

Snitterfield Neighbourhood Development Plan Submission Version 2011 – 2031

Report of Examination

April - May 2017

Undertaken for Stratford-on-Avon District Council with the support of Snitterfield Parish Council on the submission version of the plan.



Independent Examiner:

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Contents

Summary	3
1. Introduction and Background.....	4
1.1 Neighbourhood Development Plans	4
1.2 Independent Examination	4
1.3 Planning Policy Context.....	6
2. Plan Preparation and Consultation.....	7
2.1 Pre-submission Process and Consulation.....	7
2.2 Regulation 16 Consultation Responses.....	8
3. Compliance with the Basic Conditions.....	11
4. Compliance with National Policy and the adopted Development Plan.	13
5. The Referendum Boundary	35

Summary

- I have undertaken the examination of the Snitterfield Neighbourhood Development Plan during April and May 2017 and detail the results of that examination in this report.
- Subject to the recommended modifications being made, the Plan meets the basic conditions and may proceed to referendum.
- I recommend the referendum boundary is the designated neighbourhood plan area.

Abbreviations used in the text of this report:

The Snitterfield Neighbourhood Development Plan is referred to as 'the Plan' or 'Snitterfield NDP'.

Snitterfield Parish Council is abbreviated to 'Snitterfield PC'.

Stratford-on-Avon District Council is abbreviated to 'Stratford DC'.

The National Planning Policy Framework is abbreviated to 'NPPF'.

The National Planning Practice Guidance is abbreviated to 'NPPG'

The Stratford-on-Avon District Core Strategy 2016 is abbreviated to 'Core Strategy'

Acknowledgements: Thanks to Local Authority and qualifying body staff for their assistance with this examination and prompt responses to questions. My compliments to the local community volunteers and Neighbourhood Plan Committee who have worked for over two years to produce a comprehensive and coherent Plan for their community.

1. Introduction and Background

1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowers local communities to develop planning policy for their area by drawing up neighbourhood plans. For the first time, a community-led plan that is successful at referendum becomes part of the statutory development plan for their planning authority.

1.1.2 Giving communities greater control over planning policy in this way is intended to encourage positive planning for sustainable development. The National Planning Policy Framework (NPPF) states that:

“neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need”.

Further advice on the preparation of neighbourhood plans is contained in the Government’s Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

1.1.3 Neighbourhood plans can only be prepared by a ‘qualifying body’, and in Snitterfield that is the Snitterfield Parish Council. Drawing up the Neighbourhood Plan was undertaken by a formally constituted Neighbourhood Plan Committee (NPC), working to the Parish Council.

1.2 Independent Examination

1.2.1 Once the NPC and Snitterfield PC had prepared their neighbourhood plan and consulted on it, they submitted it to Stratford DC. After publicising the plan with a further opportunity for comment, Stratford DC were required to appoint an Independent Examiner, with the agreement of Snitterfield PC to that appointment.

1.2.2 I have been appointed to be the Independent Examiner for this plan. I am a chartered Town Planner with over thirty years of local authority and voluntary sector planning experience in development management, planning policy and project management. I have been working with communities for many years, and have recently concentrated on supporting groups producing neighbourhood plans. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS). I am independent of any local connections to Snitterfield and Stratford DC, and have no conflict of interest that would exclude me from examining this plan.

1.2.3 As the Independent Examiner I am required to produce this report and recommend either:

- (a) That the neighbourhood plan is submitted to a referendum without changes; or
- (b) That modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) That the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.2.4 The legal requirements are firstly that the plan meets the 'Basic Conditions', which I consider in sections 3 and 4 of this report. The plan also needs to meet the following requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990:

- It has been prepared and submitted for examination by a qualifying body;
- It has been prepared for an area that has been properly designated by the Local Planning Authority;
- It specifies the period during which it has effect;
- It does not include provisions and policies for excluded development;
- It does not relate to land outside the designated neighbourhood area.

The Snitterfield Neighbourhood Development Plan (SNDP) complies with the requirements of Paragraph 8(1). The Neighbourhood Area was designated on 13th January 2014 by Stratford DC. The Plan does not relate to land outside the designated Neighbourhood Area. It specifies the period during which it has effect as 2011 – 2031 and has been submitted and prepared by a qualifying body and people working to that qualifying body. It does not include policies about excluded development; effectively mineral and waste development or strategic infrastructure.

1.2.5 I made an unaccompanied site visit to Snitterfield to familiarise myself with the area and visit relevant sites and areas affected by the policies. This examination has been dealt with by written representations, as I did not consider a hearing necessary.

1.2.6 I am also required to consider whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to a referendum. I make my recommendation on this in section 5 at the end of this report.

1.3 Planning Policy Context

1.3.1 The Development Plan for Stratford-on-Avon, not including documents relating to excluded mineral and waste development, is the Stratford Core Strategy 2011 - 2031. This document superseded all policies in the Local Plan Review 1996-2011, and was adopted in July 2016.

1.3.2 The National Planning Policy Framework (NPPF) sets out government planning policy for England, and the National Planning Practice Guidance (NPPG) website offers guidance on how this policy should be implemented.

1.3.3 During my examination of the Snitterfield NDP I have considered the following documents:

- National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance (NPPG) 2014 and as updated
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- The Neighbourhood Planning Regulations 2012 (as amended)
- Submission version of the Snitterfield Neighbourhood Development Plan
- The Basic Conditions Statement submitted with the Plan
- The Consultation Statement and Appendices submitted with the Plan
- Snitterfield Housing Needs Survey 2014
- SEA Screening Document of the Snitterfield NDP
- Neighbourhood Area Designation (map)
- Stratford-on-Avon District Core Strategy 2011 – 2031: Adopted July 2016
- Strategic Housing Market Assessment Update 2013 for Stratford DC
- Stratford-on-Avon District Local Plan Review 2006
- Stratford-on-Avon District Local Plan May 2000
- Landscape Sensitivity Study 2012 White Consultants for Stratford DC
- Historic Environment Assessment of Local Service Villages 2012 AOC for Stratford DC
- Representations received during the publicity period (reg16 consultation)

2. Plan Preparation and Consultation

2.1 Pre-submission Process and Consultation

2.1.1 Snitterfield is a pleasant village in Warwickshire, in an area informally known as Shakespeare's Country. It is about 5km north of Stratford. The village is washed over by the West Midlands Green Belt, and much of the village is designated as a conservation area. The countryside around, which the parish also includes, is a rolling landscape of mostly traditional farmland with small fields bordered by hedgerows.

2.1.2 The parish council decided to undertake a neighbourhood plan partly as a response to the need to update the Parish Plan of 2006, and partly to consider residential allocations for the village. A Neighbourhood Plan Committee (NPC) was established, composed of at least two Parish Councillors and resident volunteers from the local community. The group's membership varied, but was always between 10 and 13 people. The group met monthly in open meetings and minutes of meetings were made available on the website. From May 2016 a dedicated neighbourhood plan website was available.

2.1.3 The Consultation Statement sets out the nature and form of consultation prior to the formal Reg14 six week consultation. The process was sustained over two years, with several open day events to report back on previous consultation and what the NPC had been working on. Questionnaires tailored to residents (35% response rate), businesses (52% response rate) and local community groups (66% response rate) were delivered and results collated. Local free press as well as the website was used to keep people informed. I am very satisfied that consultation on the neighbourhood plan has closely involved the wider community from different interests and points of view.

2.1.4 As required by Regulation 14 (Reg 14) of the Neighbourhood Planning Regulations 2012, the formal consultation for six weeks on the pre-submission Snitterfield NDP ran from Thursday the 26th May 2016 to Thursday the 7th July 2016. The draft Plan was delivered to every household, business and local community group together with a response form. The Local Planning Authority and other statutory consultees were consulted by email and an event held at the village hall at the start of the consultation to assist with explaining the plan and presenting the evidence to interested parties. Comment could be made on hard copy or online.

2.1.5 Representations were received from 59 residents, agents and statutory bodies during the Reg 14 consultation period, and a petition was also submitted. Each was considered, and several amendments have been made to the plan as a result of constructive suggestions for changes. These are clearly detailed in Appendix 2 of the Consultation Statement.

2.1.6 I am satisfied that due process has been followed during the consultation undertaken on the Plan. The record of comments and objections received during the Reg 14 consultation shows that these were properly considered, and where considered appropriate, resulted in amendments to the plan to accommodate points raised.

2.1.7 As required, an amended plan, together with a Basic Conditions Statement, a Consultation Statement, the Screening Opinion and a plan showing the neighbourhood area was submitted to Stratford DC, the local planning authority (LPA) on the 2nd January 2017.

2.1.8 The District Council undertook the Regulation 16 (Reg 16) consultation and publicity on the Snitterfield NDP for six weeks, from the 19th January 2017 – 3rd March 2017. The representations received during this consultation are considered below.

2.2 Regulation 16 Consultation Responses

2.2.1 Publicity and consultation on the plan undertaken by Stratford DC after submission, as required by regulation 16 of the Neighbourhood Planning Regulations 2012, resulted in sixteen comments. Three individuals offered support and comment on the policies. Of the statutory consultees, five had no specific comments to make on this plan but offered general guidance. Other responses are summarised below, and, where necessary, issues they raise concerning a failure to comply with the basic conditions are considered in sections 3 and 4 of this report.

2.2.2 **Historic England** offers congratulations on a well-considered Plan with a proportionate approach to the historic environment of the Parish.

2.2.3 **Stratford DC** offer detailed comments on most policies and some textural issues. Spelling and ‘typo’ corrections have not been repeated here, as these can be automatically attended to when revising the Plan after this examination. Under the terms of the Neighbourhood Planning Regulations 2012, I can only consider issues raised in the Reg 16 consultation that impact on

whether or not the Basic Conditions and other legal requirements of the Plan have been met, and some comment is not relevant to the examination therefore. Many of the points raised by the Council are pertinent to the examination however, and will be considered further as appropriate in section 4 of this report.

2.2.4 **Warwickshire County Council** Flood Risk Management section welcome a clear and coherent document, and offer comments for clarity and accuracy on the explanatory text of Policy IN1. Other sections of the County Council have offered useful comments on the Plan content, but not issues that could impact on a consideration of whether it meets the Basic Conditions or not. Feedback of this nature is more useful at the earlier Regulation 14 stage, when general alterations to text are easier to make.

2.2.5 **The Environment Agency** are concerned that that some policies are not paying full regard to the requirements of development in flood zones 2 and 3, which parts of Snitterfield Village are within. Policy IN2 Drainage and Flooding is considered by the Agency to comply with Policy CS4 of the Core Strategy. They have no objections to the site allocations, as both are within flood zone 1.

2.2.6 **Spitfire Properties** object to the designation of site 4 as Local Green Space, and considerable evidence is offered in support of this objection. The designation of Local Green Space will be considered further in this report in section 4 (page 25: 4.25)

2.2.7 **Stansgate Planning** object to Policy H1 and consider it does not comply with the Basic Conditions because it does not address housing need and has not met the housing requirement of Local Service Villages, which Snitterfield has been defined as in the Core Strategy. However Snitterfield is a village washed over by green belt, so that the requirements of green belt policy apply and development in the village is therefore constrained. Policy CS10 applies in Snitterfield rather than CS16 with regard to new development proposals. Stansgate Planning also object to the designation of site 4 as Local Green Space, and Policy SSA1, which is felt to not comply with policy CS25 in the Core Strategy. As appropriate, objections to these policies will be considered in section 4 of this report.

2.2.8 **Steve Taylor** has offered objections and support variously to many of the Plan policies. These include a request that 'vacant and redundant' land should be included within the brownfield category for Policies H2 and BE2, but this definition is too vague for general planning policy use. Mr Taylor also draws attention to several aspects of policies that he considers too onerous to

developers, and generally feels that the plan does not promote sustainable development and is too restrictive. As stated above, the particular circumstances of Snitterfield being completely included within the West Midlands Green Belt mean that the qualifying body cannot designate significant development sites while still complying with strategic green belt policy in the development plan; a requirement of the basic conditions. The objection to the village boundary being drawn too tightly will be considered in section 4 (page 13: 4.4) below.

3. Compliance with the Basic Conditions.

3.1 General legislative requirements of the 1990 Town and Country Planning Act (TCPA) other than the Basic Conditions are set out in paragraph 1.2.4 above. The same section of this report considers that the Snitterfield NDP has complied with these requirements. What this examination must now consider is whether the Plan complies with the Basic Conditions, which state it must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area; and
- Be compatible with and not breach European Union (EU) obligations and human rights law.

3.2 The Basic Conditions Statement explains how the Plan promotes the social, economic and environmental goals of sustainable development in some detail (pages 6 – 9). The vision of the Plan includes promoting a flourishing economy, mitigating climate change and preserving and enhancing biodiversity. Within the constraints of the green belt limited development is promoted, and I accept that the Snitterfield NDP is contributing to the achievement of sustainable development.

3.3 A screening opinion has been issued by Lepus Consulting for Stratford DC which considered whether Strategic Environmental Assessment (SEA) and was required for the Snitterfield NDP. The Screening opinion states (page 15) that:

“In accordance with topics cited in Annex 1(f) of the SEA directive, significant effects on the environment are not expected to occur as a result of the NDP. It is recommended that the Snitterfield Neighbourhood Development Plan should be screened out of the SEA process.”

3.4 Stratford DC, as the competent body, have further consulted Natural England as to whether or not a Habitat Regulations Assessment (HRA) was needed for the Snitterfield NDP. The response from this statutory consultee was that there are no European sites within 20km of the neighbourhood area and so HRA would not be required. SEA and HRA are the environmental requirements in EU law, and the main EU Directives, that neighbourhood plans need to comply with.

3.5 The Snitterfield NDP in my view complies with Human Rights Legislation. It has not been challenged with regard to this, and the consultation statement showed that the need to consult with a wide cross-section of the community was appreciated.

4. Compliance with National Policy and the adopted Development Plan

4.1 The final and most complex aspect of the Basic Conditions to consider is whether the Snitterfield NDP meets the requirements as regards national policy and the development plan. This means firstly that the Plan must have regard to national policy and guidance, which for this neighbourhood plan is the NPPF and the NPPG. Secondly the Plan must be in general conformity with the strategic policies of the development plan - the Stratford-upon-Avon District Core Strategy 2016 (Core Strategy). The phrase 'general conformity' allows for some flexibility. If I determine that the Plan as submitted does not comply with the Basic Conditions, I may recommend modifications that would rectify the non-compliance.

4.2 The Plan and its policies are considered below in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. If not, then modifications required to bring the plan into conformity are recommended. Modifications are boxed in the text, with text to remain *in italics*, new text **highlighted in Bold** and text to be deleted shown but ~~struck through~~. Instructions are underlined to distinguish them from text.

4.3 The format of the Snitterfield NDP is concise and clear and nicely illustrated. It generally deals with landuse issues only, as required by legislation, and the Policies are clearly differentiated. There are a few instances where a reference to supporting evidence is needed for clarity, this has been noted in the discussion of each policy in the Plan below. The LPA have commented that the Vision and Strategic Objectives are too restrictive in the aspiration to provide development that meets 'local needs'. However the aspirations do not speak of resisting development, and given the green belt designation of the neighbourhood area, I do not find the wording negative.

4.4 Policy H1 Village Boundary

The policy defines a boundary to the village within which new dwellings will be supported in principle if they comply with other policies of the Plan. Outside the boundary, development will be in the defined countryside area of policy AS10 in the Core Strategy. The policy itself complies with the strategic policies of the development plan, but the definition of the boundary has not been clearly explained.

4.4.1 The village boundary in the Snitterfield NDP is similar to the 'built-up area boundary' (BUAB) drawn for the Stratford-upon-Avon District Local Plan 2000 (Local Plan) and is presumably based on this previous work, although this is not stated in the explanation for Policy H1. Criteria for

altering the boundary from the previous definition are not made clear in the Snitterfield NDP. The village boundary in the Snitterfield NDP has been criticised as being too constrictive, and it has excluded some garden areas that were included in the former Local Plan boundary. Stratford DC have suggested that the criteria in the Local Plan Review for setting village boundaries should be followed, and identified the following sites as needing to be included within the boundary for consistency:

- The most westerly dwelling on the Bearley Road and its residential curtilage;
- The rear gardens associated with dwellings on White Horse Hill;
- The remainder of rear gardens of dwellings to the north of Church Lane;
- The residential garden of the last property to the south of The Green.

I visited all of these sites as far as access was possible – requesting access from an existing dwelling in one instance due to footpath closures. The lack of clear criteria in the explanation for Policy H1 means that I see no reasonable cause to deviate from the boundary defined in the Local Plan where no new development has occurred. I also agree with the LPA that the most westerly dwelling on the Bearley Road and its residential curtilage should also for consistency be included although excluding the northern paddock. The village boundary in this area has already been extended to include new properties immediately to the east of this dwelling. These changes give the boundary setting a clear consistency and comply with the criteria from the Local Plan Review as far as residential garden curtilages are concerned.

4.4.2 Policy H1 has also been held not to comply with the Basic Conditions in that the plan has not properly allowed for housing needs in the community for the plan period as sustainable development objectives require, and does not comply with policy in the Core Strategy. However there is no obligation on a neighbourhood plan to allocate residential sites, for either market or affordable housing (NPPG ID 41-040-20160211). The Housing Needs Survey of 2014 cannot be considered out of date yet, so work has been undertaken on housing needs in the parish and can still inform any future decisions on potential exception sites. Additionally, the relevant Core Strategy policy for determining the level of housing in Snitterfield is CS10 on Green Belt development, not Policy CS16 for Local Service Villages.

4.4.3 The justification and evidence for setting the village boundary needs to be more explicit in the text of the Plan, with clear criteria. The statement (page 15) “does not always follow existing site boundaries of the village and Green Belt” is not an adequately robust criterion, and there is no explanation given as to why the previous decisions regarding garden curtilages should be

revised. While criteria for the village boundary did not have to exactly follow those of the Local Plan Review, in the absence of robust alternative criteria, I recommend that the Local Plan Review criteria are used as far as they are relevant to Snitterfield. Modification 1 below suggests criteria to be added to the explanation for this policy, based on the Local Plan Review criteria, so that the resulting boundary is properly evidenced-based.

4.4.4 Policy H1 will meet the Basic Conditions when it has been altered to meet the requirement in NPPG that policy is based on clear evidence (ID41-040-20140306). It will then also comply with the NPPF requirements that neighbourhood plans are positive (NPPF 184). I recommend therefore that the village boundary shown in figure 3, and the explanation for Policy H1 are altered as shown in Modification 1 in order that this Policy meets the Basic Conditions.

Modification 1: The village boundary shown in figure 3 and referred to in Policy H1 is recommended to be altered as follows:

- The most westerly dwelling on the Bearley Road and its residential curtilage to be included but the northern boundary not to include the paddock beyond the immediate garden;
- The rear gardens associated with dwellings on White Horse Hill, the remainder of rear gardens of dwellings to the north of Church Lane and the residential garden of the last property to the south of The Green to be included to the extent shown on the village boundary in the Stratford on Avon District Local Plan 2000.

The text of the explanation for Policy H1 is to include a reference to the evidence source of the boundary and the criteria used to define it in the Snitterfield NDP. Suggested text is:

"The Village Boundary has been based on the built-up area boundary originally drawn up in the Stratford-on-Avon District Local Plan in 2000. It has been altered in line with the following criteria of inclusion within the village boundary:

- **Where new residential development, sites allocated in this Plan, and outstanding planning permissions are located on the edge of the boundary set in the Stratford-upon-Avon District Local Plan they are now included within the village boundary;**
- **Residential curtilages are included within the village boundary unless an area is clearly a paddock and more appropriately defined as 'non-urban'.**

~~carefully conceived to ensure that an appropriate and reasonable approach which accurately captures the built form of the village is defined. The boundary does not always follow existing site boundaries such as large residential gardens in the interests of preserving the open and rural setting of the village and the Green Belt."~~

4.5 Policy H2 – Use of Brownfield Land

The Policy complies with the Basic Conditions, but criteria b) is worded so as to imply that it is the remedial works that are satisfactorily dealt with, not the contamination. For clarity of meaning as required by the NPPF, and accuracy, the following alterations are recommended:

Modification 2: Policy H2, criterion b) is recommended to be altered as follows:

b) Any contaminants are satisfactorily dealt with by remedial works previously agreed by the LPA;

For accuracy the Explanation should refer to Annex 2 of the NPPF defining ‘previously developed land’, not ‘brownfield land’.

4.6 Policy H3 – Use of Garden Land

Policy H3 complies with the Basic Conditions.

4.7 Policy H4 – Affordable Housing

Policy H4 complies with the Basic Conditions, but the policy should add the word ‘**Snitterfield**’ to the ‘*Housing Needs Survey 2014*’ reference at the end of the policy for absolute clarity.

4.8 Policy H5 – Market Housing Mix

For clarity, as required by the NPPF, the policy references to evidence should be clearer, and what the evidence is used for – housing mix on site. The relevant Strategic Housing Market Assessment Update is current but not very up-to-date, and for accuracy should not be described as such. In addition, local need is evidenced in the housing needs survey better than the residents’ opinion survey. In order that the policy meets the Basic Conditions with regards to clarity (NPPF para 154), accuracy and evidence base (NPPG ID41-040-20140306), it is recommended to be amended as shown:

Modification 3: The first paragraph of Policy H5 is recommended to read as follows:

*“Developments of 5 or more units should seek to meet the **housing mix** requirements identified by current ~~up-to-date~~ evidence such as the **Stratford Strategic Housing Market Assessment Update 2013** or the ~~Residential Parish~~ **Snitterfield Housing Needs Survey 2014** ~~conducted to inform this Plan~~ and any update to this research.”*

..... rest as existing

4.9 Policy ECON1 – Protecting and Supporting Existing Employment Sites

Policy ECON1 complies with the Basic Conditions.

4.10 Policy ECON2 – Promoting New Employment Opportunities

Stratford DC have criticised the policy for not mentioning Green Belt as a restraint, and consider criterion a) at present too restrictive as it would seem to allow for no impact at all on residential amenity. If the policy states that new sites need to be consistent with other policies in the wider development plan, which is the case in fact, then the Plan will have encompassed Green Belt protection policies and become more accurate. For clarity and to remain positive, criteria a) should state that it is ‘unacceptable’ impact on residential amenity that is not permitted.

4.10.1 In order that Policy ECON2 meets the requirements of the NPPF with regard to clarity and positive planning (paras 154 and 184) and therefore complies with the Basic Conditions, Policy ECON2 is recommended to be amended as shown in Modification 4.

Modification 4: Policy ECON2 is recommended to be altered as follows:

*“Proposals for new employment sites consistent with other policies in ~~this~~ **the Development Plan** and which encourage the growth of local employment will be supported.*

The development of new local employment opportunities will be supported within the Neighbourhood Area providing that they:

a) *Do not have **an unacceptable** ~~detrimental~~ impact on residential amenity;”*

..... rest as existing

4.11 Policy BE1 – Responding to Local Character

This policy is promoting local character in design, as the NPPF encourages (para 58). Criterion i) has been criticised for being too onerous in that all development is required to undertake ‘an appropriate archaeological survey’.

4.11.1 The 2012 Historic Environmental Assessment undertaken by Stratford DC identifies much of Snitterfield and surrounding land as of high or medium historic sensitivity (page 217). The same report goes on to indicate that pre-determination assessment should either be a requirement (high sensitivity) or a possible requirement depending on the size and scale of development (medium sensitivity). The Core Strategy Policy CS8 protects the historic environment and the justification indicates (para 3.7.7) that an archaeological assessment will normally be needed prior to any planning decision, and the local list for planning application submission requirements also states that archaeological assessment will be required where the site potentially is of archaeological interest.

4.11.2 Thus the requirement of criterion i) is reasonable given the sensitivity evidence, as long as the policy is able to be applied proportionately. The word ‘appropriate’ used in connection with the ‘archaeological survey’ required, gives the required flexibility in my opinion.

4.11.3 Policy BE1 therefore complies with the Basic Conditions.

4.12 Policy BE2 – Effective and Efficient Use of land

Policy BE2 complies with the Basic Conditions.

4.13 Policy BE3 – Neighbourhood Design Guidelines

The Environment Agency have raised concerns that Policy BE3 could allow extensions to buildings in the flood plain, thus reducing its effectiveness. However any policy is understood to be subject to other policies in the development plan, and Policy CS4 of the Core Strategy protects against this possibility effectively. Additionally criterion b) reinforces the need to maintain flood plain effectiveness.

4.13.1 Criterion a) has been based I understand on Policy PR2 in the Stratford-upon-Avon District Local Plan Review, a policy and document that has been superseded by the Core Strategy during

the preparation of this neighbourhood plan. There is support locally for maintaining the requirement, and the LPA are not objecting to its continuation, but they point out that the explanation should offer a justification for this restriction. I agree with this assessment: while the policy is compatible with policy in the NPPF (para 89) and does not conflict with policy CS10 in the Core Strategy, an evidence trail needs to be indicated in the Snitterfield NDP in order that the Basic Conditions regarding evidence are met.

4.13.2 Stratford DC also question the clarity of criterion j): at present it could be read as requiring the building facade generally to be in blue brick. The requirement of criterion i) that buildings have a working brick chimney is also not proportionate, and the wording here needs to indicate that doing this is encouraged not required for reasonableness.

4.13.3 In order that Policy BE3 meets the basic conditions with regard to the evidence requirements of the NPPG, and the clarity and proportionate requirements of the NPPF (paras 154 and 174), I recommend that it is amended as shown in Modification 5.

Modification 5: Policy BE3 is recommended to be amended as follows:

As existing to end of criterion h), then:

*i) Provision **where appropriate** of working chimneys of traditional brick construction;*

*j) Use of traditional metal or timber windows and doors recessed into the brickwork, with a preference ~~to~~ for **window cills being constructed in blue brick or plain tile-cills**; and to end.*

The explanation for Policy BE3 to include the following suggested wording or similar for the second paragraph to explain criterion a) and the 30% restriction on extensions:

*The Green Belt washes over the village and **both the NPPF para 89 and the Core Strategy Policy CS10 require extensions to dwellings in the Green Belt to be limited in extent.** The limited extension and alteration of an existing building is supported providing it does not result in disproportionate additions over and above the size of the original building. In order to ensure that extensions are not disproportionate, this Plan considers that **the previous development plan policy (Local Plan Review Policy PR2) set a reasonable limit in its justification of 30%. The proposal to do this was supported during consultation, and the limit set originally in the previous development plan is therefore reinstated in this policy.** Cumulatively therefore, **extensions should not normally exceed 30% of the volume of the original building. Proposals exceeding 30% must demonstrate Very Special Circumstances.***

4.14 Policy BE4 – Designing Out Crime

The policy as currently worded is to apply to all planning applications, including small householder applications and change of use applications. This is not proportionate, and contrary to requirements for positive planning (NPPF 184) and policies that do not have burdens that threaten viability (NPPG ID 41-005-20140306). In order that the policy meets the Basic Conditions therefore, I recommend it is modified as set out in Modification 6.

Modification 6: Policy BE4 is recommended to be amended as follows:

~~All~~ *Development proposals where appropriate will be expected to demonstrate how the design has been influenced by the need to plan positively to reduce crime and the fear of crime and how this will be achieved.*

Proposals which fail to satisfactorily create a safe and secure environment will not be supported.

4.15 Policy BE5 – Lighting

Policy BE5 complies with the Basic Conditions.

4.16 Policy BE6 – Parking

The policy refers to County Council adopted parking standards, but the LPA has stated that there are no such parking standards as they were not incorporated into the Core Strategy. The Core Strategy Policy CS26 refers to the need to avoid excessive on-site parking provision, and states that guidance on parking standards will be forth-coming.

4.16.1 The parking guidelines in Policy BE6 are broadly in line with the previous guidelines of the highway authority and the LPA, and the policy is in general conformity with the development plan as it currently exists. However the reference to adopted standards from the County Council needs to be removed; there are no County standards. The qualifying body have suggested alternative wording, which the LPA and I agree meet the basic conditions and so is acceptable alternative text.

Modification 7: Policy BE6 is recommended to replace the second paragraph as follows:

..... **Developments comprising new or additional non-residential floorspace will be looked at on their own merits having regard to the context of the site.** ~~Non-residential developments must provide adequate parking in accordance with the County Councils adopted standards~~.....

4.17 Policy BE7 – Preservation of Heritage Assets

Policy BE7 complies with the Basic Conditions.

4.18 Policy BE8 – Agricultural Land

The policy intent complies with the Basic Conditions and para 112 of the NPPF. However for accuracy and clarity, as required by the NPPF, the policy should be altered as shown.

Modification 8: For accuracy and clarity Policy BE8 is recommended to be altered as shown so that it complies with the Basic Conditions:

*Development of the best and most versatile agricultural land (defined as grades 1, 2 and 3a in the Agricultural Land Use Classification) will normally be resisted unless it can be demonstrated that significant development of **best quality** agricultural land is necessary and no other land of poorer agricultural quality is available.*

4.19 Policy BE9 – Replacement Dwellings

Criterion e) has been objected to on the grounds that it is an unreasonable imposition on a developer. However there is no stipulation as to how this is to be demonstrated, and in fact a sentence or two of explanation could meet the requirement. I do not consider it unduly onerous therefore. The LPA point out that the 30% requirement also needs explaining further here, but given modification 5 above, reference to the amended explanation for policy BE3 in the explanation for this policy at the end of the third paragraph will be sufficient.

4.19.1 Policy BE9 complies with the Basic Conditions.

4.20 Policy BE10 – Conversion and Reuse of Buildings

The LPA have commented that conversion proposals do not have to prove redundancy, but this is not a requirement of the policy. Development proposals for dwellings that are not redundant will be dealt with by other development plan policy. Comments regarding the proper wording as regards materials are met by the requirement in the policy for 'architectural merit' in my view.

4.20.1 However in order that the policy is reasonable in terms of what documentation it requires to be submitted with any application, and complies with the NPPG with regard to policy burdens (NPPG ID 41-005-20140306), the last paragraph should be modified to include a caveat of “where appropriate”. Therefore, in order that Policy BE10 meets the Basic Conditions, I recommend that it is modified as shown in Modification 9:

Modification 9: The last paragraph of policy BE10 is recommended to be altered as follows:

.....

*Such applications will be expected **where appropriate** to demonstrate compliance with the above criteria through the submission of supporting documentation such as ecological surveys and structural engineer’s surveys.*

4.21 Policy BE11 – Empty Homes and Spaces

I requested clarification from the qualifying body on the intent of this policy, as it seemed to me that there was a potential conflict with Policy BE10. The Basic Condition requirement that policy be clear to a decision-maker and developer (NPPF para154) requires that the intent is clearer, and thus the reference to ‘ancillary works’ needs to be clear that these are ‘minor ancillary works’, to avoid a potential conflict with Policy BE10. The Environment Agency were concerned that the policy could encourage increased development within the floodplain, and again for clarity of intent the policy should include a reference to needing to comply with other policy in the development plan generally.

4.21.1 In order that Policy BE11 meets the Basic Conditions and is clear to decision-makers and developers, I recommend that it is amended in line with modification 10.

Modification 10: Policy BE11 is recommended to be altered as follows:

*Proposals which bring back into active use empty homes will be supported and encouraged. This includes any **minor** ancillary works required to facilitate the reuse of the building.*

*Proposals which seek to utilise empty or unused spaces within existing buildings will be looked upon favourably providing there are no adverse environmental impacts, ~~and~~ the new use is compatible with the existing neighbouring uses **and the proposal complies with other policy in the development plan.***

4.22 Policy NE1: Protection of Special Scientific Interest (sic) or the Local Nature Reserve

There are issues of hierarchy of protection for nationally and locally protected sites being conflated in this policy, contrary to the NPPF (para 113). The Core Strategy Policy CS6 offers protection to designated environmental sites in line with the hierarchy, but this policy does not add to the Core Strategy policy, and could in some circumstances undermine it. I appreciate the qualifying body wish to be seen to protect all their sites of environmental value, but in the case of nationally designated sites, and the Local Nature Reserve, this protection has been done better in the Core Strategy.

4.22.1 In order that the Snitterfield NDP meets the basic conditions I recommend that Policy NE1 is deleted. The protection elsewhere is recommended to be made explicit in the text.

Modification 11: Policy NE1 is recommended to be deleted and policies re-numbered as necessary. Existing protection for these sites should be referenced in the Explanation (second para page 32) which follows on from the general introduction to the Natural Environment Section.

Suggested text is:

*“The WWT is responsible for the care of Snitterfield and Bearley Bushes SSSI and High Close Farm SSSI. WWT also manages The Welcombe Hills and Clopton Park Nature Reserve on behalf of Stratford-on-Avon District Council which owns the land. **These sites are protected by policy CS6 in the Core Strategy.**”*

4.23 Policy NE2 – Protection of Natural Features and Other Areas of Rich Biodiversity

This policy is detailing local sites of ecological value and promoting the encouragement of greater biodiversity in the neighbourhood area. The Policy will be more specific and thus clearer with a reference to Appendix 3 within the policy to define ‘Ecosites’. Criterion b) is not well worded, to the extent that the intent is not clear. The policy has been criticised for not defining ‘mitigation hierarchy’, but as this is done in the explanation I accept that the policy is clear enough as it stands.

4.23.1 Policy NE2 will comply with the Basic Conditions with regard to the need for clarity demanded by the NPPF with the alterations recommended in Modification 12.

Modification 12: The first paragraph of Policy NE2 is recommended to read as follows:

Development should protect, and where possible enhance, the natural environment including important landscapes, Ecosites (as defined in Appendix 3), natural features, wildlife corridors and other biodiversity-rich areas. Development will not be supported that will destroy or adversely affect these features.

.... To criterion b):

b) *The quality of the water ~~and result in pollution~~ due to unauthorised discharges and run off; or*

..... to end

4.24 Policy NE3 – Biodiversity and Protection of Individual Species

The policy will comply with the Basic Conditions if the expectation of an ecological assessment is qualified by the phrase ‘where appropriate’. This will make the reference to policy NE6 unnecessary. The last sentence of the policy was not clear to me, but discussion with the qualifying body has confirmed that the intent was that the conservation status should be ‘maintained’ not ‘demonstrated’.

4.24.1 Policy NE3 is recommended to be amended as shown in order that it meets the Basic Conditions and the NPPG advice that policies should not have burdens that threaten viability (NPPG ID 41-005-20140306):

Modification 13: Policy NE3 is recommended to be altered as follows:

*Development will not be supported unless it protects, enhances and/or restores habitat biodiversity. Development proposals **where appropriate** will be expected to demonstrate that they:*

a) *Will not lead to a net loss of biodiversity by means of an approved ecological assessment (~~see Policy NE6~~) of existing site features and development impacts;*

..... as existing until last paragraph:

*Development will only be supported in areas where Notable Bird Species or other rare or vulnerable wildlife or plant species are present, if the conservation status of such species can be ~~demonstrated~~ **maintained**.*

4.25 Policy NE4 – Designated Local Green Spaces

The policy wording suggests firstly that the sites have been designated to ensure a suitable amount of amenity space is available for the community. But this is the role of general open space designation, not Local Green Space. Most of the land proposed for designation is not publically accessible, so that the amenity protected is a visual, not recreational. The NPPF makes it clear that designation as Local Green Space is not suitable for most green areas or open space (para77), and the extent of proposed designations here suggests that the designation may have been over-used.

4.25.1 The proposed designation of fields on the edge of the settlement are tending to the 'blanket designation of open countryside adjacent to settlements' that the NPPG states will not be appropriate (ID: 37-015-20140306). The NPPG also generally advises against designating land that is already green belt, unless the designation helps to 'identify areas that are of particular importance to the local community' (ID: 37-010-20140306). 'Particular importance' needs to be demonstrated by attributes that go beyond a local wish to see a certain site remain undeveloped.

4.25.2 The Plan has provided separate reports that describe the proposed sites well; these need to be referred to in the Explanation. However in most cases I do not find the attributes of the site adequately demonstrate the special qualities needed for designation. I have considered each proposed designation in turn below, and from this make my recommendation as to which sites are suitable for Local Green Space (LGS) designation. The reason for designating sites would usefully be added to the policy explanation, along with the reference to the assessment work referred to above.

4.25.3 **School Playing Field:** This site is a well-developed school playing field with an educational forest area. It is also used for community events and is centrally located adjacent to the conservation area. It is an important area of open space within the historic village setting, and offers a view to the church in the middle distance across it from Bearley Road. I accept that it is a site of special significance for the local community and suitable for designation as a LGS.

4.25.4 **Land East of Bell Lane:** The site is private grazing land adjacent to the village. There are no ecological features of particular value and it does not have an intrinsic beauty. It is protected by green belt designation and is not in my opinion suitable for designation as LGS.

4.25.5 **Small Playing Field, Allotments and Field:** This site is within the conservation area, an indication that it has been assessed as open space important to the historic form and appearance

of the Snitterfield village. The allotments are a valued community resource as is the play area, and I consider the site suitable for designation as LGS.

4.25.6 Land to the rear of Appleton House: This site has received objections to its designation during the Reg16 consultation on the Snitterfield NDP. The site is a field with some trees surrounded by residential development and barely visible within the village. There are no ecological features of particular value and no public access that would give the site some value for informal recreation. The site is protected by green belt designation and I do not consider it suitable for designation as LGS.

4.25.7 Land to the South of Frogmore road: This site is an open field with no public access, intrinsic beauty or ecological features of particular value. It is protected by green belt designation and I do not consider it suitable for designation as LGS.

4.25.8 Land to the East of White Horse Hill: This site is an extension of the parkland associated with Park House to the north, and adjacent to that listed building and curtilage therefore, as well as being adjacent to the conservation area. There is ecological potential on the site, with mature trees and, according to the OS map, a pond, but no feature of particular ecological value. The existing green belt designation offers adequate protection already, and I do not find the site has attributes special enough to warrant designation as LGS.

4.25.9 Three of the proposed LGS designations I have found not suitable have been the subject of previous planning applications for residential development. I noted other sites, such as the recreational field to the north of the village, and the historic park associated with Park House that may have been suitable for designation but have not been suggested. Local Green Space designation cannot be used to protect against development, it is a positive policy to protect green space that has unique and special attributes valued by the community.

4.25.10 Policy NE4 will meet the Basic Conditions with the removal of the four sites proposed for designation as Local Green Space that I do not find merit the status. The policy also needs to describe the role of LGS more accurately, to reflect the intent of the NPPF (paras 76 -77).

Modification 14: Policy NE4 is recommended to be altered as follows:

~~The following sites are designated as Local Green Spaces. will be protected and where possible enhanced in order to ensure a suitable quantum and quality of amenity space is available for the local community.~~

1) School Playing Field

~~2) Land East of Bell Lane~~

~~2 3) Small Playing Field, Allotments and Field~~ 4) Land to the rear of Appleton House

~~5) Land to the South of Frogmore Road~~

~~6) Land East of White Horse Hill~~

~~Development on Local Green Space designations will be used to ensure that locally important and valued green spaces, whether private or public, are protected from development, except~~ **will only be allowed in very special circumstances.**

The Explanation for the policy to refer to the evidence reports for the designated sites, and to outline the reason for their designation. Suggested text:

“School Playing Field: Is an important area of open space visually, and valued community amenity and environmental education resource.

Small Playing Field, Allotments and Field: Is important open space within the conservation area and valued community amenity area for growing food and recreation.”

Figure 7 and numbering system for Local Green Space designated sites to be altered in line with this recommendation.

4.26 Policy NE5: Valued Landscapes, Vistas and Skylines

The policy refers to ‘prominent views’, but it is unclear from the policy what these are. Figure 8 defines valued landscapes and views and vistas out over them, the policy will be clearer, as required by the NPPF, with a reference to this figure included in the text. The reference to ‘settlement boundaries’ is not clear and appears not relevant for this Plan, which only has one village boundary.

4.26.1 The policy will comply with the Basic Conditions with clarity improved by a reference within the policy to Figure 8 and removal of the reference to settlement boundaries. I recommend therefore that it is amended in line with Modification 15.

Modification 15: Policy NE5 is recommended to be altered as follows:

*“Development proposals must demonstrate how they are appropriate Development proposals should ensure that all ~~prominent views~~ **important vistas** of the landscape (as shown in Figure 8) and ~~important vistas and~~ skylines are maintained and safeguarded, particularly where they relate to heritage assets **and** village approaches. ~~and settlement boundaries.~~”*

4.27 Policy NE6 – Ecological Surveys

The policy is not differentiating between the hierarchy of protection from national to local, as required by the NPPF. Without qualification the requirement for any environmental impact to be explored further with full ecological surveys is not reasonable and contrary to guidance in the NPPG concerning policy burdens. With qualification of “where appropriate” the issue of hierarchy differentiation is addressed, and the necessity for reference to other policies in the plan removed. For clarity the policy should also refer to ‘adverse’ impact, as a beneficial impact should not require the same precautionary investigatory work.

4.27.1 Policy NE6 is recommended to be altered as shown in Modification 16 in order that it meets the Basic Conditions.

Modification 16: Policy NE6 is recommended to be amended as follows:

*Where evidence suggests that development may have an **adverse** impact on a site of national, regional or local importance or a priority habitat or species (~~see Policies NE1, NE2 and NE3~~), applicants will be expected to provide **where appropriate**:*

- a) A detailed ecological survey undertaken at an appropriate time, which assesses cumulative impacts;*
- b) Other surveys as **necessary** ~~appropriate~~; and*
- c) A mitigation plan **when appropriate**.*

Development will not be supported unless it can be demonstrated that any mitigation or compensatory measures proposed have been subject to an Ecological Assessment. The Ecological Assessment should include due consideration of the importance of the natural asset, the nature of the measures proposed (including plans for long term management) and the extent to which they reduce the impact of the development. Development must follow any applicable Biodiversity Action Plan (BAP).

4.28 Policy NE7 – Renewable Energy

Policy NE7 complies with the Basic Conditions.

4.29 Policy IN1 – Infrastructure Criteria

The policy as currently drafted is too prescriptive in criteria b) and d) and contrary to the requirements of the NPPG that policy does not have excessive burdens. Modification 17 reduces the requirements of these criteria so that the policy complies with the Basic Conditions and has regard to national guidance with regard to planning policy.

Modification 17: Policy IN1 is recommended to be amended as follows:

All new developments involving the creation of new dwellings

*b) Connection to fibre-optic network will be provided **where feasible and viable**;*

..... and

*d) ~~All~~ Proposed path and driveway areas incorporate permeable surface materials **wherever possible**.*

4.30 Policy IN2 – Drainage and Flooding

This policy has been criticised during the Reg16 consultation for being too prescriptive and making unreasonable demands. The first paragraph is contrary to advice in the NPPF, in that there is not an absolute ban on development in Flood Zones 2 and 3 (para 100). The last paragraph is attempting to direct the LPA in its duty, which is not a legitimate role of a neighbourhood plan. Encouragement of the LPA with regard to the Bell Brook flood alleviation scheme and requirement contributions could be expressed in the Explanatory text, but cannot be a policy requirement.

4.30.1 The requirements of the policy need to be modified at various points in order that the policy does not impose excessive burdens on development - something required by the NPPG. The Environment Agency and Warwickshire County Council have identified inaccuracies in the explanatory text in their Reg16 comments that should be corrected in the final version of this Plan, including a reference to 'containment ponds' being a last resort – which would appear to conflict with Policy IN2 and the promotion of ponds as SuDS. To meet the requirements that the policy

complies with the NPPF and the NPPG, and thus meets the Basic Conditions, it is recommended that it is modified as shown in Modification 18.

Modification 18: Policy IN2 is recommended to be altered as follows:

~~All proposed development should be located in Flood Zone 1 (low probability flood risk) and not in Flood Zones 2 or 3~~

All new development proposals must ensure that a minimum easement of 8 metres from the top of the bank of the Bell Brook is provided to allow access for maintenance and to ensure that the natural features and functions of the wider river corridor are retained or reinstated.

*Appropriate Sustainable Drainage Systems (SuDS) ~~must~~ **where appropriate should** be incorporated into all new developments following the SuDS hierarchy. This should maximise any opportunities to enhance biodiversity, create amenity and contribute towards green infrastructure. Infiltration SuDS and above ground SuDS attenuation, such as swales, ponds and other water-based ecological systems, should be used wherever feasible. ~~as they are preferred to the underground storage of water.~~*

*Where it can be demonstrated that Infiltration SuDS and above ground SuDS attenuation is not practicable, development proposals ~~should~~ **are encouraged to** maximise opportunities to use SuDS measures which require no additional land take, such as green roofs. All development proposals ~~should~~ **are encouraged to** seek to control and discharge runoff generated on site to the Greenfield runoff rate for all return periods up to the 1 in 100 year plus climate change critical storm event using above ground sustainable drainage systems.*

The reuse and recycling of water within developments will be encouraged, including the use of water butts.

~~The~~ *Surface water drainage schemes ~~should~~ **are encouraged to** be in accordance with Warwickshire's Surface Water Management Plan (SWMP). ~~the non-statutory technical standards for sustainable drainage30and must be agreed with the LLFA.~~*

~~A contribution towards future maintenance of the Bell Brook flood alleviation scheme should be sought by SDC through Community Infrastructure Levy (CIL) or Section 106 where planned or future main river works will enable new development, which meets the policy requirements of this Plan, to be built without unacceptable risk of flooding.~~

4.31 Policy IN3 – Highway Safety

The policy as currently worded in criterion b) could technically rule out development with any likely increase in vehicular movements. This does not pay due regard to the need for positive planning required by the NPPF. The policy will comply with the Basic Conditions however with the substitution of the word 'significant' for 'demonstrable' in criterion b).

Modification 19: Policy IN3 is recommended to be altered as follows:

New development in the Neighbourhood Area should allow for sufficient off-road parking and not adversely impact levels of safety particularly for pedestrians and cyclists.

All new development will be expected to demonstrate that:

a) The safety of all roads users will not be compromised;

*b) There will be no ~~demonstrable~~ **significant** adverse impact on the capacity and operation of the local highway network;*

..... as existing to end

4.32 Policy IN4 – Learning and Education

Aspects of the policy currently deal with services such as the mobile library that are not landuse issues, contrary to the requirements of the NPPG (ID 41-004-20140306) It is not the role of a neighbourhood plan to require actions from a local education authority, but it can encourage the protection, expansion and enhancement of facilities (but not service provision).

4.32.1 The policy will meet the Basic Conditions with the recommended alterations in Modification 20 that keep the policy focused on landuse issues that are the scope of a development plan.

Modification 20: Policy IN4 is recommended to be amended as follows:

*Sustaining and increasing the opportunity to access education ~~should~~ **is encouraged to be** delivered through the protection and expansion of the existing primary school, **and** private nursery. ~~and the mobile library.~~*

***Development** proposals that positively enhance education ~~provision or their~~ facilities and meet the policy requirements of this plan will be supported. Those which adversely affect the provision and delivery of education and learning in the Neighbourhood Area will not be supported.*

4.33 Policy ALW1 – Protecting and Enhancing Existing Community Facilities

Policy ALW1 complies with the Basic Conditions.

4.34 Policy ALW2 – Encouraging Safe Walking and Cycling

It is not reasonable to require all development to encourage new walking and cycling opportunities or provide access to safe routes, and contrary to the NPPG requirement that policies do not unnecessarily burden development. The policy can however encourage these actions and Policy ALW2 will meet the Basic Conditions with the recommended alterations in Modification 21 which reduce potential burdens on development. The wording is also not always clear, and whether or not a walker has a dog with them is not a planning consideration.

Modification 21: Paragraphs 3 and 4 of Policy ALW2 is recommended to be amended as follows:

.....

*Proposals should not ~~which either~~ adversely affect existing walking and cycling ~~including dog walking~~ routes, ~~or fail to~~ **and are encouraged where appropriate to create** new walking and potential cycling opportunities ~~will be resisted~~.*

*To encourage residents to use an alternative to the private car, proposals **are encouraged to** ~~should~~ demonstrate the safe and convenient access to pavements and footpaths, and where possible incorporate opportunities for cycle routes.*

4.35 Policy ALW3 – Sports and Recreation

The LPA have concerns that the policy could conflict with Core Strategy Policy CS24. Although the policy supports expanding recreational facilities, it is caveated with ‘where appropriate’ which protects the requirements of other policies in the development plan, including CS24.

4.35.1 The second paragraph with its direct assumption of the implementation of Policy SSA1 is not policy, but could be an aspiration in the explanation text. This sentence also appears to attempt to add a requirement to Policy SSA1, which only mentions the need for alternative provision of sports facilities. For clarity and consistency of policies, as required by the NPPF, the second paragraph of Policy ALW3 is recommended to be removed in order that the policy meets the Basic Conditions.

Modification 22: Policy ALW3 is recommended to be amended by removing the second paragraph:

..... ~~The long term future of the Sports Club will be enhanced through the implementation of Policy SSA1.~~

4.36 Policy ALW4 – Allotments

Policy ALW4 complies with the Basic Conditions.

4.37 Policy SSA1 – Snitterfield Sports Club

This is a brownfield allocation of the existing village Sports Club and surrounding land for residential development of up to 9 dwellings. The policy is clear that development will only be supported if provision is made for replacement sports facilities in a suitable location. It is hoped that a substandard and outdated building will in this way be replaced and improved with new housing provided as well.

4.37.1 Objections to the allocation have been made on the basis that the land should continue to be used for its historic use, and improvement of the building be funded by development elsewhere in the village. The allocation is also seen as contrary to Policy SC25 in the Core Strategy, which protects existing leisure facilities. Furthermore as no alternative site for the Sports Centre has been identified, the policy is felt to be contrary to the NPPF (para 70) as well as the Core Strategy and also the NPPG (ID 41-005-20140306) in that it is not a deliverable site. The NPPG at this point however is referring to the need for policies to avoid being so burdensome on development proposals that viability is compromised. Policy SSA1 may not be deliverable, but that is not demonstrably true at present.

4.37.2 The LPA also feel that this examination will need to see an alternative site identified, and if it is to be on the playing field opposite, Sport England should have agreed to this. However these issues are not Basic Condition issues, and the examination of a neighbourhood plan is not looking for soundness in policy proposals. The allocation in Policy SSA1 is subject to an alternative site being found, so that it is not contrary to the NPPF para70 or Policy SC25. Neighbourhood plans do

not have to allocate housing, and as Snitterfield is a village wholly in the green belt, to do so would be contrary to strategic green belt policy in the development plan. Policy SSA1 is an example of positive planning on a brownfield site with the usual extra complications. The need to replace the existing sports facility has been acknowledged, and the proposal is looking to do this in a way that will provide a better building and facility. Policy SSA1 complies with the Basic Conditions therefore.

4.38 Policy SSA2 – land Adjacent to Telephone Exchange Bearley Road

The LPA feel that this examination should consider how feasible the site will be to develop, given the size of the site and the access. While it is possible the highway authority may have some misgivings over the length and width of the access, they have not been expressed during the Reg16 consultation. I also noted that the site was used for garaging, and is now used for parking, so that the use of the access for vehicles has been established over many years.

4.38.1 The Snitterfield NDP has not undertaken a site allocation assessment due to the green belt restrictions applying to the entire parish. Two brownfield sites have however been allocated as a promotion of development that the Plan may make while still remaining in general conformity with the development plan and Policy CS10. I am content that this policy meets the Basic Conditions.

5. The Referendum Boundary

5.1 The Snitterfield Neighbourhood Development Plan has no policy or proposals with a significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the Snitterfield Neighbourhood Development Plan 2011 – 2031 shall be the boundary of the designated Neighbourhood Area for the Plan.