road • LGS5 – Verges in the Conservation Area <u>Islands in the River Avon abutting Binton Bridges</u> • LGS6 – Islands in the River Avon abutting Binton Bridges <u>the following sections of land forming part of and adjacent to the Shakespeare's Avon Way:</u> <ol style="list-style-type: none"> 1. <u>The strip of land delineated on Figure 6 which runs from the bottom of Mill Lane to Cress Hill including footpath SD26</u> 2. <u>Footpath SD27b which runs from the High Street to Duck Lane</u> 3. <u>The strip of land delineated on Figure 6 which runs from the end of Duck Lane to the parish boundary with Weston on Avon including footpaths SD27 and SD336</u> • LGS7 – Shakespeare's Avon Way from Bell Green to the Parish boundary with Weston on Avon <u>Synder Meadow</u>

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		<p>set out in her report.</p> <p>The QB supplied additional information as justification for the retention of the policy for the LPA to consider. Officers are of the opinion that the modifications suggested by the Examiner have been implemented by the Parish Council. Officers further consider that the LGS proposed through the revised Policy HE2 comply with para's 76 and 77 of the NPPF. As such, officers are of the opinion that the policy as amended can remain in the Plan and now complies with National and Local Plan policy and also is compliant with the Basic Conditions.</p> <p>The revised map at Figure 6 has also been amended to show much tighter boundaries for those LGS designations retained in the Plan. The justification and explanatory text for each of</p>	<p>Development on the Local Green Spaces designated in the Welford Plan will only be permitted under 'very special circumstances' (NPPF: para 76) where the benefits of the development clearly outweigh any harm.</p> <p>The sensitive management of these areas will be actively encouraged.</p> <p>The <u>precise locations and</u> boundaries of the Local Green Spaces are shown in Figure 5 <u>6</u>".</p>

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		the LGS sites proposed through the Plan has also been amended to take greater note of para 77 of the NPPF.	
Policy HE3 – Development which impacts Local Green Spaces:			
<p>If policy HE2 is modified as indicated above and remains in the Plan, I recommend that Policy HE3 is modified as follows;</p> <p>“Development on any Local Green Space, as identified in Policy HE2, will only be supported in very special circumstances.</p> <p>Development in the immediate vicinity of any designated Local Green Space will be encouraged to show how it enhances the character or setting of that Local Green Space”.</p>	<p>Heritage & Environment (p. 15)</p>	<p><i>Modification not agreed.</i></p> <p><u>Summary of amendments:</u></p> <ul style="list-style-type: none"> • Replacement of ‘encouraged’ with ‘expected’ in second paragraph. <p><u>Justification for amendment:</u></p> <p>The Examiner requested the modification to give a more proactive approach to the policy. However, the amendment proposed by the Examiner was not required in order to meet the Basic Conditions tests. It is considered that the word ‘encourage’ as proposed by the Examiner is overly</p>	<p>Replace policy to read as follows:</p> <p>“Development will only be supported if it does not in any way detract from the character or setting of any Local Green Space as designated in Policy HE2. Development on any Local Green Space, as identified in Policy HE2, will only be supported in very special circumstances.</p> <p><u>Development in the immediate vicinity of any designated Local Green Space will be encouraged expected to show how it enhances the character or setting of that Local Green Space”.</u></p>

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		<p>flexible and would undermine the aim and purpose of the policy, although the thrust of the modification is understood.</p> <p>The alternative wording has been suggested in order to ensure consistency in terms of interpretation of the policy and emphasises the importance of protecting the LGS designations. Officers consider the amendment would be appropriate and its inclusion would not lead to the Policy failing the Basic Conditions test.</p>	
Policy HE4 – The Conservation Area and other Heritage Assets:			
<p>There is inconsistency in terms of referring to heritage assets and listed buildings. As written, there is no explanation as to whether the listed buildings highlighted in Fig 6 are statutorily listed or benefit from any form of local listing. Furthermore, the policy doesn't</p>	<p>Heritage & Environment (p. 16)</p>	<p><i>Modification not agreed.</i></p> <p><u>Summary of amendments:</u></p> <ul style="list-style-type: none"> '...is also encouraged...' was changed to '...will also be expected...' but was subsequently 	<p>Policy amended to read as follows:</p> <p>"Development within or adjacent to the <u>Welford-on-Avon Conservation Area</u> and/or <u>comprising a heritage asset</u> or within the setting of a <u>listed building heritage asset</u>, will be supported providing it <u>conserves or enhances the Conservation Area or heritage asset.</u></p> <p>• Conserves or enhances the positive attributes</p>

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<p>appear to apply to development that directly involves a heritage asset. I recommend the policy is modified as follows:</p> <p>"Development within or adjacent to the Welford on Avon Conservation Area, and/or comprising a heritage asset or within the setting of a heritage asset, will be supported providing it conserves or enhances the Conservation Area or heritage asset.</p> <p>New development proposals will need to accord with national guidance and statutory regulations but is also encouraged to reflect the Stratford on Avon Design Guide, or equivalent superseding document".</p>		<p>changed to `...should also...' following third party representation.</p> <p><u>Justification for amendment:</u></p> <p>The Examiner requested the modification to give a more proactive approach to the policy. However, the proposed amendments were not required in order to meet the Basic Conditions tests. It was considered that the word 'encourage' as proposed by the Examiner is overly flexible and would undermine the aim and purpose of the policy. An alternative form of wording was suggested in order to ensure consistency in terms of interpretation of the policy and emphasise the importance of protecting heritage assets through adherence to good design principles. Following third party representation at Reg.17A criticising the change for being too</p>	<p>of the heritage asset;</p> <ul style="list-style-type: none"> • Has no negative impact on the character, setting, views, vistas and street scene of the heritage asset; • Is in conformity with the Stratford on Avon District Design Guide; and • Fully supports the protection of listed properties through consultation with their beneficial owners and Stratford on Avon District Council. <p>Development in close proximity to other heritage assets will be required to have regard to their setting and significance, and be designed such that there is no adverse impact on these assets</p> <p><u>New development proposals will need to accord with national guidance and statutory regulations but should also reflect the Stratford-on-Avon District Design Guide, or equivalent superseding document.</u></p>

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		restrictive, officers have presented a further amendment that better reflects the non-statutory nature of the DDG. Officers consider the additional change is appropriate and would not lead to the Policy failing the Basic Conditions tests.	
<p>I suggest the supporting text could be clearer and set out suggested text, below:</p> <p>"National policy guiding development within a Conservation Area or affecting a heritage asset is covered in NPPF Para 126-135. Development proposals should conserve and enhance the character of a Conservation Area, and sustain and enhance the significance of heritage assets.</p> <p>Development proposals are encouraged to achieve the highest design standards as reflected in Core Strategy</p>	<p>Heritage & Environment (p. 16)</p>	<p><i>Modification agreed.</i></p> <p>The explanatory text as originally drafted was confusing as it referred to matters such as trees and design that are not covered in the policy itself and there was inconsistency in terms of referring to heritage assets and listed buildings.</p> <p>Officers agree that the text suggested by the Examiner brings greater clarity to the recognition of heritage assets in the planning system and the amended text has been included in the referendum NDP verbatim. The</p>	<p>Additional supporting text as per Examiner's recommendation:</p> <p><u>"National policy guiding development within a Conservation Area or affecting a heritage asset is covered in NPPF Para 126-135. Development proposals should conserve and enhance the character of a Conservation Area, and sustain and enhance the significance of heritage assets.</u></p> <p><u>Development proposals are encouraged to achieve the highest design standards as reflected in Core Strategy policies, the Welford Plan Housing and Land Use (HLU) policies and the Stratford on Avon District Design Guide or equivalent superseding document.</u></p> <p><u>Fig 6 7 illustrates the extent of the Welford on Avon Conservation Area and heritage assets within and in the immediate vicinity of the</u></p>

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<p>policies, the Welford Plan Housing and Land Use (HLU) policies and the Stratford on Avon District Design Guide or equivalent superseding document.</p> <p>Fig 6 illustrates the extent of the Welford on Avon Conservation Area and heritage assets within and in the immediate vicinity of the village. These include a number of statutorily listed buildings”.</p>		<p>associated map has had the Figure number changed from 6 to 7 to reflect the fact that an additional map has been added to policy HE1.</p> <p>There is no impact on the Basic Conditions test.</p>	<p><u>village. These include a number of statutorily listed buildings”.</u></p>
<p>Policy HE5 – Open Countryside:</p>			
<p>Amend policy to read:</p> <p>“Development in the open countryside, lying beyond the Welford on Avon Built Up Area Boundary, is encouraged to recognise and respect the character and beauty of the area.</p> <p>Subject to landscape quality considerations, development will be supported if it;</p>	<p>Heritage & Environment (p. 18)</p>	<p><i>Modification not agreed.</i></p> <p>Summary of amendments:</p> <ul style="list-style-type: none"> • Replacement of first paragraph with alternative wording • Addition of ‘...ecological and heritage...’ to second paragraph • Retention of final paragraph of policy as originally drafted re: policy HE6 	<p>Policy amended to read:</p> <p>“Open countryside is everywhere outside the built up area boundary (see Figure 8) and will in principle be protected for its intrinsic character and beauty. Development in the open countryside will be supported providing it:</p> <p><u>The intrinsic character and beauty of the open countryside lying outside the Welford-on-Avon Built up Area Boundary should be preserved. Subject to satisfying landscape quality, ecological and heritage considerations, development will be supported if it;</u></p>

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<ul style="list-style-type: none"> • is a brownfield site; or contributes to the local economy; or • is for the reuse or extension of an existing building; or • is for sport and recreation; or • is for a new isolated dwelling where there are special circumstances such as the need for a rural worker to be close to their place of work; or • is a single dwelling of exceptional quality and design making a positive contribution to the character of the local area". 		<ul style="list-style-type: none"> • Creation of Figure 8 'Welford/Weston Buffer' to be read in association with policies HE5 and HE6 • Replacement of 'protected' with 'preserved' <p><u>Justification for amendments</u></p> <p>The Examiner's modifications were to overcome inconsistencies in the policy and overcome elements of overly restrictive protection. The proposed amendment to the policy follows the Examiner's recommendations in general, with some minor changes.</p> <p>The main change relates to altering the emphasis of assessing potential harm to the character and beauty of land outside the built-up-area boundary. The Reg.17A consultation suggested replacing 'recognise and respect' with 'protect',</p>	<ul style="list-style-type: none"> • is a brownfield site; or • contributes to the local economy; or • is for the reuse or extension of an existing building; or • is for sport and recreation; or • is for a new isolated dwelling where there are special circumstances such as the need for a rural worker to be close to their place of work; • or is a single dwelling of exceptional quality and design making a positive contribution to the character of the local area. <p>Any such development should not cause demonstrable harm to:</p> <ul style="list-style-type: none"> • landscape quality; • sites of ecological value; • Scheduled Monuments and other sites of archaeological interest. <p><u>The specific area of open countryside between Welford-on-Avon and Weston-on-Avon is covered by policy HE6".</u></p>

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		<p>subject to the criteria set out in the policy. The other proposed changes looked to reflect the need to consider ecological and heritage assets when assessing landscape character and clearly indicate the gap to be protected between the two settlements.</p> <p>A third party representation to the Reg.17A consultation criticised the inclusion of the word 'protect' as being too restrictive and in effect reversing the Examiner's recommendation and leaving the policy inconsistent with the NPPF.</p> <p>Upon consideration, officers agree that 'protect' is too restrictive and have suggested an alternative of 'preserve' which is deemed to allow more flexibility in assessing the impact of individual development schemes on the character</p>	

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		<p>and beauty of the countryside. Officers are of the view that this change meets the provisions of the NPPF.</p> <p>A further representation felt that the existing caravan sites to the south of the village should be included within the built-up area boundary. SDC have been consistent in their approach in not including caravan sites within settlement boundaries in previous Local Plans due to the use of the site in planning terms. This assessment approach remains and officers do not consider caravan sites should be included within the built-up area boundary of settlements.</p> <p>Officers consider the further changes proposed to the policy are not so significant that they fundamentally alter the thrust of the Examiner's</p>	

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		original modification as set out in the referendum version NDP. It is considered the additional changes are appropriate and the policy would meet the Basic Conditions test.	
An OS based map needs to be presented at an appropriate scale to accurately indicate the built extent of the village and include all known consented development sites. I consider Fig 8 to be too confusing and not appropriate to allow Policy HE5 to be read and understood easily.	Figure 8 (p.34)	<i>Modification agreed.</i> Officers agreed with the Examiner that the map was not of an appropriate scale to accurately interpret the built-up area boundary and did not take account of commitments. Officers have worked with the QB to produce an appropriate map indicating the settlement boundary taking account of up-to-date information on recent planning consents in order to comply with the Examiner's proposed modification.	Figure 8 (Welford-on-Avon Key Locations and Built-Up Area Boundary in 2012) in the Submission Version NDP has been deleted and replaced with Figure 11 (Welford-on-Avon Built-Up Area Boundary) in Referendum Version NDP and produced at full page A4 for purposes of accurate interpretation.
Policy HE6 – Gap Between Welford and Weston:			

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<p>Amend policy to read:</p> <p>"Development beyond the built up boundary of Welford on Avon which results in the reduction of the gap with Weston on Avon, as indicated on the map at Figure (...) will be resisted, unless the proposals comply with Policy HE5 and specifically allow for the preservation of the identity and integrity of the two settlements".</p>	<p>Heritage & Environment (p. 19)</p>	<p><i>Modification Agreed.</i></p> <p>The intent of this policy was understood by the Examiner, but her concern was that as written it was vague and introduced an extreme protection. Additionally, no clear indication of the area in question had been presented in the Plan.</p> <p>The Examiner considered that this policy did not contribute to the achievement of sustainable development and recommended it should be deleted unless it was modified and supported by a OS based map clearly indicating the area in question.</p> <p>Officers agreed with the Examiner and the policy has been amended as per the Examiner's modification. The QB produced a map listed as Figure 8 in the Referendum</p>	<p>Policy amended as follows:</p> <p>"Development outside <u>beyond</u> the built up area boundary of Welford-on-Avon which results in the reduction of the gap with Weston-on-Avon <u>as indicated on the map at Figure 8 will not be supported</u> <u>be resisted, unless the proposals comply with Policy HE5 and specifically allow for the preservation of the identity and integrity of the two settlements</u>".</p>

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		<p>version of the NDP indicating the 'buffer zone' between the two settlements.</p> <p>It is therefore considered that the policy as amended meets the Basic Conditions test.</p>	
Policy HE7 – Landscape Design:			
<p>If Policy HE7 is to remain within the Plan, the following modifications are suggested to the policy to allow it to be compliant;</p> <p>"Where relevant, given its scale and nature, new development will be encouraged to have regard to existing mature trees and support the planting of new trees and shrubs, further to the guidance within the Stratford on Avon District Design Guide or subsequent equivalent document. Particular encouragement is given to the use of natural hedging".</p>	<p>Heritage & Environment (p. 20)</p>	<p><i>Modification agreed, with one further amendment.</i></p> <p><u>Summary of amendments:</u></p> <ul style="list-style-type: none"> • Second paragraph added, which was originally the first paragraph associated with policy HLU4 [Footpaths and Cycle Ways] as set out in the Submission version NDP <p><u>Justification for amendment:</u></p> <p>The Examiner's recommended modifications were to overcome the overly prescriptive and restrictive nature of the policy's drafting</p>	<p>Policy re-written as follows:</p> <p>"Development must:</p> <ul style="list-style-type: none"> • Preserve the existing mature tree population and support the planting of new trees and shrubs as defined in the Stratford on Avon District Design Guide; • Use natural hedging in preference to timber based panel or board fencing or any solid walls for boundaries and • Ensure that landscape aspects of a development proposal form an integral part of the overall design." <p><u>"Where relevant, given its scale and nature, new development will be encouraged to have regard to existing mature trees and support the planting of new trees and shrubs, further to the guidance within the Stratford on Avon District Design</u></p>

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		<p>and were deemed necessary in order to comply with National and Local Plan Policy. These amendments were accepted for the reasons subscribed.</p> <p>The paragraph proposed to be added here was originally part of Policy HLU4 in the submission version of the Plan. The Examiner did not deem this paragraph to be inappropriate and indeed, has been retained in this policy (re-numbered HLU3 in the Referendum version). The Parish Council felt this paragraph would also be appropriate within Policy HE7 and officers agree that this additional text would be appropriate and its inclusion would not lead to the Policy failing the Basic Conditions tests.</p>	<p><u>Guide or subsequent equivalent document. Particular encouragement is given to the use of natural hedging.</u></p> <p><u>Development sites that abut public rights of way, including footpaths and/or cycle ways, are encouraged to use natural hedging as a boundary treatment in order to enhance the environmental and public amenity of these paths."</u></p>

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<p>The text accompanying Policy HE8 should also be amended to read as follows:</p> <p>"Welford on Avon is blessed by a rich diversity of mature trees which provide a rich backdrop to the village and its street scene. The advice of the SDC Tree Office is encouraged to be sought as part of the planning application process where such trees may be affected".</p> <p>The text under Tree Planting paragraph should omit the last two sentences from; "Sufficient land.....interested parties".</p> <p>The text under the Tree Preservation paragraph is overly prescriptive and refers to technical detail that may not always be appropriate. Generally these matters would be covered by conditions attached to any formal consent and hence the text as written does not need to be set out in the NP. Hence this paragraph</p>	<p>Policy HE7 Explanatory Notes (p.20)</p>	<p><i>Modifications agreed.</i></p> <p>The Examiner stated that the accompanying supporting text was rigid and addressed matters that would normally be covered through standard conditions attached to planning permission for relevant forms of development. Furthermore, there was no reference to relevant sections of the evidence base.</p> <p>The alternative wording suggested by the Examiner was deemed to be appropriate by officers and has been included in the Referendum version of the Plan.</p> <p>This policy is deemed to comply with the Basic Conditions test.</p>	<p>Explanatory notes associated with Policy HE7 amended as follows:</p> <p>"Welford-on-Avon is blessed by a rich diversity of mature trees which provide a rich backdrop to the village and its street scene. The advice of the SDC Tree Officer must always <u>is encouraged to</u> be sought as part of the planning application process where such trees may be affected.</p> <p>Tree Planting</p> <p>Tree planting schemes should be an essential pre-requisite for all new building developments as part of sustainable development. These tree planting schemes should incorporate species approved by SDC. Sufficient land to provide appropriate space for these trees is to be provided by the developer. The trees are to be maintained for a period of 5 years at the expense of the developer, landowner or resident as agreed in advance between the interested parties.</p> <p>Tree Preservation</p> <p>Where development is agreed great care is to be taken to ensure that existing mature trees are retained. Should it be agreed that a mature tree is to be removed the developer is to plant semi-</p>

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should be deleted.			<p>mature trees (minimum girth 20cm measured 1m above ground BS3936-1). The species must be approved by SDC and be planted on sites to be provided by the developer or at the Parish Council's discretion.</p> <p>This policy is also supportive of HLU7 6 where the built environment blends with the agricultural/rural surroundings of the village".</p>
Policy HE8 – Allotments:			
<p>I consider [this policy] needs minor modification to remove ambiguity and it needs to be supported by a map indicating the location of the allotments in question.</p> <p>Accordingly, I recommend Policy HE8 is modified as follows;</p> <p>"Development that enhances the use of the allotments in Headland Rd, as indicated on the accompanying map at figure (...) will be supported.</p> <p>Any other development at the site that detracts from its use as</p>	<p>Heritage & Environment (p. 21)</p>	<p><i>Modification not agreed.</i></p> <p><u>Summary of amendments:</u></p> <ul style="list-style-type: none"> • Removal of the words 'Any other' to begin the policy <p><u>Justification for amendment:</u></p> <p>The modification proposed by the Examiner was a recommendation only, not a requirement to meet the Basic Conditions. Officers do not consider the words 'any other' in the second paragraph are necessary to describe what would be</p>	<p>Policy amended to read as follows:</p> <p>"Development that enhances the use of the <u>current site allotments in Headland Road as allotments as indicated on the accompanying map at Figure 9</u> will be supported.</p> <p><u>Any other Development at the site that detracts from its use as allotments will not be supported be resisted</u> unless:</p> <ul style="list-style-type: none"> • <u>Replacement provision (including the provision of associated facilities) of at least equivalent land quality, condition and area is made available, and is located at reasonable convenience for the existing plot holders it provides for suitable replacement land and/or facilities of at least equivalent quality and</u>

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<p>allotments, will be resisted unless;</p> <ul style="list-style-type: none"> • it provides for suitable replacement land and/or facilities of at least equivalent quality and condition for existing and/or future plot holders, or • clear and significant social, economic and or environmental community benefits would be derived from the proposal <p>Agreement for any development proposal needs to be secured from the Shorthouse Bidston Allotment Trust".</p>		<p>deemed unsuitable uses at the allotments and as such can be removed without altering the emphasis or thrust of the policy. As such, officers are of the opinion that the policy meets the Basic Conditions with the additional changes proposed.</p> <p>The addition of Figure 9 is considered by officers to adequately conform to the Examiner's request to include an appropriate map of the existing allotments in the village.</p>	<p><u>condition for existing and/or future plot holders; or</u></p> <ul style="list-style-type: none"> • clear and significant social, economic and <u>or</u> environmental community benefits would be derived from the proposal; and <p><u>Agreement is given for any development proposal needs to be secured by the</u> from the Shorthouse Bidston Allotment Trust".</p> <p>Additionally, Figure 9 (a map showing the location of the allotments in the village) has been added to the Referendum Version of the NDP at p.26.</p>
Policy HE9 – Flood Plain:			

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<p>The intent of the policy is understood and relevant references have been included within the justification text. However, I concur with comments issued during the consultation period with respect to an amendment to its title and recommend a minor change to its drafting as follows:</p> <p>Title changed to 'Fluvial Flood Risk'</p> <p>"Encouragement is given to proposals for fluvial management which reduce the risk of flooding in Flood Zones 2 and 3 as indicated on the map at Fig (7). Proposals are encouraged to include appropriate landscaping.</p> <p>New or replacement development within these flood zones will be resisted unless it;</p> <ul style="list-style-type: none"> • is demonstrably neutral or beneficial to the capacity of these flood zones, 	<p>Heritage & Environment (p. 22)</p>	<p><i>Modification not agreed.</i></p> <p><u>Summary of amendments:</u></p> <ul style="list-style-type: none"> • Removal of 'Fluvial' from policy title • Change of emphasis of first paragraph from one of 'encouragement' to one of 'support' subject to appropriate measures • Deletion of 'new or replacement' in second paragraph • Splitting bullet point 2 into 2 separate bullet points • Omission of bullet point 3 • Amendment to Figure number to which the policy is associated due to changes elsewhere in the Plan <p><u>Justification for amendments</u></p> <p>The modification proposed by the Examiner was a recommendation only, not a requirement to meet the Basic Conditions. The basic premise of the changes has</p>	<p>Amend policy as follows:</p> <p>Policy HE9 – Fluvial-Flood Risk</p> <p>"Proposals for fluvial management which reduce the risk of flooding in flood zones 2 and 3 (<u>as shown for illustrative purposes on the map at Figure 10</u>) will be supported providing that there is acceptable <u>appropriate</u> landscaping <u>is included</u>.</p> <p>Development within these flood zones will be opposed <u>resisted</u> unless it:</p> <ul style="list-style-type: none"> • <u>It is demonstrably neutral or beneficial to the capacity of these flood zones</u> • <u>It does not result in any additional properties being placed at risk of flooding,</u> and • The risk of flooding to existing properties is demonstrably not increased. <p>Replacement development (residential or commercial) will be supported if it is demonstrably neutral or beneficial to the capacity of these flood zones and consistent with other policies".</p>

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<ul style="list-style-type: none"> it does not result in any additional properties being placed at risk of flooding or increase the risk of flooding to existing properties, is consistent with other policies within the Welford Plan". 		<p>been accepted with further minor drafting changes as set out in this section. The changes are deemed to be more positive in emphasis through the support of fluvial management in principle.</p> <p>The splitting of the bullet points is for clarity only and the final point has been removed, since it is not deemed necessary. Officers do not consider these changes affect the policy in terms of it meeting the Basic Conditions test and are acceptable.</p>	
Policy INF1 – Dark Skies:			
The requirement to achieve a specific lighting level is restrictive and has not been robustly justified and should be removed.	Infrastructure (p.24)	<p><i>Modification agreed.</i></p> <p>Officers agree with the Examiner that there is no justification for the requirements set out in Table 1 and it should be deleted.</p>	Table 1: Light Control Zones as Suggested by the ILP (2011) listed on p.25 of the submission version NDP has been deleted.

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The claim that a dark location reduces the 'likelihood' of burglaries has not been explained fully and indeed has been questioned by at least one consultee. If this reference is to remain it should be substantiated, otherwise it should be removed.	Infrastructure (p.24)	<i>Modification agreed.</i> Officers agree with the Examiner that there is no explanation or justification for this particular sentence and it should be deleted. Officers are satisfied that the replacement sentence set out here is appropriate.	Explanatory text amended as follows: "Welford is currently devoid of street lighting and has very few areas which are permanently lit overnight. It is not an easy village to negotiate for non-locals after dusk hence reducing the likelihood of burglaries. <u>New development is encouraged to adopt an environmentally sustainable approach, supporting a dark skies environment.</u> "
The second paragraph of supporting text refers to PIR which needs to be explained and set out in full, otherwise removed.	Infrastructure (p.24)	<i>Modification agreed.</i> Officers agree with the Examiner that there is no explanation for 'PIR' standards and the paragraph should be deleted.	Second paragraph deleted: " All developments will adopt an environmentally sustainable approach, supporting a dark skies environment with no street lighting and responsible PIR based external property lighting. Existing property owners are strongly encouraged to adopt this approach. "
The reference to the Institution of Lighting Professionals' guidance needs to be qualified by the addition of 'or equivalent superseding guidance'. If the policy text is modified, then the need to include Table 1 is removed. If the text remains as presented, then Table 1 needs to clarify the reference to 'see plan below' in the final column	Infrastructure (p.24 and 25)	<i>Modification agreed.</i> Officers agree with the Examiner that the reference to 'PIR' standards should be qualified. The modified text as supplied by the QB is considered to be acceptable and complies with the Examiner's request.	Final paragraph of explanatory text amended as follows: "Local Planning Authorities are recommended to distinguish between broad areas that merit different levels of lighting control, as outlined in the Institution of Lighting Professionals (ILP), Guidance Notes for the Reduction of Light Pollution (2011) <u>or equivalent superseding guidance.</u> This is supported as it can help can then be used to test assess the impacts of

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and clarify why the whole of the NP area is considered to fall under Zone E1.			external artificial lighting”.
<p>The text of Policy INF1 should be modified to read as follows:</p> <p>“Where requiring external lighting, new development should aim to minimise light pollution. It should demonstrate how it accords with the current professional guidance to achieve an appropriate lighting environment for the area”.</p>	Infrastructure (p.24)	<p><i>Modification not agreed.</i></p> <p><u>Summary of amendments:</u></p> <ul style="list-style-type: none"> • Re-wording of policy as amended by Examiner through: • Addition of request to consider need for external lighting • Request to submit supporting documentation <p><u>Justification for amendment:</u></p> <p>Whilst the proposed amendments to the Examiner's modifications make the policy more prescriptive, it is not considered that the emphasis and nature of the policy as proposed by the Examiner has been altered unduly.</p> <p>The additional second</p>	<p>Policy modified as follows:</p> <p>“Development must <u>should aim to</u> minimise light pollution <u>by</u> avoiding obtrusive external property and street lighting.</p> <p><u>In considering applications, parties will be encouraged to assess whether the proposed development could take place without external lighting.</u></p> <p>Development must demonstrate how it will achieve Environmental Zone Lighting Level E1 (Intrinsically Dark).</p> <p><u>All applications for new development must demonstrate how the dark skies environment will be protected through the submission of appropriate supporting documentation, to demonstrate that they accord with current professional guidance to achieve an appropriate lighting environment for the area.”</u></p>

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		<p>paragraph is a request to applicants only. The third paragraph as proposed specifically requests the submission of supporting documentation with any planning application, which is implicit within the wording proposed by the Examiner given the requirement to 'demonstrate' accordance with guidance.</p> <p>Officers are satisfied that these proposed amendments to the policy are appropriate and that the policy still meets the Basic Conditions with these amendments.</p>	
Policy INF2 – Infrastructure:			
<p>I recommend that the wording of policy INF2 requires modification as follows:</p> <p>"New development should have regard to the following core infrastructure services delivered to the area; superfast broadband, a mains water</p>	<p>Infrastructure (p.25)</p>	<p><i>Modification agreed.</i></p> <p>The modifications have been recommended by the Examiner in order to remove ambiguity and to reflect the core infrastructure services highlighted at the beginning of Section B.</p>	<p>Policy deleted and replaced as follows:</p> <p>"Development will be supported providing it does not materially affect the core infrastructure services delivered to existing, neighbouring properties. A mitigation plan must be implemented when there is any scheduled interruption to these core infrastructure services.</p>

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<p>supply, flood defence measures relating to the River Avon; the control of surface and waste water and the reliable supply of electricity.</p> <p>Any development proposal that could have a detrimental effect on, or would interrupt the provision of these services, will be resisted unless it is fully supported by an implementable mitigation scheme".</p>		<p>Officers agree with the Examiner's modification and consider the amended policy meets the Basic Conditions test.</p>	<p>Core infrastructure services are defined as:-</p> <ul style="list-style-type: none"> • Mains Water Supply; • Comprehensive Water Management including flood defences, waste and surface water drainage; • Mains Electricity; and • High Speed Broadband". <p><u>"New development should have regard to the following core infrastructure services delivered to the area; superfast broadband, a mains water supply, flood defence measures relating to the River Avon; the control of surface and waste water and the reliable supply of electricity.</u></p> <p><u>Any development proposal that could have a detrimental effect on, or would interrupt the provision of these services, will be resisted unless it is fully supported by an implementable mitigation scheme."</u></p>

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<p>The third paragraph of supporting text on page 26 uses the word 'require'. I consider this should be replaced with 'encourage' and similarly in the 4th paragraph on page 26, the use of 'mitigation must be provided....' should be replaced with 'is encouraged to be provided....'</p>	<p>Infrastructure (p.26)</p>	<p><i>Modification agreed.</i></p> <p>The Examiner's modifications are proposed to bring consistency of approach with other policy changes throughout the Plan and ensure conformity with the NPPF.</p> <p>Officers agree with the proposed modifications and consider the amendments meet the Basic Conditions test.</p>	<p>Third paragraph modified to read as follows:</p> <p>"Where infrastructure problems already exist we will require developers and statutory providers <u>will be encouraged</u> to provide a solution to alleviate the existing problem or a mitigation prior to building work commencing".</p> <p>Fourth paragraph modified to read as follows:</p> <p>"Capacity or performance mitigation must <u>is encouraged to</u> be provided where the development could in the opinion of the Parish Council disrupt core service delivery to existing properties during the period the development takes place. Failure to produce an adequate mitigation plan could be a reason for rejecting a planning application".</p>
<p>Policy INF3 – Access to Primary Education:</p>			
<p>I recommend that the policy should be modified as follows:</p> <p>"New residential development which could generate a need for school places will be supported where there are adequate primary school places at local schools or where the</p>	<p>Infrastructure (p.27)</p>	<p><i>Modification not agreed.</i></p> <p><u>Summary of amendments:</u></p> <ul style="list-style-type: none"> • Addition of 'provision' and removal of 'preferably concern' in the second paragraph 	<p>Policy amended to read:</p> <p>"New Residential Development will be supported where there are adequate primary school places:</p> <ul style="list-style-type: none"> • at schools within a 6 mile journey by road and, • readily accessed by school bus or scheduled public transport; or

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<p>development includes proposals to allow adequate places to be created.</p> <p>This should preferably concern Welford on Avon Primary School or other local schools readily accessed by school bus or public transport”.</p>		<p><u>Justification for amendment:</u></p> <p>The reference to a 6 mile upper limit to a choice of school related specifically to the requirement of a local education authority providing suitable travel arrangements for children and is not explained as such in the supporting text. As such, this should be deleted from the policy.</p> <p>The modifications proposed by the Examiner are agreed, other than stating that provision should be primarily at Welford-on-Avon Primary School, not 'preferably'.</p> <p>Officers do not consider that this minor change alters the emphasis of the Examiner's recommendation and as such the policy as re-drafted would still meet the Basic Conditions and is acceptable as re-drafted.</p>	<ul style="list-style-type: none"> • where the proposed development includes plans to create adequate places, ideally at Welford-on-Avon Primary School”. <p>“New residential development which could generate a need for school places will be supported where there are adequate primary school places at local schools or where the development includes proposals to allow adequate places to be created.</p> <p>This <u>provision</u> should preferably concern <u>be at</u> Welford-on-Avon Primary School or other local schools readily accessed by school bus or public transport”.</p>

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Section D. Housing and Land Use:			
<p>The paragraph on page 33 relating to 'Approach to housing policy taken in the Welford Plan' currently refers to Policy HE6. This might be a typographical error as Policy HE5 would be more relevant. In any event, it is important to redraft this paragraph in line with my recommendations for Policies HLU1 and HE5.</p>	<p>Housing and Land Use (p.33)</p>	<p><i>Modification agreed.</i></p> <p>Since the reference to development only being supported outside the village boundary on brownfield sites does not accurately reflect policy HE5, the Examiner requested that this section be re-drafted to bring it in line with the associated housing policies in the NDP.</p> <p>Officers agree with the Examiner on this point and consider the re-drafted text set out in the Referendum version of the NDP to be acceptable and in accordance with the Examiner's recommendation.</p>	<p>Section re-drafted as follows:</p> <p>Approach to housing policy taken in The Welford Plan</p> <p>"As a consequence of the <u>number of</u> housing approvals in Welford-on-Avon since the start of the Plan Period in 2011, The Welford Plan takes the following broad approach to further housing development:</p> <ul style="list-style-type: none"> • Inside the <u>village settlement</u> boundary only small, infill sites of normally no more than 5 dwellings <u>small-scale schemes on unidentified but suitable sites</u> will be supported. <u>Requirement 1 of SDC Core Strategy Policy CS.15 (Distribution of Development) requires that, for residential development, the number of houses proposed is consistent with the overall scale of development identified in SDC Core Strategy Policy CS.16 (Housing Development) for the settlement.</u> All and all development proposals in <u>Welford-on-Avon</u> will <u>therefore</u> have regard to the Approximate Upper Limit of 84 houses, see policy HLU1 (<u>New Residential Development</u>). • Outside the village boundary (and hence in the countryside) development will only be

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			supported on brownfield sites or for clearly defined purposes, see policy HE6 <u>HE5 (Open Countryside)</u> "
Policy HLU1 – New Residential Development:			
<p>I recommend that Policy HLU1 is modified as follows:</p> <p>"New residential development will have specific regard to the role of Category 2 Local Service Villages and if proposed within the built up area boundary of Welford on Avon will be encouraged to comprise infill sites. New residential development beyond the boundary will reflect Policy HE5.</p> <p>All proposals that have the potential to generate significant amounts of movement need to clarify how the existing highway network can accommodate this, or be improved to accommodate the impact".</p>	<p>Housing and Land Use (p.35)</p>	<p><i>Modification not agreed.</i></p> <p><u>Summary of amendments:</u></p> <ul style="list-style-type: none"> • Change of emphasis of policy from 'encourage' to 'support in principle' in terms of infill sites within the built-up area boundary • Change of wording from 'reflect' to 'should also take account of' when setting out assessment of development against policy HE5; plus inclusion of policy HE6 in assessment criteria • Addition of word 'traffic' in third paragraph • Addition of final paragraph to reference new Figure 11 showing the village's built-up area boundary <p><u>Justification for amendments</u></p>	<p>Policy amended as follows:</p> <p>"New residential development will have specific regard to the role of Category 2 Local Service Villages <u>as identified in the Stratford-on-Avon District Council Core Strategy.</u></p> <p><u>Proposals for new residential development within the built up area boundary of Welford-on-Avon will be supported on infill sites.</u> New residential development beyond the boundary will comply <u>should also take account of</u> with Policy HE5 (<u>Open Countryside</u>) and Policy HE6 (<u>Gap between Welford and Weston</u>).</p> <p>All proposals that have the potential to generate significant amounts of <u>traffic</u> movement need to clarify how the existing highway network can accommodate this, or be improved to accommodate the impact.</p> <p><u>The Built-Up Area Boundary is shown in Figure 11".</u></p>

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		<p>The Examiner was concerned that the policy as originally drafted was too restrictive and appeared to reflect local opinion rather than based on any robust evidence.</p> <p>The Examiner's modification has been accepted, with a number of minor changes. The changes are deemed to be more positive in emphasis through the support of in-fill development, in principle.</p> <p>When setting out the assessment criteria for development against policy HE5, the Reg.17A consultation suggested replacing 'reflect' with 'comply'. A response to the consultation suggested that this change had rendered the policy inflexible towards new residential development away from the NPPF's focus of sustainability. Having considered this further, officers now propose to</p>	

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		<p>replace 'reflect' with 'should also take account of' which allows the flexibility of assessment on a case by case basis.</p> <p>The other main change related to an amended Figure 11 showing the built-up-area boundary, including existing commitments.</p> <p>Officers consider these changes to the Examiner's modifications to be appropriate; remain in conformity with national and local plan policy and continue to meet the Basic Conditions.</p>	
I suggest that the first paragraph of text on page 35 should simply comprise the first two sentences.	Housing and Land Use (p.35)	<p><i>Modification agreed.</i></p> <p>The Examiner had concerns with respect to the drafting of this policy and of the restrictive tone of the supporting text. She was of the opinion that should further development take place or be allocated to Welford, it would need to</p>	<p>Text deleted as follows:</p> <p>Welford looks forward to playing its full part in supporting SDC in achieving its goals for sustainable housing within the District. Paragraph 184 of the NPPF which is echoed by emerging policy CS.16.C states that Neighbourhood Plans should not support less development than required by the Local Plan. Because of particular constraints of the village and weaknesses of its infrastructure, Welford would not be an</p>

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		<p>address infrastructure constraints. Existing problems would not necessarily mean that future growth should be resisted.</p> <p>Whilst the Examiner requested that only part of this paragraph be deleted, the entire paragraph has been deleted from the Referendum version of the NDP since officers do not consider it essential for the understanding of the associated policy.</p>	<p>appropriate location to sustainably deliver housing numbers in excess of the Local Plan. These constraints include the traffic pinch points at both the Bell Inn and at the grade 2 listed Binton Bridges. In addition the village sewerage system has known capacity and design issues.</p>
<p>The last clause of the second paragraph does not acknowledge the potential for Welford to accommodate growth beyond the existing village boundary and hence should be amended accordingly.</p>	<p>Housing and Land Use (p.35)</p>	<p><i>Modification agreed.</i></p> <p>The Examiner considered the text as originally drafted was too restrictive and did not reflect the Core Strategy or the NPPF in terms of the potential for development over the Plan period.</p> <p>Officers are of the opinion that the re-drafted text as set out in the Referendum version of the NDP now</p>	<p>Text amended as follows:</p> <p>"The 'Housing Context' section above clearly demonstrates that Welford-on-Avon has already well exceeded any likely target in the emerging Core Strategy for housing provision within the Plan Period the indicative dwelling requirement set out in SDC Core Strategy Policy CS.16. Whilst it is reasonable, Further development during the Plan Period should therefore to provide for take the form of small-scale, windfall developments on infill and re-development sites within the village boundary or individual dwellings in open countryside that are consistent with policy it is</p>

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		adequately reflects the Core Strategy and NPPF in this regard and complies with the recommendation put forward by the Examiner.	inappropriate that Welford should support larger developments through the remainder of the Plan Period".
The third paragraph of the supporting text and corresponding element of the policy relating to transport assessments or statements are not robustly justified in terms of the evidence base and also should be deleted. Similarly the justification text with NPPF para 32 should remove all text starting with 'Because of the existing traffic constraints.....'	Housing and Land Use (p.35)	<i>Modification agreed.</i> Officers agree with the Examiner that this text is not explained or adequately justified and as such should be deleted from the NDP.	Paragraph deleted: "The lower threshold for a Transport Assessment/Statement is a consequence of the traffic constraints in the village referred to above and significant developments at several sites to the south".
Policy HLU2 – Phasing of New Residential Development:			
The policy and all associated explanatory text should be deleted.	Housing and Land Use (p.36)	<i>Modification agreed.</i> The Examiner made the point that given the nature and size of proposed new housing as set out in the NDP, this policy appeared to be overly onerous and unnecessary. No reference had been made to any relevant sections of the	Policy deleted: "Residential development will be supported if it is phased in line with the emerging Core Strategy". Explanatory text deleted: The emerging Core Strategy phases developments over the Plan Period (2011-2031) for reasons of sustainability. CS.16 states that

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		<p>NPPF and she felt that Core Strategy policy CS.16 would apply in any event.</p> <p>As such, the Examiner recommended wholesale removal of the policy and associated text from the NDP.</p> <p>Officers concur with the views of the Examiner and recommend the policy is deleted.</p>	<p>"the provision of new homes will be monitored to ensure continuous delivery across the plan period, to avoid either over or under provision of housing against the overall District requirement. Allocated sites will only come forward ahead of their phasing timescale if monitoring shows a significant shortfall in housing delivery across the previous phases and there appears to be no reasonable prospect of earlier phased sites being developed within the plan period."</p> <p>All new development in Welford on Avon should be phased across the Plan Period as described in the emerging Core Strategy policy CS.16.</p> <p><u>Justification</u></p> <ul style="list-style-type: none"> • SDC Core Strategy policy CS.16 calls for a phasing policy to ensure sites are built throughout the Plan Period. • The Site Allocations Plan consultation proposes that the Plan will include 'a phasing policy to ensure sites are built throughout the plan period, taking into account the delivery of any Neighbourhood Plan Allocations'. As noted above, The Welford Plan does not include Site Allocation. • Over 80% of parishioners responding to the 2013 Community Survey supported phasing

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			of all development across the 15-year period of The Welford Plan.
Policy HLU3 – Design Excellence:			
<p>I recommend that Policy HLU3 be modified as follows:</p> <p>“New development is encouraged to adopt high levels of design quality. Where appropriate depending on its scale and nature, it should have regard to the Stratford on Avon Design Guide and Building for Life 12 criteria, or equivalent superseding guidance.</p> <p>Particular encouragement is given to proposals that demonstrate innovation and/or reflect the Welford on Avon Village Design Statement in reflecting the character and vernacular of the area”.</p>	<p>Housing and Land Use (p.37)</p>	<p><i>Modification agreed.</i></p> <p>The Examiner considered that this policy was not supported by any explanatory text and simply relied on a set of justification bullet points, although these were generally considered appropriate. She felt that the local character of the area should be highlighted to reflect NPPF para 58.</p> <p>As originally drafted, the policy did not distinguish between minor or major works and simply repeated a general approach to design, which would be better included as supporting text, rather than as a formal part of the policy.</p> <p>Officers concur with the</p>	<p>Policy re-numbered HLU2 and modified as follows:</p> <p>“Development which demonstrates high levels of design excellence will be supported.</p> <p>Development should:</p> <ul style="list-style-type: none"> • Respect established building lines and rhythm of the architecture including the separation between buildings, and between buildings and the site boundaries, • Respect established plot widths, density, footprint and scale in the immediate neighbourhood of the proposed development, • Not have a detrimental effect on the surrounding area, including the privacy and amenity of neighbouring properties, • Observe the Stratford on Avon District Design Guide, • Take into account Building for Life 12 criteria, • Embrace design which reflects the vernacular and unique characteristics of Welford on Avon as highlighted in the Village Design Statement or demonstrate clear innovation

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		views of the Examiner and recommend the policy is modified in accordance with her recommendations in order for the policy to be compliant with relevant policy and meet the Basic Conditions test.	<p>(as contrasted with pastiche or off-the-shelf designs)".</p> <p><u>"New development is encouraged to adopt high levels of design quality. Where appropriate depending on its scale and nature, it should have regard to the Stratford on Avon Design Guide and Building for Life 12 criteria, or equivalent superseding guidance.</u></p> <p><u>Particular encouragement is given to proposals that demonstrate innovation and/or reflect the Welford on Avon Village Design Statement in reflecting the character and vernacular of the area"</u>.</p>
<p>Insert the following additional supporting text:</p> <p>"Development proposals, where appropriate, depending on their scale and nature, should demonstrate how they have respected:</p> <ul style="list-style-type: none"> established building lines and the rhythm of the architecture including the separation between buildings, and between 	<p>Housing and Land Use (p.37)</p>	<p><i>Modification agreed.</i></p> <p>The list of assessment criteria originally embedded within the policy have been moved to supporting text, as per the Examiner's recommendation. Officers concur with this approach and consider the modification help explain the reasoning behind the re-worded policy.</p>	<p>Additional supporting text inserted as follows:</p> <p><u>"Development proposals, where appropriate, depending on their scale and nature, should demonstrate how they have respected:</u></p> <ul style="list-style-type: none"> <u>established building lines and the rhythm of the architecture including the separation between buildings, and between buildings and site boundaries,</u> <u>established plot widths, density, footprint and scale in the immediate vicinity</u> <u>the amenity of neighbouring properties"</u>

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buildings and site boundaries, <ul style="list-style-type: none"> • established plot widths, density, footprint and scale in the immediate vicinity • the amenity of neighbouring properties" 			
Policy HLU4 – Footpaths and Cycle ways:			
<p>To enable Policy HLU4 to be compliant [with Basic Conditions], I recommend it be modified to read:</p> <p>"Development sites that abut public rights of way, including footpaths and/or cycle ways, are encouraged to consider the use of natural hedging as a boundary treatment in order to enhance the environmental and public amenity of these paths.</p> <p>Development, of an appropriate scale and nature, in the vicinity of this network, will be encouraged to include proposals that connect to existing cycle ways and footpaths and improve access and safety for all users".</p>	Housing and Land Use (p.38)	<p><i>Modification agreed.</i></p> <p>The Examiner considered that the policy was overly-prescriptive.</p> <p>The design of footpaths is controlled by the Highway Authority which in this case is the County Council and as such this element should be deleted from the policy.</p> <p>The policy also referred to development in the vicinity of the footpath and cycle network and the potential to extend and develop footpaths. If this was a pre-requisite of any formal application, depending on its</p>	<p>Policy re-numbered HLU3 and modified as follows:</p> <p>"<u>Development sites that abuts public rights of way, including footpaths and/or cycle ways, are encouraged to should consider the use of natural hedging as a boundary treatment in preference to timber based panel or board fencing or any solid walls</u> in order to enhance the intrinsic environmental quality and public amenity of these paths.</p> <p>Development <u>of an appropriate scale and nature</u> in the vicinity of this network <u>will be encouraged to shall, where possible, include proposals to that connect to, extend and develop existing cycle ways and footpaths to and improve access and safety for all users.</u></p> <p>New footpaths should be a minimum of 2 metres wide and have the same boundary treatments as</p>

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		<p>scale and nature, in the opinion of the LPA, it would be addressed through condition or legal obligation.</p> <p>Given these concerns, the Examiner's modifications were deemed necessary in order to meet the Basic Conditions. Officers agree with the Examiner and recommend the amendments are carried over verbatim in the Referendum version of the NDP.</p>	<p>specified in the first paragraph of this policy".</p>
<p>Policy HLU6 – Garden and Back-land Development:</p>			
<p>I recommend that Policy HLU6 is modified as follows:</p> <p>"Development in residential gardens, back-land development and tandem development will be supported if it:</p> <ul style="list-style-type: none"> • does not have a detrimental effect on the surrounding area and neighbouring properties; • does not have the potential 	<p>Housing and Land Use (p.40)</p>	<p><i>Modification agreed.</i></p> <p>The third bullet point of this policy included reference to supporting development providing it did not have the potential for loss of amenity of neighbouring properties through a list of elements. This list is acceptable with the exception of '.....visual intrusion by a building or structure.....' There is no</p>	<p>Policy re-numbered HLU5 and modified as follows:</p> <p>"Development in residential gardens, back-land development and tandem development will be supported if it:</p> <ul style="list-style-type: none"> • Does not have a detrimental effect on the surrounding area and neighbouring properties; • Does not have the potential for loss of amenity of neighbouring properties; through loss of privacy, loss of daylight, visual

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<p>for loss of amenity of neighbouring properties; through loss of privacy, loss of daylight or loss of car parking and</p> <ul style="list-style-type: none"> • is of a scale and size suitable for the plot". 		<p>'right to a view' and hence this reference would introduce an element that might not be supported in law.</p> <p>The list also referred to the loss of mature vegetation or landscaping screening. These elements could be mitigated through conditions attached to any planning permission and hence were considered to be onerous.</p> <p>Officers concur with the views of the Examiner and recommend the policy is modified in accordance with her recommendations in order for the policy to meet the Basic Conditions test.</p>	<p>intrusion by a building or structure, or loss of car parking, loss of mature vegetation or landscape screening; and</p> <ul style="list-style-type: none"> • Is of a scale and size suitable for the plot".
Policy HLU7 – Development at the village edge:			
<p>Modify second bullet point to read:</p> <ul style="list-style-type: none"> • "Not reduce the impact or result in the loss of 	<p>Housing and Land Use (p.40)</p>	<p><i>Modification agreed.</i></p> <p>The Examiner recommended this modification to the second bullet point of the</p>	<p>Policy re-numbered as HLU6 and modified as follows:</p> <p>"Development at the edge of the village and visible from the surrounding open countryside</p>

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distinguishing natural features, such as tree lines, that could not otherwise be replaced or addressed through mitigation such as the planting of appropriate new vegetation”.		<p>policy in order for the policy to be 'compliant' (presumably with the Basic Conditions test), although no reasoning was set out in her report for the changes.</p> <p>However, given the minor nature of the drafting changes, officers confirm that the modification is acceptable and recommend compliance in order to ensure the policy does meet the Basic Conditions test.</p>	<p>will be supported providing it creates a sensitive transition from the countryside to the village. Development should:</p> <ul style="list-style-type: none"> • Be of a similar density and scale to buildings in the immediate neighbourhood and 'round off' the village rather than create new, visually intrusive additions to it • Not reduce the impact of <u>or result in the loss of</u> distinguishing natural features (such as tree lines) <u>that could not otherwise be replaced or addressed through mitigation such as the planting of appropriate new vegetation</u> or require any reduction of trees, hedgerows or other vegetation which changes the character of the surrounding landscape • Use appropriate plant species in a comprehensive landscape scheme, conserve traditional boundary treatments wherever possible and use boundary treatments which integrate best with the rural character • Mitigate any potential increased flood or surface water threat”.
Policy HLU8 – Height of Buildings:			
I see no reason to include this policy and it can be deleted.	Housing and Land Use (p.41)	<p><i>Modification agreed.</i></p> <p>The Examiner considered that the rationale for this policy had not been</p>	<p>Delete policy:</p> <p>“Development of any building of more than two and half storeys will not be supported”.</p>

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		<p>adequately explained and while the local survey was supportive, no appropriate reference had been made to national or strategic policy.</p> <p>It was presumed that the basis for the policy related to the wish to maintain the character of the area and not introduce incongruous development but this was not expressed. In any event, she considered that this was taken into account through Policy HLU3 which addressed design matters.</p> <p>Officers concur with the views of the Examiner and recommend the policy is deleted in accordance with her recommendations.</p>	
Policy HLU9 – Caravan Sites			

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<p>As presented, Policy HLU9 is not considered consistent with other proposed policies in the Plan addressing development beyond the village boundary or supported by robust evidence. It is not considered to support elements of the Basic Conditions and hence should be deleted, unless it is modified as follows:</p> <p>"Applications for new caravan sites for holiday or permanent residence, or proposals to amend extant permission for holiday caravans to allow for permanent residency, will be assessed on their individual merits.</p> <p>Proposals should address how they impact upon the resources of the area, and those specifically within Welford on Avon, and where applicable, how this could be mitigated".</p>	<p>Housing and Land Use (p.42)</p>	<p><i>Modification not agreed.</i></p> <p><u>Summary of amendments:</u></p> <ul style="list-style-type: none"> • Policy renumbered due to original policies HLU2 and HLU8 being removed from the Plan by the Examiner. • Addition of 'or extended' in the first paragraph <p><u>Justification for amendment:</u></p> <p>The Examiner considered the amended text necessary due to the policy as originally drafted being overly restrictive, inconsistent with other proposed policies in the Plan and not having regard to Core Strategy policy or sections of the NPPF which clearly support a range of different forms of housing.</p> <p>The QB wished to retain the policy and as such accepted the examiner's modification, subject to a further amendment to include</p>	<p>Policy re-numbered as HLU7 and modified as follows:</p> <p>"Proposals to amend permission for holiday caravan sites to allow permanent residency will not be supported. New caravan sites for either holiday or permanent residence will not be supported."</p> <p>Applications for new <u>or extended</u> caravan sites for holiday or permanent residence, or proposals to amend extant permission for holiday caravans to allow for permanent residency, will be assessed on their individual merits.</p> <p>Proposals should address how they impact upon the resources of the area, and those specifically within Welford on Avon, and where applicable, how this could be mitigated".</p>

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		<p>existing caravan sites on the periphery of the village under this policy. This issue was not seemingly considered by the Examiner and officers deem it appropriate to make the minor amendment to the modification to reflect the reality of the situation on the ground.</p> <p>Officers consider this policy as amended still meets the Basic Conditions and is acceptable in this regard.</p>	

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

Sustainable Development Role (NPPF)	Neighbourhood Development Plan's Contribution
Economic	<p>The Neighbourhood Plan seeks to support the local economy through supporting in principle new retail, commercial and community uses through Core Strategy policies; encouraging homeworking 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 looks to protect and enhance local community facilities.</p> <p>The Plan looks to safeguard and promote improvements of locally important sites and facilities.</p> <p>Policies seek to promote the local distinctiveness and character of the area, and recognise locally important heritage assets.</p> <p>The Plan looks to promote the protection, enhancement and expansion of routes suitable 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 Welford-on-Avon having a Conservation Area and a number of listed buildings, the Plan has a policy that look to conserve, and where possible, enhance the natural environment for future generations which have a positive impact on the environmental sustainability of the plan.</p> <p>The Plan has policies to designate Local Green Spaces and to protect the surrounding countryside from encroachment.</p>

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

- Subject to the modifications above, the Welford-on-Avon 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/welfordnp

And can be viewed in paper form at:

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