



## **DECISION STATEMENT**

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

#### **1. Wilmcote and Pathlow Neighbourhood Development Plan**

1.1 I confirm that the Wilmcote and Pathlow 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 November 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 13 November 2013 Wilmcote 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 November 2013 and 17 January 2014. 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 Wilmcote & Pathlow Neighbourhood Area by way of approval of The Cabinet on 10 February 2014.

2.5 In accordance with Regulation 7 of The Regulations, the decision to designate the Wilmcote & Pathlow 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 1 March and 12 April 2016 fulfilling all the obligations set out in Regulation 14 of The Regulations.

2.7 The Parish Council submitted their Neighbourhood Development Plan to Stratford-on-Avon District Council on 20 June 2016 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 30 June and 12 August 2016 in accordance with Regulation 16 of The Regulations.

2.9 Ms Ann Skippers was appointed by the District Council to examine the Plan, and the Examination began in September 2016. In October of that year SDC received a letter from the Examiner informing that the Plan had been prepared for an area which had not been designated as a neighbourhood plan area and as a result the Plan did not comply with the PCPA 2004. The Examiner confirmed that since the Plan as submitted for examination was not legally compliant, if the examination continued, she would have no option but to recommend that the Plan should not proceed to a referendum on the basis it did not meet the necessary legal requirements.

2.10 The PC agreed to withdraw the Plan and re-submit the area designation application with an aim of getting the NDP back to Examination by approximately April 2017.

2.11 Subsequently, the District Council received a revised Area Designation application from the Parish Council, comprising the entire Parish of Wilmcote based on the post 2015 boundary change.

2.12 The new area designation application was received by the District Council on 1 November 2016 and signed-off by The Leader of the Council under his delegated powers on 3 November 2016.

2.13 The Parish Council consulted on a pre-submission version of their NDP between 7 November and 21 December 2016 in accordance with Section 14 of The Regulations.

2.14 The Parish Council submitted their NDP to the District Council on 15 February 2017 in accordance with Section 15 of The Regulations and the District Council publicised the NDP for consultation for 6 weeks from 2 March to 14 April 2017, in accordance with Section 16 of The Regulations.

2.15 The NDP was submitted to the Examiner in early May this year and the Examination commenced later the same month, with the final report being issued on 17 July.

2.16 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.

2.17 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
<b>Front Cover of Plan:</b>			
Add the start date of the Plan period to the Plan on its front cover and within the document itself so that it is clear the Plan period is 2017 – 2031.	Front Cover (p.1)	<p><i>Modification Agreed.</i></p> <p>The Basic Conditions Statement submitted alongside the Neighbourhood Plan indicated that the Plan covered the period to 2031 to align with the Core Strategy. However, this was not stated in the Plan itself or on its front cover. For the avoidance of doubt, the Examiner asked for the Plan period to be included in the Plan itself.</p> <p>This particular modification was required for clarification purposes only and agreed by officers. There will be no impact on the Basic Conditions test.</p>	<p>Date on front cover amended to cover the period 2017 to 2031. In addition, the Plan sub-heading amended to read:</p> <p><del>“Regulation 16 Submission</del> <u>Referendum</u> Draft June 2016 <u>August 2017”.</u></p>
<b>Section 5 – Key Issues for</b>			

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
<b>the Wilmcote NDP:</b>			
Remove the numbers in brackets after settlement names on Figure 5 of the Plan.	Figure 5: 'Green Belt in the District' (p.17)	<p><i>Modification Agreed.</i></p> <p>In the submission version Plan, on the map at Figure 5, settlements were followed by a number in brackets. It was not clear what this referred to and in the interests of clarity, the Examiner considered the map should be amended so that the numbers were removed.</p> <p>Officers agree with the Examiner's recommendation in this regard and is required to avoid confusion when interpreting the map. There will be no impact on the Basic Conditions test.</p>	Figure 5 map replaced with version which has numbers in brackets removed.

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<p>Change paragraph 5.12 to read:</p> <p>"The Core Strategy was adopted by the District Council on 11 July 2016. Policy CS.15 identifies Wilmcote as a Local Service Village. It is 'washed over' by the Green Belt which means that only limited infilling and redevelopment is acceptable within its boundaries."</p>	<p>Existing Planning Policy context (p.19)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner considered it would be helpful to add a little more context to paragraph 5.12 based on the Reg.16 representation from SDC and ensure the policy context was brought up-to-date.</p> <p>Officers agree with the Examiner's modification in this regard. There will be no impact on the Basic Conditions test.</p>	<p>Para 5.12 replaced to read:</p> <p><del>"Existing planning policy for Stratford is contained in the Stratford-on-Avon District Council Local Plan Review (2006). This identifies Wilmcote as a Local Centre Village "washed over" by the Green Belt."</del></p> <p><u>"The Core Strategy was adopted by the District Council on 11 July 2016. Policy CS.15 identifies Wilmcote as a Local Service Village. It is 'washed over' by the Green Belt which means that only limited infilling and redevelopment is acceptable within its boundaries."</u></p>

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
Begin paragraph 5.13: "Pathlow is not covered by the infilling..." to end.	Existing Planning Policy context (p.19)	<p><i>Modification Agreed.</i></p> <p>Paragraph 5.13 referred to Core Strategy Policies CS.10, CS.15 and CS.16. The Examiner considered that in the interests of clarity some revision to its wording was necessary, based on comments from SDC submitted through the Reg.16 consultation. These amendments were to take account of the current status of the CS and confirm the policy status of Pathlow.</p> <p>Officers agree with the Examiner's modification in this regard. There will be no impact on the Basic Conditions test.</p>	<p>Para 5.13 replaced to read:</p> <p><del>"Emerging planning policy in the Stratford-on-Avon Core Strategy (Policy CS15) maintains this position with limited infilling continuing to be considered acceptable in Wilmcote in what will in future be termed a Local Service Village. Pathlow is defined as an "other settlement" under Policy CS15 of the emerging Core Strategy, and will, therefore, only be considered for small scale, community led housing development that meets a need identified by the local community and that is in line with national Green Belt policy".</del></p> <p><u>"Pathlow is not covered by the infilling provisions of Policy CS10 and is defined as an "other rural location" under Policy CS15 of the Core Strategy, and will, therefore, be more limited in terms of the development considered appropriate and this must be in accordance with Green Belt policy".</u></p>
<b>Policy WP2 – Geodiversity:</b>			
Add the words "appropriate and proportionate" before "surveys" in the second paragraph of the policy.	Section 7: Policy WP2 (p.22)	<p><i>Modification Agreed.</i></p> <p>The Examiner recommended a modification to further</p>	<p>Second paragraph of policy amended to read:</p> <p>"Where development proposals affect areas with considerable potential for important palaeontological and geological discoveries applicants may be</p>

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		<p>ensure any surveys required to be submitted with planning applications would be appropriate and proportionate in order to ensure flexibility. With this modification, the policy would satisfactorily take account of the NPPF which states that information requirements for applications should be proportionate to the nature and scale of proposals and be relevant, necessary and material to the application in question.</p> <p>Officers agree with the Examiner's modification in this regard and consider the amended policy will meet the Basic Conditions text.</p>	<p>required to undertake <u>appropriate and proportionate</u> surveys of the natural geology, for the purposes of assessing the importance of a particular site, and where planning permission is to be granted, for the purposes of recording and sample collection".</p>
<b>Policy WP3 – Non designated Heritage Assets:</b>			



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Delete the first sentence of the policy that begins: "Local non-designated heritage assets identified..." in its entirety.	Section 7: Policy WP3 (p.22)	<p><i>Modification Agreed.</i></p> <p>The policy began with a blanket requirement that all non-designated heritage assets "should be conserved". This does not take account of the stance taken by the NPPF or CS Policy CS.8 which indicates, in relation to non-designated heritage assets, that "proposals will be assessed having regard to the scale of any harm or loss and the significance of the heritage asset.". The Examiner concluded the policy needed to be modified to bring in-line with local and national policy.</p> <p>Officers agree with the Examiner's modification in this regard and consider the amended policy will meet the Basic Conditions text.</p>	<p>First sentence of policy deleted:</p> <p><del>"Local non-designated heritage assets identified in the Historic Environment Record should be conserved".</del></p>

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<p>Change the first and second sentences of the (existing) second paragraph to read:</p> <p>"Development proposals affecting the significance of non-designated heritage assets will only be supported in the following circumstances:"</p>	<p>Section 7: Policy WP3 (p.22)</p>	<p><i>Modification Agreed.</i></p> <p>In determining planning applications that affect the significance of non-designated heritage assets, the NPPF is clear that a balanced judgment will be needed which takes into account the significance of the heritage asset concerned and the scale of any harm or loss.</p> <p>The policy as submitted began with a blanket requirement that all non-designated heritage assets "should be conserved". This does not take account of the stance taken by the NPPF or CS Policy CS.8 which indicates, in relation to non-designated heritage assets, that "proposals will be assessed having regard to the scale of any harm or loss and the</p>	<p>Second paragraph of policy amended to read:</p> <p>"<u>Development proposals affecting the significance of non-designated heritage assets</u> <del>these assets will only be supported when they conserve and enhance these assets. Development that would result in the loss of, or have a detrimental impact on, these assets will only be supported</del> in the following circumstances:"</p>

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		<p>significance of the heritage asset.”.</p> <p>Therefore a modification to address this concern and simplify the policy was put forward by the Examiner. This made it clear what assets were being referred to and also set out how planning applications which affected such assets should be determined.</p> <p>Officers agree with the Examiner that this modification is required to comply with associated local and national policy and to meet the Basic Conditions test.</p>	
<p>Change criterion b) to read:</p> <p>“Where a development proposal would result in the total loss of, or substantial harm to the significance of a non-designated heritage asset, such development will only be</p>	<p>Section 7: Policy WP2 (p.23)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner commented that in considering the remainder of the policy, there was no reference to the significance of such assets. Criterion b)</p>	<p>Criterion b) amended to read:</p> <p>Where a development proposal would result in the <u>total</u> loss of, or substantial harm to <u>the significance of a locally</u> non-designated heritage asset, such development will only be supported when the public benefit of the proposed development outweighs the loss of or <u>substantial</u> harm to the <u>significance of the</u></p>

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supported when the public benefit of the proposed development outweighs the total loss of or substantial harm to the significance of the asset and its setting. Where such development is permitted, this will be conditioned in such a way so as to ensure the proposed development takes place after any loss or harm has occurred and that appropriate recording of the heritage asset takes place prior to any loss or harm occurring."		introduced a similar test to that for designated heritage assets. In order to ensure that the policy took account of the NPPF, a modification was proposed.  Officers agree with the Examiner that this modification is required in order for the policy to comply with the NPPF and meet the Basic Conditions test.	asset and its setting. Where such development is permitted, this will be conditioned in such a way so as to ensure the proposed development takes place after <u>the any loss, or harm, has occurred</u> <del>(e.g. demolition or removal of a building feature)</del> ; and that appropriate recording of the heritage takes place prior to any loss or harm <u>occurring</u> ."
<b>Policy WP5 – Landscape Character:</b>			
Reword criterion a) to read:  "Height, scale and form of buildings should have an acceptable impact on the landscape and visual amenity."	Section 7: Policy WP5 (p.25)	<i>Modification Agreed.</i>  The Examiner considered that the broad thrust of the policy met the basic conditions and the supporting text set out the evidence for the policy. However, she felt that criterion a) was negatively worded and open to interpretation and it would be hard to	Criterion a) amended to read:  "Height, scale, and form of buildings should <del>not</del> <del>disrupt the visual amenities of the immediate surroundings or impact adversely on any significant wider landscape views</del> <u>have an acceptable impact on the landscape and visual amenity;</u> "

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		<p>demonstrate compliance with it. For this reason it did not provide the practical framework for decision-making required by the NPPF. Therefore a modification was required to criterion a) to ensure that the policy took account of national policy and guidance.</p> <p>Officers agree with the Examiner that this modification is required to comply with associated local and national policy and to meet the Basic Conditions test.</p>	
<b>Policy WP6 – Prominent Public Views:</b>			
<p>Reword the first paragraph of the policy to read:</p> <p>“The locally prominent views listed below and shown on Figure 6 are considered special. Any development must ensure that the key features and attributes of these views can</p>	<p>Section 7: Policy WP6 (p.25)</p>	<p><i>Modification Agreed.</i></p> <p>The policy’s wording meant that any harmful impacts on these views would be taken into consideration, but it did not go onto say what then should happen. The</p>	<p>First paragraph of policy amended to read:</p> <p>“The locally prominent views listed below and shown on Figure 6 are considered special, <del>and Any development will be required to take into consideration any adverse impacts on these views through</del> <u>must ensure that the key features and attributes of these views can continue to be enjoyed.</u> This should be demonstrated through</p>

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continue to be enjoyed. This should be demonstrated through appropriate and proportionate landscape appraisals and impact studies."		<p>Examiner concluded that as drafted, the policy did not provide the practical framework for decision-making sought by the NPPF. A modification was therefore recommended to ensure that the policy took account of national policy.</p> <p>Officers agree with the Examiner that this modification is required to comply with associated local and national policy and to meet the Basic Conditions test.</p>	<u>appropriate and proportionate</u> landscape appraisals and impact studies".
<b>Policy WP7 – Protecting and Enhancing Community Facilities:</b>			

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Add at the end of the second paragraph of the policy "or that an alternative but equivalent or better facility is provided elsewhere in a suitable location."	Section 7: Policy WP7 (p.28)	<p><i>Modification Agreed.</i></p> <p>The Examiner commented that, amongst other things, CS Policy CS.25 referred to the retention of community facilities as well as the facility being provided effectively in an alternative manner or on a different site. The Examiner considered this would be a useful addition to the policy to ensure that it helped to achieve sustainable development.</p> <p>Officers agree with the Examiner's modification in this regard and consider the amended policy will meet the Basic Conditions text.</p>	<p>Second paragraph of policy amended to read:</p> <p>"The loss of existing community facilities will be resisted unless it can be demonstrated that the current use is no longer viable or that the facility is no longer in active use and has no prospect of being brought back into active community use <u>or that an alternative but equivalent or better facility is provided elsewhere in a suitable location.</u>"</p>
<b>Policy WP8 – Local Green Spaces:</b>			
Delete the final sentence from the policy that begins "That is, when the harm to the local green space..." to end.	Section 7: Policy WP8 (p.30)	<p><i>Modification Agreed.</i></p> <p>The Examiner commented that the language used in the policy itself reflected</p>	<p>First paragraph of policy amended to read:</p> <p>"The local green spaces listed below (and shown on Figure 8) will be protected. Development of these local green spaces will only be permitted in very</p>

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		<p>the NPPF by referring to "very special circumstances", but the final sentence mirrored Green Belt policy which was confusing and unnecessary. For this reason, the Examiner recommended that the final sentence of the policy be deleted.</p> <p>Officers agree with the Examiner's modification in this regard and consider the amended policy will meet the Basic Conditions text.</p>	<p><del>special circumstances. That is, when the harm to the local green space and any other harm is outweighed by other material considerations."</del></p>
<b>Policy WP9 – New Housing Development in Wilmcote Village:</b>			
Delete criterion f) in its entirety	Section 7: Policy WP9 (p.34)	<p><i>Modification Agreed.</i></p> <p>The Examiner felt there were two criteria of concern in this policy; f) and g). Criterion f) refers to heritage assets which are either covered in national or SDC level</p>	<p>Criterion f) deleted:</p> <p><del>"It would not harm the setting of any designated or non-designated heritage assets and would retain and enhance the visual amenity of the Green Belt".</del></p>



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		<p>policies or in Policy WP3. It also then refers to the visual amenity of the Green Belt. The Examiner confirmed this was not the only purpose or issue to be considered in relation to Green Belt policy. Therefore she considered this criterion was variously unnecessary, incomplete and would lead to confusion; it would not provide the practical framework sought by the NPPF and should be deleted.</p> <p>Officers agree with the Examiner's modification in this regard and consider the amendment will ensure the policy complies with the NPPF and meets the Basic Conditions text.</p>	

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Add the words "wherever possible" after "...surface water" in criterion g)	Section 7: Policy WP9 (p.34)	<p><i>Modification Agreed.</i></p> <p>The Examiner felt there were two criteria of concern; f) and g).</p> <p>Criterion g) requires the use of SuDs principles. The Examiner considered that since it referred to principles, it was in line with national policy and guidance as long as the criterion was made more flexible. A modification was proposed to achieve this required flexibility.</p> <p>Officers agree with the Examiner's modification in this regard and consider the amendment will ensure the policy complies with the NPPF and meets the Basic Conditions text.</p>	<p>Criterion g) amended and re-labelled criterion f):</p> <p>"It utilises Sustainable Drainage System (SuDS) principles in the management of its surface water <u>wherever possible</u> and does not increase flood risk to neighbouring properties".</p>
Change the second paragraph of the policy to read:  "Limited affordable housing to	Section 7: Policy WP9 (p.34)	<p><i>Modification Agreed.</i></p> <p>The policy supports "limited affordable</p>	<p>Second paragraph of policy amended to read:</p> <p><del>"New housing development outside of the existing village will be considered inappropriate development</del></p>

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<p>meet identified and demonstrated local community needs will be supported outside Wilmcote village on suitable sites that are in close proximity to local services and facilities and are in reasonable walking distance of local public transport."</p>		<p>housing" that meets an identified local need outside of the village. This is identified in the NPPF as being an exception. However, the wording of this paragraph refers to the need for such development to "not compromise" the purposes of the Green Belt and the need to "enhance the visual amenity of the Green Belt" and in the opinion of the Examiner, this does not fully reflect national policy on Green Belts. The NPPF identifies this type of development as being "not inappropriate". It is therefore usually considered that the impact on the Green Belt will already have been taken into account in the development's identification as being "not inappropriate" and where openness is not</p>	<p><del>unless it is</del> Limited affordable housing to meet an identified <u>and demonstrated</u> local community needs <u>will be supported outside Wilmcote village on suitable sites that</u> <del>Such housing should not compromise the purposes of the Green Belt and they retain and enhance the visual amenity of the Green Belt. Any site identified for such homes must also be</del> <u>are</u> in close proximity to existing local services, <u>and</u> facilities and <u>are</u> be in reasonable walking distance of local public transport".</p>

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		<p>expressly stated in paragraph 89 as a determinative factor there is no need to assess the development's impact on it or on the purposes of including land in the Green Belt. The Examiner proposed a modification to address this point.</p> <p>Officers agree with the Examiner's modification in this regard and consider the amendment will ensure the policy complies with the NPPF and meets the Basic Conditions text.</p>	
<p>Add the words "outside the village" after "...of these homes" in the third paragraph of the policy which begins "The occupancy, and future occupancy..."</p>	<p>Section 7: Policy WP9 (p.34)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner was of the opinion that the final paragraph of the policy regarding occupancy could be retained, but it was only appropriate that it only related to development outside the village (i.e. the second element of the policy). A</p>	<p>Third paragraph of policy amended to read:</p> <p>"The occupancy, and future occupancy, of these homes <u>outside the village</u> will be limited in perpetuity to people with a local connection by use of an appropriate planning obligation".</p>

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		<p>modification was proposed to ensure this was clear. This was required since limited infilling in villages is regarded as being not inappropriate development in the NPPF and the NPPF does not impose any occupancy caveats on this type of development.</p> <p>Officers agree with the Examiner's modification in this regard and consider the amendment will ensure the policy complies with the NPPF and meets the Basic Conditions text.</p>	
<p>Change the title of the policy to "New Housing Development in Wilmcote Village and Local Community Needs Housing in the Parish"</p>	<p>Section 7: Policy WP9 (p.34)</p>	<p><i>Modification Agreed.</i></p> <p>The title of the policy refers to the village only but the policy covers the village and outside the village. Therefore in the interests of clarity the Examiner considered the title of the policy should</p>	<p>Policy title amended to read:</p> <p><u>"POLICY WP9 – NEW HOUSING DEVELOPMENT IN WILMCOTE VILLAGE AND LOCAL COMMUNITY NEEDS HOUSING IN THE PARISH"</u></p>

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		<p>be changed to better reflect the contents of the policy.</p> <p>Officers agree with the Examiner's modification in this regard. There will be no impact on the Basic Conditions test.</p>	
<b>Policy WP11 – Promoting Good Design:</b>			
Add the words "wherever possible" after "...surface water" in criterion e)	Section 7: Policy WP11 (p.37)	<p><i>Modification Agreed.</i></p> <p>Policy WP11 is a long, criteria based policy. The Examiner considered that two criteria required modification. In line with her comments on Policy WP9 criterion g), this policy needs to build in some flexibility as to when SuDS principles would apply.</p> <p>Officers agree with the Examiner's modification in this regard and consider the amendment will ensure the policy complies</p>	<p>Criterion e) amended to read:</p> <p>"utilises Sustainable Drainage System (SuDS) principles in managing its surface water, <u>wherever possible</u>, seeks to utilise sustainable construction methods, minimises the use of non-renewable resources and maximises the use of recycled and sustainably sourced materials;"</p>

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		with the NPPF and meets the Basic Conditions text.	
Delete criterion m) in its entirety.	Section 7: Policy WP11 (p.37)	<p><i>Modification Agreed.</i></p> <p>The second criterion to give rise to concern was m). This was due to the fact that it referred solely to the visual amenity of the Green Belt. This is not accurate or complete and therefore the Examiner concluded that this criterion should be deleted to ensure the policy took account of national policy both in relation to Green Belts and the need to provide a practical framework for decision making.</p> <p>Officers agree with the Examiner's modification in this regard and consider the amendment will ensure the policy complies with the NPPF and meets the Basic Conditions test.</p>	<p>Criterion m) deleted:</p> <p><del>"would retain and enhance the visual amenity of the Green Belt".</del></p>

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<b>Policy WP12 – Leisure and Recreation Development:</b>			
Delete Policy WP12 and its accompanying background and justification.	Section 7: Policy WP12 (p.38-39)	<p><i>Modification Agreed.</i></p> <p>Within the Green Belt, the provision of appropriate facilities for outdoor sport and recreation are regarded as 'not inappropriate' as this type of development is listed as an exception in paragraph 89 of the NPPF. This policy seeks to support leisure and recreation uses in the village of Wilmcote and outside of it. The Examiner concluded that this was not the same as the policy for Green Belts expressed in the NPPF which refers to outdoor sport and outdoor recreation facilities rather than uses.</p> <p>The policy sought to change national policy on Green Belts and it did so</p>	<p>Policy WP12 deleted:</p> <p><del>"POLICY WP12 – LEISURE AND RECREATION DEVELOPMENT</del></p> <p><del>Within the existing village of Wilmcote proposals for new leisure and recreation uses will be supported when they meet the following criteria:</del></p> <p><del>a) They do not have an adverse impact on residential amenity;</del>  <del>b) They do not have an adverse impact on designated and non-designated heritage assets and their setting;</del>  <del>c) They do not have an adverse impact on privacy, safety and security; and</del>  <del>d) They do not have an adverse impact on the openness and they retain and purposes of the Green Belt.</del></p> <p><del>Outside of Wilmcote village such proposals will be supported when they are for the provision of appropriate facilities for outdoor leisure and recreation, including small buildings essential for the running of such outdoor recreation that would not conflict with the purposes of the Green Belt.</del></p> <p><del>Background/Justification:</del></p>



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		<p>with Mary Arden's House in mind. However, as the Basic Conditions Statement explained, the policy should reflect the NPPF.</p> <p>In relation to the second element of the policy, outdoor leisure and recreation facilities are supported outside Wilmcote village subject to four criteria. Again the Examiner concluded that the wording and the criteria did not fully reflect NPPF policy on Green Belts.</p> <p>Given that any modifications the Examiner recommended would only bring the policy in line with national policy expressed in the NPPF, she concluded there was little point in repeating it and so the policy should be deleted.</p>	<p><del>National Green Belt planning policy seeks to encourage the beneficial use of Green Belt land once it has been defined. Wilmcote parish has a number of existing leisure, and recreation assets, including Mary Arden's Farm, the Stratford upon Avon Canal, and National Cycle Route No. 5 runs through the parish. These benefit visitors, the local community and the local and wider economy.</del></p> <p><del>Mary Arden's Farm is one of the five Shakespeare houses within the Stratford on Avon area. The Shakespeare Site Tour Bus comes through the village all year and The Shakespeare Birthplace Trust (SBT) is putting plans together for year round opening of Mary Arden's Farm".</del></p>

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		Officers agree with the Examiner's modification in this regard and consider the amendment will ensure the policy complies with the NPPF and meets the Basic Conditions test.	
<b>Policy WP13 – Safer Travel and Traffic:</b>			
Delete the paragraph on page 41 of the Plan which begins "The Parish Council will, therefore, support development proposals..." in its entirety	Section 7: Policy WP13 Background (p.41)	<p><i>Modification Agreed.</i></p> <p>The supporting text offers support for new car parking areas. This then introduces policy through the supporting text which the Examiner confirmed is not acceptable in principle. Therefore in the interests of clarity and accuracy, deletion (rather than any revision) of the relevant supporting text was recommended.</p> <p>Officers agree with the Examiner's modification in this regard. It is not appropriate to introduce</p>	<p>Background paragraph deleted:</p> <p><del>"The Parish Council will, therefore, support development proposals to provide new car parking areas when they do not harm the purposes of the Green Belt, the visual amenity of the Green Belt and residential amenity".</del></p>

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
		policy through supporting text. The deletion of this supporting paragraph will not negatively impact upon the policy itself.	
<b>Policy WP14 – Footpaths, Pavements and Street Lighting:</b>			
Retitle the policy to "Footpaths, Cycleways and Lighting".	Section 7: Policy WP14 (p.41)	<p><i>Modification Agreed.</i></p> <p>This modification is required in order to reflect the Examiner's recommended modifications to the policy itself (see below).</p> <p>Officers agree with the Examiner's modification in this regard. There will be no impact on the Basic Conditions test.</p>	<p>Policy re-titled as follows:</p> <p><u>"POLICY WP14 13 – FOOTPATHS, PAVEMENTS CYCLE WAYS AND STREET LIGHTING"</u>.</p>
<p>Reword the policy to read:</p> <p>"Development proposals should provide new footpaths and cycle ways where necessary and take every available opportunity to enhance existing networks. This</p>	Section 7: Policy WP14 (p.41)	<p><i>Modification Agreed.</i></p> <p>The Examiner considered that the wording of the policy could be made clearer and more precise and rather than focusing</p>	<p>Policy amended to read:</p> <p><u>"Where necessary, Development proposals should seek to provide new footpaths and pavements cycle ways where necessary and take every available opportunity to enhance existing networks. This may include the provision of and appropriate street</u></p>

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
<p>may include the provision of appropriate lighting. Such features should be designed to ensure safe and secure layouts which are appropriate to the character and appearance of the area."</p>		<p>solely on safety, also promote sustainable modes of transport. In addition the Examiner confirmed that street lighting usually falls outside planning control.</p> <p>The Examiner recommended modifications to the policy to ensure that it met the basic conditions, in particular to take account of national policy and guidance and help to achieve sustainable development.</p> <p>Officers agree with the Examiner's modification in this regard and consider the amendment will ensure the policy complies with the NPPF and meets the Basic Conditions test.</p>	<p>lighting. <del>These</del> <u>Such</u> features should be designed to <del>make the highway safer for all users and, in appearance, should be</del> <u>ensure safe and secure layouts which are</u> appropriate to the character of the <del>surrounding area"</del>.</p>
<p>Change the reference to "street lighting" in the first paragraph of the supporting text on page 41 of the Plan to "lighting"</p>	<p>Section 7: Policy WP14 Background (p.41)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner recommended a</p>	<p>First paragraph of justification amended to read: "This policy seeks to improve footpaths, pavements and <del>street</del> lighting in the area".</p>

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		<p>modification to the supporting text to reflect the modifications proposed to the policy itself, for consistency.</p> <p>Officers agree with the Examiner's modification for clarity and consistency of approach. There will be no impact on the Basic Conditions test.</p>	
<p>Change the second and third paragraphs of the supporting text on page 41 of the Plan to become supporting actions (and number as appropriate)</p>	<p>Section 7: Policy WP14 Background (p.41)</p>	<p><i>Modification agreed.</i></p> <p>Whilst the supporting text identified two supporting actions, the Examiner considered the text contained two others which did not fall within the development and use of land. Therefore she recommended that these also become 'supporting actions'.</p> <p>Officers agree with the Examiner's modification for consistency of approach. There will be no</p>	<p>Paragraphs 2 and 3 amended as follows:</p> <p>"<u>Supporting Action 6</u> – In particular, the area around the school is becoming increasingly unsafe at the beginning and end of the school day and to address this problem the Parish Council will work with Warwickshire County Council".</p> <p>"<u>Supporting Action 7</u> – Within the existing village boundaries of Wilmcote and Pathlow, street lighting should be upgraded to current lighting technology to both reduce energy consumption and improve the effectiveness of each lighting point".</p>

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		impact on the Basic Conditions test.	
<b>Monitoring and Review:</b>			
<p>Change paragraphs 8.2 and 8.3 of the Plan into a new paragraph 8.2 which reads:</p> <p>"At the present time it is not possible to partially review or update particular elements of the plan. Should monitoring and review reveal that significant sections of the plan have become out of date we will look to review the whole document by producing a new plan following the processes in place at that time."</p>	Section 8 (p.43)	<p><i>Modification Agreed.</i></p> <p>This section did refer to updating and amending the Plan, but the Examiner concluded that at the present time there was no mechanism to partially review or update parts of a plan. She confirmed that an existing plan could be replaced by a new one but the process for the making of the replacement plan would be the same as the process for the making of the existing plan. The Examiner felt this section was misleading and should be corrected in the interests of accuracy.</p> <p>Officers agree with the Examiner's modification in terms of ensuring</p>	<p>Paragraphs 8.2 and 8.3 deleted and replaced as follows:</p> <p><del>"8.2 Where the need for change is identified we will work with Stratford on Avon District Council to produce updates and amendments where necessary.</del></p> <p><del>8.3 Should significant sections of the plan become out of date we will look to review the whole document by producing a new plan following the Neighbourhood Development Planning procedure".</del></p> <p><u>"8.2 At the present time it is not possible to partially review or update particular elements of the plan. Should monitoring and review reveal that significant sections of the plan have become out of date we will look to review the whole document by producing a new plan following the processes in place at that time."</u></p>

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		accuracy of information provided. There will be no impact on the Basic Conditions test.	
<b>Section 9 – How to comment on this document:</b>			
Delete section 9 from the Plan in its entirety.	Section 9 (p.44)	<p><i>Modification Agreed.</i></p> <p>The Examiner considered that this would have been a helpful section of the Plan had it been completed. However, at this point in the overall process, the section was considered to be redundant and as such should be removed from the Plan.</p> <p>Officers agree with the Examiner's modification in this regard. There will be no impact on the Basic Conditions test.</p>	<p>Section deleted:</p> <p><del>"9 HOW TO COMMENT ON THIS DOCUMENT</del></p> <p><del>9.1 The Wilmcote Submission Draft Neighbourhood Development Plan has been published for a period of formal consultation between [insert dates].</del></p> <p><del>9.2 Copies of the plan and response forms can be viewed on line [to be inserted].</del></p> <p><del>9.3 Copies of the Plan can be viewed at The Village Shop where three copies will be available for loan. You can also pick up response forms here.</del></p> <p><del>9.4 You can send your views on the draft NDP [to be inserted]".</del></p>
<b>Miscellaneous modifications not specified by the Examiner:</b>			

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List the individual policies (and associated page numbers) in the contents page of the NDP.	Contents Page (p.4-5)	<p><i>Modification Agreed.</i></p> <p>This modification was proposed by officers in order to assist the reader in understanding the content of the Plan and aid the location of appropriate policies or maps as required.</p> <p>The modification will not impact on the Basic Conditions test.</p>	Individual policies added to the contents page.
Add 'shaded box' to all polices.	Section 7 (p.21-39)	<p><i>Modification Agreed.</i></p> <p>This modification was proposed by officers to ensure that the policy wording stood out from explanatory text and was more obvious to the reader.</p> <p>The modification will not impact on the Basic Conditions test.</p>	Shaded boxes added to all policies in the Plan.



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

<b>Sustainable Development Role (NPPF)</b>	<b>Neighbourhood Development Plan's Contribution</b>
Economic	<p>The Neighbourhood Plan does include a specific policy relating to the protection and enhancement of community facilities, a number of which are also sites of local employment.</p> <p>This policy 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 supports new housing development within the village of Wilmcote and local community needs housing in the Parish.</p> <p>The Plan promotes the retention and improvement of local community facilities.</p> <p>The Plan looks to safeguard and promote improvements of locally important sites.</p> <p>Policies seek to promote the local distinctiveness of the area, and recognise locally important heritage assets.</p> <p>Policy seeks to protect and improve accessibility and safer modes of travel.</p>
Environmental	<p>The Neighbourhood Plan includes a number of policies that support environmental sustainability for the community.</p> <p>The Plan includes policies to protect the natural environment for future generations which have a positive impact on the environmental sustainability of the plan.</p>

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

- Subject to the modifications above, the Wilmcote & Pathlow 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/wilmcotenp](http://www.stratford.gov.uk/wilmcotenp)

And can be viewed in paper form at:

Stratford-on-Avon District Council  
Elizabeth House  
Church Street  
Stratford-upon-Avon  
CV37 6HX