

Wootton Wawen

Neighbourhood Development Plan 2011-2031

Report of Examination

Report to Stratford-on-Avon District Council

By the Independent Examiner:

Paul McCreery, B.SC., M.Phil, FRTPI.

31st March 2017

Summary

1. From my examination of the Wootton Wawen Neighbourhood Development Plan 2011-3031 (Submission Version) September 2016 (the Plan) and its supporting documents, including the representation made, I have concluded that, subject to the modifications I have recommended, making of the Plan will meet the Basic Conditions.
2. In summary the Basic Conditions are that the Plan must:
 - Have due regard to national policies and advice;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the development plan; and
 - Not breach, and otherwise be compatible with, European Union and European Convention on Human Rights obligations.
3. I have concluded that:
 - The Plan has been prepared and submitted for examination by a qualifying body – Wawen Parish Council;
 - The plan has been prepared for an area properly designated: and does not cover more than one neighbourhood plan area;
 - The plan does not relate to “excluded development ”;
 - The plan specifies the period to which it has effect – to 2031; and
 - With the modifications I have recommended that the policies relate to the development and use of land for a designated neighbourhood area.
4. I recommend that, once modified to meet relevant legal requirements, the plan should proceed to a Referendum. This is on the basis that I have concluded that, once modified, it can meet all the relevant legal requirements. To that end I have made recommendations to modify policies and text to ensure that making the plan will meet the Basic Conditions.
5. In recommending that the modified plan should go forward to Referendum, I have considered whether or not the Referendum Area should be extended beyond the designated area to which the plan relates. I have concluded that it should not; the Referendum should be the same as the Neighbourhood Plan Area.

1.0 Introduction

- 1.1 Neighbourhood planning provides a welcome opportunity for communities to directly shape the future of the places where they live and work and to deliver the sustainable development they need.

2.0 Appointment of the Independent Examiner

- 2.1 I have been appointed by Stratford-on-Avon District Council with the agreement of the qualifying body to undertake this independent examination.
- 2.2 I confirm that I am independent of the qualifying body and the local authority. I have no interest in any land affected by the Neighbourhood Plan. I am a chartered town planner with over thirty-five years' experience in planning and have worked in the public and private sectors. I therefore have the appropriate qualifications and experience to carry out this independent examination.

3.0 The role of the independent examiner

- 3.1 The examiner must assess whether the Neighbourhood Plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).
- 3.2 The basic conditions are:
- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
 - The making of the neighbourhood plan contributes to the achievement of sustainable development
 - The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority
 - The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
 - Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

- 3.3 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) require that the Neighbourhood Plan should not be likely to have a significant effect on a European Site (as defined in the Conservations of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007) either alone or in combination with other plans or projects.
- 3.4 In examining the Plan, I am also required, under Paragraphs 8(1) of Schedule 4B to the Town and Country Planning Act 1990, (TCPA) to establish whether:
- The neighbourhood plan has been prepared and submitted for examination by a qualifying body
 - The neighbourhood plan has been prepared for an area that has been properly designated for such plan preparation
 - The neighbourhood plan meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area
 - The policies relate to the development and use of land for a designated neighbourhood area.
- 3.5 The examiner must then make one of the following recommendations:
- The Plan can proceed to a referendum on the basis it meets all the necessary legal requirements
 - The Plan can proceed to a referendum subject to modifications or
 - The Plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.
- 3.6 If the Plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.
- 3.7 If the plan goes forward to a referendum and more than 50% of those voting votes in favour of the Plan then it is made by the relevant local authority, in this case Stratford-on-Avon District Council. The Plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the Plan area.

4.0 Compliance with matters other than the basic conditions

4.1 I now check the various matters as set out above in paragraph 3.4 of this report.

4.2 Qualifying body

Wawen Parish Council is a qualifying body able to lead the preparation of a neighbourhood plan. This complies with this requirement.

4.3 Plan Area

The Wootton Wawen was approved as a neighbourhood area on 16th June 2014 by Stratford-on-Avon District Council. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements.

4.4 Plan period

A neighbourhood plan must specify the period for which it is to have effect. The Plan clearly indicates that it covers the period to 2031. The Plan therefore meets this requirement.

4.5 Excluded development

The Plan does not include policies or proposals that relate to any of the categories of excluded development and therefore meets this requirement.

4.6 Development and use of land

Neighbourhood plans often contain aspirational policies that signal the community's priorities for the future of their local area. However, the neighbourhood plan should only contain policies relating to development and use of land. The Plan differentiates between policies and strategic objectives.

4.7 Subject to the contents of this report, which recommends some modifications be made to ensure that the policies in the Plan meet the basic conditions, this requirement can satisfactorily be met.

5.0 The examination process

- 5.1 I commenced preparation for the examination of the plan in February 2017 following my appointment and briefing with the Plan documents.
- 5.2 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or to give a person a fair chance to put a case.
- 5.3 I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
- 5.4 I am satisfied that I am in a position to properly examine the Plan without the need for a hearing.

6.0 The Examination documents

- 6.1 In addition to the legal and national policy framework and guidance (principally The Town and Country Planning Acts, Localism Act, Neighbourhood Plans Regulations, the National Planning Policy Framework and the Planning Policy Guidance) and the development plan, have had regard to the following key documents that were furnished to me:-
 - Wootton Wawen Neighbourhood Development Plan 2011-2031 – Submission Version, September 2016.
 - Consultation Statement.
 - Basic Conditions Statement, September 2016.
 - Strategic Environmental Assessment and Habitats Regulations Assessment Screen Document, April 2016.
 - Wootton Wawen Housing Needs Survey, January 2011.

7.0 Compliance with the basic conditions

National policy advice

- 7.1 The main document that set's out national policy is the National Planning Policy Framework (the Framework) published in 2012. In particular the Framework explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans and plan to positively support local development.
- 7.2 The Framework also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies. (NPPF, paragraph 184)
- 7.3 The Framework indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. (NPPF, paragraph 17)
- 7.4 The Basic Conditions Statement (paragraph 2.10) provides a matrix showing how the Plan policies have been informed by the guidance set out in the Framework.
- 7.5 I am satisfied that the Neighbourhood Plan has appropriate regard to national policies and advice, subject to the modifications set out in this report being made.

Sustainable development

- 7.6 The Basic Conditions Statement takes each of six key sustainability objectives and explains how the Plan (section 3) will meet these objectives.
- 7.7 I am satisfied that the Plan will make a positive contribution to the achievement of sustainable development, subject to the modifications recommended in this report.

The Development Plan

- 7.8 A basic condition is that the neighbourhood plan should be in general conformity with the strategic policies contained in the development plan. The Framework (at paragraph 184) states that neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.
- 7.9 The key development plan document is the Stratford-on-Avon District Core Strategy 2011-2031.
- 7.10 The Basic Conditions Statement (Section 4, page 12) explains how the Plan is compatible with development plan policies.
- 7.11 I am satisfied that the Neighbourhood Plan is in general conformity with the strategic policies of the development plan, subject to the modifications set out in this report being made.

EU Obligations

- 7.12 A Strategic Environmental Assessment (SEA) screening process was undertaken in April 2016. The screening process (with consultation) confirmed that SEA is not required for the Plan.
- 7.13 The Basic Conditions Statement (Section 5, page 13) notes that Habitat Regulations Assessment would not be required for the Plan.
- 7.14 I am satisfied that the Neighbourhood Plan is compatible with EU obligations.
- 7.15 I have also considered whether the Plan complies with the European Convention on Human Rights, particularly in terms of Article 8 (privacy): Article 14 (discrimination) and Article 1 of the First Protocol (property) under the meaning of the Human Rights Acts 1998 and I am satisfied that the Plan is compatible with all these provisions. (See Basic Conditions Statement paragraph 5.6, page 13).

8.0 Neighbourhood Plan preparation and public Consultation

- 8.1 Wootton Wawen Parish Council agreed to produce a Neighbourhood Development on 25th November 2013.

- 8.2 The Wootton Wawen neighbourhood Plan Area designation was approved by Stratford-on-Avon District Council on 16th June 2014.
- 8.3 The Consultation Statement notes the following key milestones:
- Survey of Residents (June – September 2014);
 - Public Meeting 12th November 2014;
 - Open days for residents 24 and 27 January 2015;
 - Consultation on Pre-Submission Consultation Draft Plan October/November 2015.
- 8.4 Consultation on the Regulation 14 Pre-Submission Consultation Draft ran from Monday 23rd November 2015 until Monday 4th January 2016.
- 8.5 Consultation on the Regulation 16 Submission Version ran from Thursday 6th October 2016 until Friday 18th November 2016. A total of 14 Representations were received.
- 8.6 I am satisfied that the neighbourhood planning process has been open and engaging. The Plan reflects the issues raised and the policies enjoy a strong degree of public support.

9.0 **The Plan and its Policies**

- 9.1 The District Council has suggested these amendments to Figure 2 the Village Boundary map. I recommend that these amendments be incorporated into the Plan to achieve a more consistent approach to this issue.
- 9.2 The District Council has suggested that Policy H2 be renamed Local Needs Housing. I recommend that change be incorporated into the Plan to achieve greater clarity. I also recommend that definition of local needs housing be incorporated into the Explanation text, as suggested by the District Council.
- 9.3 The District Council has suggested revisions to the wording of Policies ECON1 and ECON2 to avoid a negatively worded policy. I recommend these changes be incorporated into the Plan.

- 9.4 Policy ECON5 is confusing because it deals with two issues. For clarity, I recommend that two new policies be included in the Plan, worded as follows:-

Policy ECON5 Homeworking

All new dwellings are encouraged to provide space to support home-working, with flexible space adaptable to a home office and, where appropriate, incorporate cabling to support broadband in accordance with Policy ECON3.

Policy ECON6 Live-work Units

Proposals for small scale live-work development (new build or conversion), compromising of commercial space and living space will be supported, provided they are consistent with Core Strategy policies for protecting the open countryside and subject to the following criteria:-

- a) Have suitable independent access to both uses;*
- b) Have an appropriate standard of off-road parking;*
- c) The layout and design to ensure that residential and work uses can operate together without conflict;*
- d) Be in a location which is reasonable accessible by means other than a private vehicle;*
- e) In the case of conversions the building should be of a permanent and substantial construction, structurally sound and capable of conversion without a major rebuilding or extension; and*
- f) Have an adequate residential curtilage to avoid detrimental impact on the building, its rural setting and the amenities of any nearby residential property.*

- 9.5 Policy ENV2 could be worded to improve clarity. I recommend the following wording:-

Development proposals will be expected to demonstrate high quality and sensitive landscaping and native tree/hedge planting wherever possible.

Wherever possible development proposals should seek to retain and protect existing trees and hedgerows.

Where it is not possible to retain existing trees and hedgerows development proposals which demonstrate full replacement with appropriate native species in mitigation will be supported.

- 9.6 The District Council has suggested a revision to Policy ENV5 to avoid a negatively worded policy. I recommend that change be incorporated into the Plan.
- 9.7 The District Council has also suggested a series of helpful revisions to the Explanatory text and I recommend that full consideration be given to these.
- 9.8 In this Examination I have reviewed and taken account of all the representations received submitted at all stages of the planning making process. I have noted representations submitted by rca regeneration dated 4th January 2016 and 16th November 2016 and I do not believe the suggestions made are compatible with green belt policy.

10.0 Conclusions and recommendations

- 10.1 The Plan is a highly commendable document that will help to guide growth and sustainable development. It is a credit to all those who have clearly worked hard to produce a readable and well-presented Plan. The Plan's real strength is in its articulation of the concerns and aspirations of the local community, by reflecting the results and outcomes of a very extensive engagement process. Where there was some lack of clarity, it has been possible to recommend modifications.
- 10.2 From my examination of the submitted Neighbourhood Development Plan, within its legal and policy context, and its supporting documents, including all the representations made, I have concluded that, subject to the policy modifications I have recommended, making of the Plan will meet the Basic Conditions.
- 10.3 I have concluded that:-
- The Plan has been prepared and submitted for examination by a qualifying body – Wawen Parish Council;
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