



DECISION STATEMENT

NEIGHBOURHOOD PLAN PROCEEDING TO REFERENDUM

1. Snitterfield Neighbourhood Development Plan

1.1 I confirm that the Snitterfield 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 on 15 March 2018.

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 5 September 2013 Snitterfield 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 17 October and 29 November 2013. In addition, it publicised the application by issuing a press release. Similarly, the relevant application, together with details of where representations could be sent, and by what date, was advertised within the appropriate parish via the Parish Council.

2.4 The District Council designated the Snitterfield Neighbourhood Area by way of approval of The Cabinet on 13 January 2014.

2.5 In accordance with Regulation 7 of The Regulations, the decision to designate the Snitterfield 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 26 May and 7 July 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 2 January 2017 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 19 January and 3 March 2017 in accordance with Regulation 16 of The Regulations.

2.9 Ms Liz Beth was appointed by the District Council to examine the Plan, and the Examination took place during April and May 2017, with her final report being issued on 17 May this year.

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

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

2.12 The Basic Conditions are:

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

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

Examiner’s Recommendation (incl. page number in her report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
Policy H1: Village Boundary (p.13-15)			
<p>The village boundary (VB) shown in figure 3 and referred to in Policy H1 is recommended to be altered to read as follows:</p> <ul style="list-style-type: none"> • 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. 	<p>Section 6: Housing (p.15)</p>	<p><i>Modification not agreed.</i></p> <p>The Examiner considered that the lack of clear criteria in the explanation for Policy H1 meant that she saw no reasonable cause to deviate from the boundary as originally defined in the Local Plan (from May 2000) where no new development had occurred.</p> <p>Whilst the PC and officers agreed with this basic premise, inconsistencies were found between the Examiner’s assessment and her proposed modifications. The final list of amendments proposed is set out in the fourth column of this table.</p> <p>These additional amendments were sent to</p>	<p>Figure 3 showing revised village boundary (VB) to be amended as follows:</p> <ul style="list-style-type: none"> • Include property known as ‘Woodcote’ on Bearley Road within the VB • Include the rear gardens associated with dwellings to the south of White Horse Hill within the VB • Include the remainder of the rear gardens of dwellings to the north of Church Lane within the VB • Include the remainder of the rear gardens of dwellings to the north of The Green within the VB • Include the residential garden of the last property to the south of ‘The Green’ within the VB • Include the residential garden associated with ‘Pigeon Green’ within the VB • Include the tennis court associated with ‘Field Place’ on Church Road within the VB • Include residential garden land associated with ‘Park House’ to the east of White Horse Hill within the VB • Include the tennis court and associated

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		<p>the Examiner for comment. She confirmed that in her opinion, the errors were simple corrections which were quite in order for the LPA to effect and would not need to be advertised under the amended Neighbourhood Planning Regulations, (as allowed within Schedule 4B 12 (6) of the TCPA 1990).</p> <p>It is therefore proposed that these additional amendments also be incorporated in the policy map. Officers consider the policy will continue to meet the basic conditions with these amendments; fulfil the Examiner's wishes and are acceptable in this regard.</p>	<p>garden land associated with 'Well Cottage', The Green, within the VB</p>
<p>Policy H1: Explanatory text (p.13-15)</p>			

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<p>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 NDP. Suggested text:</p> <p>"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:</p> <ul style="list-style-type: none"> • 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 	<p>Section 6: Housing (p.15-16)</p>	<p><i>Modification agreed.</i></p> <p>The Examiner felt that the justification and evidence for setting the village boundary needed to be more explicit in the text of the Plan, with clear criteria. There was 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, the Examiner recommend that the Local Plan Review criteria should be used as far as they were relevant to Snitterfield, so that the resulting boundary was properly evidenced-based.</p> <p>Officers agree with the Examiner on this issue and the explanatory text has been amended as per the</p>	<p>The third paragraph of the Explanatory text to policy to be amended to read:</p> <p>"The Village Boundary has been 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 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:</p> <ul style="list-style-type: none"> • <u>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;</u> • <u>Residential curtilages are included within the village boundary unless an area is clearly a paddock and more appropriately defined as 'non-urban'."</u>

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appropriately defined as 'non-urban'.		Examiner's modification. It is therefore considered that the justification for the policy is now properly evidence-based; complies with Local and national policy and meets the Basic Conditions test.	
Policy H2: Use of Brownfield Land (p.16)			
<p>Policy H2, criterion b) is recommended to be altered to read as follows:</p> <p>b) Any contaminants are satisfactorily dealt with by remedial works previously agreed by the LPA;</p>	Section 6: Housing (p.16)	<p><i>Modification agreed.</i></p> <p>The Examiner considered the Policy complied with the Basic Conditions, but criteria b) was worded so as to imply that it was the remedial works that were satisfactorily dealt with, not the contamination. The modification recommended was to ensure clarity of meaning as required by the NPPF.</p> <p>Officers agree with the Examiner and the policy has been amended as per the Examiner's modification to</p>	<p>Criterion b) of Policy H2 amended to read:</p> <p>"b) Any remedial works to remove contaminants are satisfactorily dealt with; <u>Any contaminants are satisfactorily dealt with by remedial works previously agreed by the LPA;</u>"</p>

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		ensure clarity and accuracy. It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.	
Policy H2: Explanatory text (p.16)			
For accuracy the Explanation should refer to Annex 2 of the NPPF defining 'previously developed land', not 'brownfield land'.		<i>Modification agreed.</i> The Examiner recommended a minor modification to ensure the text was in conformity with the NPPF. Officers agree with the Examiner and the policy has been amended as per the Examiner's modification. It is therefore considered that the text as amended now complies with the NPPF.	Final paragraph of explanatory text amended to read: " Brownfield <u>Previously Developed</u> land is defined in Annex 2 of the NPPF and specifically excludes agricultural land and buildings, sports pitches and residential gardens".
Policy H4: Affordable Housing (p.16)			

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The policy should add the word 'Snitterfield' to the 'Housing Needs Survey 2014' reference at the end of the policy for absolute clarity.	Section 6: Housing (p.18)	<p><i>Modification agreed.</i></p> <p>The Examiner concluded that the Policy complied with the Basic Conditions, but that the policy should add the word 'Snitterfield' to the 'Housing Needs Survey 2014' reference at the end of the policy for absolute clarity.</p> <p>Officers agree with the Examiner on this point and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.</p>	<p>Second paragraph of the Policy wording amended to read:</p> <p>"Appropriate affordable housing tenures will be secured in perpetuity through a Section 106 legal agreement. The criteria for local occupancy are currently set out in the <u>Snitterfield</u> Housing Needs Survey 2014".</p>
Policy H5: Market Housing Mix (p.16-17)			
<p>The first paragraph of Policy H5 is to be amended to read as follows:</p> <p>"Developments of 5 or more units should seek to meet the housing mix requirements</p>	Section 6: Housing (p.19)	<p><i>Modification agreed.</i></p> <p>As required by the NPPF, the Examiner felt policy references to evidence should be clearer, and what the evidence was used for</p>	<p>First paragraph of policy amended to read:</p> <p>"Developments of 5 or more units should seek to meet the <u>housing mix</u> requirements identified by current up-to-date evidence such as the <u>Stratford</u> Strategic Housing Market Assessment or the Residential Parish Survey conducted to inform</p>

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<p>identified by current evidence such as the Stratford Strategic Housing Market Assessment Update 2013 or the Snitterfield Housing Needs Survey 2014 and any update to this research.”</p>		<p>(i.e. housing mix on site). The relevant Strategic Housing Market Assessment Update was deemed current but not very up-to-date, and for accuracy should not be described as such. In addition, local need was evidenced in the housing needs survey better than the residents' opinion survey. The modifications were necessary In order that the policy met the Basic Conditions with regards to clarity (NPPF para 154 in relation to accuracy and evidence base.</p> <p>Officers agree with the Examiner and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.</p>	<p>this Plan <u>Update 2013 or the Snitterfield Housing Needs Survey 2014 and any update to this research.”</u></p>

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Policy ECON 2: Promoting New Employment Opportunities (p.17)			
<p>Policy ECON2 is recommended to be altered to read as follows:</p> <p>“Proposals for new employment sites consistent with other policies in the Development Plan and which encourage the growth of local employment will be supported.</p> <p>The development of new local employment opportunities will be supported within the Neighbourhood Area providing that they:</p> <p>a) Do not have an unacceptable impact on residential amenity;”</p>	<p>Section 7: Economy (p.21)</p>	<p><i>Modification agreed.</i></p> <p>The Examiner felt that in order for the Policy to meet the requirements of the NPPF with regard to clarity and positive planning (paras 154 and 184) and therefore comply with the Basic Conditions, it should state that new sites needed to be consistent with other policies in the wider development plan (and therefore encompass Green Belt protection policies). Additionally, for clarification and for the policy to remain positively worded, she considered criteria a) should state that it was ‘unacceptable’ impact on residential amenity that was not permitted.</p> <p>Officers agree with the Examiner and the policy has</p>	<p>Policy ECON2 to be amended to read:</p> <p>“Proposals for new employment sites consistent with other policies in this <u>the Development Plan</u> and which encourage the growth of local employment will be supported.</p> <p>The development of new local employment opportunities will be supported within the Neighbourhood Area providing that they:</p> <p>a) Do not have a detrimental <u>an unacceptable</u> impact on residential amenity; b) Do not lead to the loss of green infrastructure; and c) Do not have an unacceptable impact due to increased traffic generation”.</p>

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		been amended as per the Examiner's modification. It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.	
Policy BE3: Neighbourhood Design Guidelines (p.18-19)			
<p>Policy BE3 is recommended to be amended to read as follows:</p> <p>As existing to end of criterion h), then:</p> <p>"i) Provision where appropriate of working chimneys of traditional brick construction;</p> <p>j) Use of traditional metal or timber windows and doors recessed into the brickwork, with a preference for window cills being constructed in blue brick or plain tile; and” to end.</p>	<p>Section 8: Built Environment (p.24)</p>	<p><i>Modification agreed.</i></p> <p>The Examiner considered that criterion j) should be amended for greater clarity since as originally drafted; it could be read as requiring the building facade generally to be in blue brick. She also considered that the requirement that buildings have a working brick chimney (as set out in criterion j) was not proportionate and the wording needed to be amended to encourage where appropriate in order for it to be reasonable.</p> <p>Officers agree with the</p>	<p>Criterion i) of Policy BE3 to be amended to read:</p> <p>"i) Provision <u>where appropriate</u> of working chimneys of traditional brick construction;"</p> <p>Criterion j) of Policy BE3 to be amended to read:</p> <p>"j) Use of traditional metal or timber windows and doors recessed into the brickwork, with a preference to blue brick or plain tile cills <u>for window cills being constructed in blue brick or plain tile</u>; and"</p>

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		Examiner and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.	
Policy BE3: Explanation (p.18-19)			
<p>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:</p> <p>"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</p>	<p>Section 8: Built Environment (p.24-25)</p>	<p><i>Modification agreed.</i></p> <p>The Examiner acknowledged that the 30% restriction in criterion a) had been based on Policy PR2 in the Stratford-upon-Avon District Local Plan Review, which had now been superseded by the Core Strategy during the preparation of this neighbourhood plan. Whilst there was support locally for maintaining the requirement, the Examiner felt the explanation to the Policy should offer a justification for this restriction. She concluded that whilst the policy was compatible with</p>	<p>Second paragraph of Explanatory text to be replaced as follows:</p> <p>"The Green Belt washes over the village and 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 cumulatively they should not normally exceed 30% of the volume of the original building. Proposals exceeding 30% must demonstrate Very Special Circumstances."</p> <p><u>"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</u></p>

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<p>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".</p>		<p>policy in the NPPF (para 89) and did not conflict with policy CS10 in the Core Strategy, an evidence trail needed to be indicated in the Snitterfield NDP in order that the Basic Conditions test regarding evidence was met, as well as the evidence requirements of the NPPG and the clarity and proportionate requirements of the NPPF (paras 154 and 174).</p> <p>Officers agree with the Examiner and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.</p>	<p><u>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".</u></p>
<p>Policy BE4: Designing out Crime (p.20)</p>			

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<p>First paragraph of Policy BE4 is recommended to be amended to read as follows:</p> <p>"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".</p>	<p>Section 8: Built Environment (p.24)</p>	<p><i>Modification not agreed.</i></p> <p>The policy as originally worded was to apply to all planning applications, including small householder applications and change of use applications. The Examiner felt this was not proportionate, and contrary to requirements for positive planning (NPPF 184) and considered policies should not have burdens that could threaten viability. This modification was required in order that the policy met the Basic Conditions.</p> <p>To create this required flexibility, the Examiner recommended inclusion of the phrase "where appropriate". However, the PC was concerned that the phrase as suggested was ambiguous and would not provide the clarity for decision makers when considering development</p>	<p>First paragraph of Policy to be amended to read:</p> <p>"AllDevelopment proposals <u>where appropriate necessary</u> 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".</p>

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		<p>proposals since it would be open to significant interpretation and would be the subject of continued debate over whether the subject matter of the policy reasonably applies or not. The PC suggested that the phrase "where appropriate" be changed to "where necessary" to ensure that the wording of the policy was clearer. It was considered the word "necessary" had a more precise meaning than "appropriate" and could therefore be better enforced by a decision maker.</p> <p>Officers had no objection to this change and this amendment was sent to the Examiner for comment. She replied stating "The substituting of the word 'necessary' for 'appropriate' is not a Basic Conditions issue, and there is flexibility and difference within the choice of words from</p>	

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		<p>examiners, planners and indeed lawyers. The key thing is that the policy needs to have flexibility and not apply every time, in order to comply with the Basic Conditions. If the LPA feels it will do this with the qualifier 'necessary' as well, then that change can be made as a minor correction without the need to advertise under the amended Neighbourhood Planning Regulations, (as allowed within Schedule 4B 12 (6) of the TCPA 1990)".</p> <p>Officers agree with the Examiner on the need for flexibility in the policy. Officers are of the opinion that the word 'necessary' would be an acceptable alternative to 'appropriate' and that the policy as amended would comply with Local and national policy and meet the Basic Conditions test.</p>	

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Policy BE6: Parking (p.20)			
<p>Policy BE6 is recommended to replace the second paragraph as follows:</p> <p>"Developments comprising new or additional non-residential floorspace will be looked at on their own merits having regard to the context of the site".</p>	<p>Section 8: Built Environment (p.26)</p>	<p><i>Modification agreed.</i></p> <p>The policy referred to County Council adopted parking standards, but there were no such parking standards as they were not incorporated into the Core Strategy. The Examiner considered that the policy was in general conformity with the development plan, but the reference to adopted standards from the County Council needed to be removed for clarity and accuracy. The qualifying body suggested alternative wording, which the Examiner agreed met the basic conditions and so was acceptable alternative text.</p> <p>Officers agree with the Examiner and the policy has been amended as per the Examiner's modification. It is therefore considered that the</p>	<p>Second paragraph of policy to be replaced as follows:</p> <p>"Non-residential developments must provide adequate parking in accordance with the County Councils adopted standards."</p> <p><u>"Developments comprising new or additional non-residential floorspace will be looked at on their own merits having regard to the context of the site"</u>.</p>

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		policy as amended now complies with Local and national policy and meets the Basic Conditions test.	
Policy BE8: Agricultural Land (p.21)			
<p>For accuracy and clarity Policy BE8 is recommended to be altered to read as shown below so that it complies with the Basic Conditions:</p> <p>“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”.</p>	<p>Section 8: Built Environment (p.28)</p>	<p><i>Modification agreed.</i></p> <p>The Examiner considered that the policy intent complied with the Basic Conditions and para 112 of the NPPF, but for accuracy and clarity, the policy should be altered to reflect more accurately the wording of the NPPF.</p> <p>Officers agree with the Examiner and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.</p>	<p>Policy to be amended to read:</p> <p>“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 <u>best quality</u> agricultural land is necessary and no other land of poorer agricultural quality is available”.</p>

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Policy BE10: Conversion and Re-Use of Buildings (p.21-22)			
<p>The last paragraph of policy BE10 is recommended to be altered to read as follows:</p> <p>"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".</p>	<p>Section 8: Built Environment (p.29)</p>	<p><i>Modification not agreed.</i></p> <p>The Examiner felt that in order for the policy to be reasonable in terms of what documentation it requires to be submitted with any application, and comply with the NPPG with regard to policy burdens, the last paragraph should be modified to include a caveat of "where appropriate".</p> <p>The PC was concerned that the caveat as suggested was ambiguous and would not provide the clarity for decision makers when considering development proposals since it would be open to significant interpretation and would be the subject of continued debate over whether the subject matter of the policy</p>	<p>Final paragraph of policy to be amended to read:</p> <p>"Such applications will be expected <u>where appropriate necessary</u> to demonstrate compliance with the above criteria through the submission of supporting documentation such as ecological surveys and structural engineer's surveys".</p>

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		<p>reasonably applies or not. The PC suggested that the phrase "where appropriate" be changed to "where necessary" to ensure that the wording of the policy was clearer. It was considered the word "necessary" had a more precise meaning than "appropriate" and could therefore be better enforced by a decision maker.</p> <p>Officers had no objection to this change and this amendment was sent to the Examiner for comment. She replied stating "The substituting of the word 'necessary' for 'appropriate' was not a Basic Conditions issue, and there was flexibility and difference within the choice of words from examiners, planners and indeed lawyers. The key thing is that the policy needs to have flexibility and not apply every time, in order to comply with the Basic</p>	

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		<p>Conditions. If the LPA feels it would do this with the qualifier 'necessary' as well, then that change could be made as a minor correction without the need to advertise under the amended Neighbourhood Planning Regulations, (as allowed within Schedule 4B 12 (6) of the TCPA 1990)".</p> <p>Officers agree with the Examiner on the need for flexibility in the policy. Officers are of the opinion that the word 'necessary' would be an acceptable alternative to 'appropriate' and that the policy as amended would comply with Local and national policy and meet the Basic Conditions test.</p>	
<p>Policy BE11: Empty Homes and Spaces (p.22)</p>			

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<p>Policy BE11 is recommended to be altered to read as follows:</p> <p>"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.</p> <p>Proposals which seek to utilise empty or unused spaces within existing buildings will be looked upon favourably providing there are no adverse environmental impacts, the new use is compatible with the existing neighbouring uses and the proposal complies with other policy in the development plan".</p>	<p>Section 8: Built Environment (p.30)</p>	<p><i>Modification agreed.</i></p> <p>In order to ensure that Policy BE11 met with the Basic Conditions and was clear to decision-makers and developers, the Examiner recommended that it was amended in accordance with NPPF para 154.</p> <p>Officers agree with the Examiner and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.</p>	<p>Policy wording to be amended to read:</p> <p>"Proposals which bring back into active use empty homes will be supported and encouraged. This includes any <u>minor</u> ancillary works required to facilitate the reuse of the building.</p> <p>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 <u>and the proposal complies with other policy in the development plan</u>".</p>
<p>Policy NE1: Protection of Sites of Special Scientific Interest and Local Nature Reserve (p.23)</p>			
<p>Policy NE1 is recommended to be deleted and policies re-numbered as necessary.</p> <p>Existing protection for these</p>	<p>Section 9: Natural Environment (p.32)</p>	<p><i>Modification agreed.</i></p> <p>The Examiner considered that there were issues of hierarchy of protection for</p>	<p>Policy NE1 to be deleted in its entirety, including associated Figure 6 (SSSIs, LNR and Ecosites) and Explanatory text.</p> <p>Add paragraph to general introduction to the</p>

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<p>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:</p> <p>"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."</p>		<p>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 the Examiner considered this policy did not add to the Core Strategy policy, and could in some circumstances undermine it.</p> <p>Whilst the Examiner appreciated the qualifying body wished to be seen to protect all their sites of environmental value, in the case of nationally designated sites and the Local Nature Reserve, this protection had been done better in the Core Strategy. Therefore, in order that the NDP met the basic conditions, she recommended that the Policy be deleted.</p> <p>Officers agree with the</p>	<p>Natural Environment section:</p> <p><u>"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."</u></p>

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		Examiner and the policy has been deleted as per the Examiner's modification.	
Policy NE2: Protection of Natural Features and Other Areas of Rich Biodiversity (p.23-224)			
<p>The first paragraph of Policy NE2 is recommended to be altered to read as follows:</p> <p>"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.</p> <p>... To criterion b):</p> <p>b) The quality of the water due to unauthorised discharges and run off; or....." to end.</p>	<p>Section 9: Natural Environment (p.34)</p>	<p><i>Modification agreed.</i></p> <p>The Examiner felt the Policy would be more specific and thus clearer with a reference to Appendix 3 within the policy to define 'Ecosites'. She felt criterion b) was not well worded, to the extent that the intent was not clear. As such, she considered the Policy would comply with the Basic Conditions with regard to the need for clarity (as demanded by the NPPF), if amended as recommended.</p> <p>Officers agree with the Examiner and the policy has been amended as per the Examiner's modification. It is therefore considered that the</p>	<p>Due to deletion of Policy NE1, Policy NE2 re-numbered NE1. Additionally, first paragraph of policy to be amended to read:</p> <p>"Development should protect, and where possible enhance, the natural environment including important landscapes, Ecosites (<u>as defined in Appendix 3</u>), natural features, wildlife corridors and other biodiversity-rich areas. Development will not be supported that will destroy or adversely affect these features".</p> <p>Amend criterion b) to read:</p> <p>"b) The quality of the water and result in pollution due to unauthorised discharges and run off; or"</p>

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		policy as amended now complies with Local and national policy and meets the Basic Conditions test.	
Policy NE3: Biodiversity and Protection of Individual Species (p.24)			
<p>Second paragraph of Policy NE3 is recommended to be altered to read as follows:</p> <p>"Development proposals where appropriate will be expected to demonstrate that they:"</p> <p>Criterion a) to be amended to read:</p> <p>"a) Will not lead to a net loss of biodiversity by means of an approved ecological assessment of existing site features and development impacts;"</p> <p>Final paragraph to be amended as follows:</p> <p>"Development will only be supported in areas where</p>	<p>Section 9: Natural Environment (p.36)</p>	<p><i>Modification not agreed.</i></p> <p>The Examiner stated that the policy would comply with the Basic Conditions if the expectation of an ecological assessment was qualified by the phrase 'where appropriate'. This would make the reference to policy NE6 unnecessary. The last sentence of the policy was not clear as originally drafted, but discussion between the Examiner and the qualifying body confirmed that the intent was that the conservation status should be 'maintained' not 'demonstrated'. The recommended amendments were necessary in order to</p>	<p>Due to deletion of Policy NE1, Policy NE3 re-numbered NE2. Additionally, Policy wording to be amended as follows:</p> <p>Second paragraph:</p> <p>"Development proposals <u>where appropriate necessary</u> will be expected to demonstrate that they:"</p> <p>Criterion a):</p> <p>"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;"</p> <p>Final paragraph:</p> <p>"Development will only be supported in areas where Notable Bird Species or other rare or vulnerable wildlife or plant species are present, if</p>

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<p>Notable Bird Species or other rare or vulnerable wildlife or plant species are present, if the conservation status of such species can be maintained".</p>		<p>meet the Basic Conditions and the NPPG advice that policies should not have burdens that threaten viability.</p> <p>The PC was concerned that the caveat of 'where appropriate' as suggested was ambiguous and would not provide the clarity for decision makers when considering development proposals since it would be open to significant interpretation and would be the subject of continued debate over whether the subject matter of the policy reasonably applies or not. The PC suggested that the phrase "where appropriate" be changed to "where necessary" to ensure that the wording of the policy was clearer. It was considered the word "necessary" had a more precise meaning than "appropriate" and could therefore be better enforced</p>	<p>the conservation status of such species can be demonstrated <u>maintained</u>".</p>

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		<p>by a decision maker.</p> <p>Officers had no objection to this change and this amendment was sent to the Examiner for comment. She replied stating "The substituting of the word 'necessary' for 'appropriate' is not a Basic Conditions issue, and there is flexibility and difference within the choice of words from examiners, planners and indeed lawyers. The key thing is that the policy needed to have flexibility and not apply every time, in order to comply with the Basic Conditions. If the LPA feels it will do this with the qualifier 'necessary' as well, then that change can be made as a minor correction without the need to advertise under the amended Neighbourhood Planning Regulations, (as allowed within Schedule 4B 12 (6) of the TCPA 1990)".</p>	

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		Officers agree with the Examiner and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.	
Policy NE4: Designated Local Green Spaces (p.25-27)			
<p>Policy NE4 is recommended to be altered to read as follows:</p> <p>"The following sites are designated as Local Green Spaces:</p> <ol style="list-style-type: none"> 1) School Playing Field 2) Small Playing Field, Allotments and Field <p>Development on Local Green Space will only be allowed in very special circumstances".</p>	<p>Section 9: Natural Environment (p.37)</p>	<p><i>Modification agreed.</i></p> <p>In the opinion of the Examiner, the policy wording suggested firstly that the sites had been designated to ensure a suitable amount of amenity space was available for the community. However, this is the role of general open space designation, not Local Green Space. Most of the land proposed for designation here was not publically accessible, so that the amenity protected was visual, not recreational. The</p>	<p>Due to deletion of Policy NE1, Policy NE4 re-numbered NE3. Additionally, Policy wording to be amended to read:</p> <p>"The following <u>sites are</u> designated <u>as</u> 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.</p> <ol style="list-style-type: none"> 1) School Playing Field 2) Land East of Bell Lane 3) <u>2)</u> 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

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		<p>NPPF makes it clear that designation as Local Green Space is not suitable for most green areas or open space (para 77), and the extent of proposed designations here suggested that the designation had been over-used.</p> <p>'Particular importance' needed to be demonstrated by attributes that went beyond a local wish to see a certain site remain undeveloped. In most cases the Examiner did not find the attributes of the site adequately demonstrated the special qualities needed for designation.</p> <p>The Examiner concluded the Policy would meet the Basic Conditions with the removal of the four sites proposed for designation as Local Green Space that she did not find merited the status. She also felt the Policy also needed to</p>	<p><u>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 in <u>will only be allowed in</u> very special circumstances".</u></p>

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		<p>describe the role of LGS more accurately, to reflect the intent of the NPPF (paras 76 -77).</p> <p>Officers agree with the Examiner and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.</p>	
Policy NE4: Explanation (p.25-27)			
<p>The Explanation for the policy should refer to the evidence reports for the designated sites, and to outline the reason for their designation. Suggested text:</p> <p><u>"School Playing Field: Is an important area of open space visually, and valued community amenity and environmental education resource.</u></p>	<p>Section 9: Natural Environment (p.37)</p>	<p><i>Modification agreed.</i></p> <p>The Examiner felt it would be useful to add the reason for designating sites to the policy explanation, along with the reference to the assessment work referred to.</p> <p>Officers agree with the Examiner and the policy has been amended as per the Examiner's modification. It is</p>	<p>Explanatory text to be amended by including the following:</p> <p><u>"School Playing Field: Is an important area of open space visually, and valued community amenity and environmental education resource.</u></p> <p><u>Small Playing Field, Allotments and Field: Is important open space within the conservation area and valued community amenity area for growing food and recreation."</u></p> <p>Figure 7 (map) and associated numbering system</p>

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<p><u>Small Playing Field, Allotments and Field</u>: Is important open space within the conservation area and valued community amenity area for growing food and recreation.”</p> <p>Figure 7 and numbering system for Local Green Space designated sites to be altered in line with this recommendation.</p>		<p>therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.</p>	<p>amended to remove the 4 no. sites deleted from this policy.</p>
<p>Policy NE5: Valued Landscapes, Vistas and Skylines (p.27-28)</p>			
<p>Policy NE5 is recommended to be altered to read as follows:</p> <p>“Development proposals must demonstrate how they are appropriate Development proposals should ensure that all important vistas of the landscape (as shown in Figure 8) and skylines are maintained and safeguarded, particularly where they relate to heritage assets and village approaches”.</p>	<p>Section 9: Natural Environment (p.38)</p>	<p><i>Modification agreed.</i></p> <p>The policy referred to ‘prominent views’, but it was unclear to the Examiner from the policy what these were. She felt the policy would be clearer (as required by the NPPF) with a reference to Figure 8 in the text, since this defined the valued landscapes and views. The reference to ‘settlement boundaries’ was not clear</p>	<p>Due to deletion of Policy NE1, Policy NE5 re-numbered NE4. Additionally, second sentence of the Policy to be amended to read:</p> <p>“Development proposals should ensure that all prominent <u>important</u> views of the landscape (<u>as shown in Figure 8</u>) and important vistas and skylines are maintained and safeguarded, particularly where they relate to heritage assets; <u>and</u> village approaches. and settlement boundaries”</p>

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		<p>and appeared not relevant for this Plan, which only had one village boundary. Therefore, it was concluded that the policy would comply with the Basic Conditions with reference within the policy to Figure 8 and removal of the reference to settlement boundaries.</p> <p>Officers agree with the Examiner and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.</p>	
Policy NE6: Ecological Surveys (p.28)			
<p>First paragraph of policy and criteria are recommended to be amended to read as follows:</p> <p>"Where evidence suggests that development may have an adverse impact on a site of national, regional or local</p>	<p>Section 9: Natural Environment (p.40)</p>	<p><i>Modification not agreed.</i></p> <p>The Examiner considered that the policy did not differentiate between the hierarchy of protection from national to local, as required by the NPPF. Without</p>	<p>Due to deletion of Policy NE1, Policy NE6 re-numbered NE5. Additionally, first paragraph of the Policy to be amended to read:</p> <p>Where evidence suggests that development may have an <u>adverse</u> impact on a site of national, regional or local importance or a priority habitat or species (see Policies NE1, NE2 and NE3),</p>

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<p>importance or a priority habitat or species applicants will be expected to provide where appropriate:</p> <p>a) A detailed ecological survey undertaken at an appropriate time, which assesses cumulative impacts; b) Other surveys as necessary; and c) A mitigation plan when appropriate”.</p>		<p>qualification the requirement for any environmental impact to be explored further with full ecological surveys would not be reasonable and contrary to guidance in the NPPG concerning policy burdens. With qualification of “where appropriate” the issue of hierarchy differentiation would be 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.</p> <p>The PC was concerned that the caveat of ‘where appropriate’ as suggested was ambiguous and would not provide the clarity for decision makers when considering development proposals since it would be open to significant</p>	<p>applicants will be expected to provide, <u>where appropriate necessary</u>.”</p> <p>Criterion b) and c) to be amended as follows:</p> <p>“b) Other surveys as <u>appropriate necessary</u>; and c) A mitigation plan, <u>where appropriate</u>”.</p>

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		<p>interpretation and would be the subject of continued debate over whether the subject matter of the policy reasonably applies or not. The PC suggested that the phrase "where appropriate" be changed to "where necessary" to ensure that the wording of the policy was clearer. It was considered the word "necessary" had a more precise meaning than "appropriate" and could therefore be better enforced by a decision maker.</p> <p>Officers had no objection to this change and this amendment was sent to the Examiner for comment. She replied stating "The substituting of the word 'necessary' for 'appropriate' is not a Basic Conditions issue, and there is flexibility and difference within the choice of words from examiners, planners and indeed lawyers. The key</p>	

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		<p>thing is that the policy needed to have flexibility and not apply every time, in order to comply with the Basic Conditions. If the LPA feels it will do this with the qualifier 'necessary' as well, then that change can be made as a minor correction without the need to advertise under the amended Neighbourhood Planning Regulations, (as allowed within Schedule 4B 12 (6) of the TCPA 1990)".</p> <p>Officers agree with the Examiner and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.</p>	
Policy IN1: Infrastructure Criteria (p.29)			
Policy IN1 is recommended to be amended to read as follows:	Section 10: Infrastructure (p.41)	<i>Modification agreed.</i> The Examiner felt that the	Wording of criterion b) and d) to be amended to read:

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<p>"All new developments involving the creation of new dwellings...</p> <p>b) Connection to fibre-optic network will be provided where feasible and viable; and</p> <p>d) Proposed path and driveway areas incorporate permeable surface materials wherever possible".</p>		<p>policy as originally drafted was too prescriptive in criteria b) and d) and contrary to the requirements of the NPPG that policy does not have excessive burdens. Her modification reduced the requirements of these criteria so that the policy complied with the Basic Conditions and had regard to national guidance and to planning policy.</p> <p>Officers agree with the Examiner and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.</p>	<p>"b) Connection to fibre-optic network will be provided <u>where feasible and viable</u>;</p> <p>d) All Proposed path and driveway areas incorporate permeable surface materials <u>wherever possible</u>".</p>
Policy IN2: Drainage and Flooding (p.29-30)			
<p>Policy IN2 is recommended to be altered to read as follows:</p> <p>"All new development proposals must ensure that a minimum</p>	<p>Section 10: Infrastructure (p.42)</p>	<p><i>Modification not agreed.</i></p> <p>This policy had been criticised during the Reg.16 consultation for being too</p>	<p>Policy wording to be amended as follows:</p> <p>"All proposed development should be located in Flood Zone 1 (low probability flood risk) and not in Flood Zones 2 or 3.</p>

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<p>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.</p> <p>Appropriate Sustainable Drainage Systems (SuDS) 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.</p> <p>Where it can be demonstrated that Infiltration SuDS and above ground SuDS attenuation is not practicable, development proposals are encouraged to</p>		<p>prescriptive and making unreasonable demands. The first paragraph was felt to be contrary to advice in the NPPF, in that there was not an absolute ban on development in Flood Zones 2 and 3 (para 100). The last paragraph was attempting to direct the LPA in its duty, which was not a legitimate role of a neighbourhood plan.</p> <p>The Examiner felt that encouragement of the LPA with regard to the Bell Brook flood alleviation scheme and requirement contributions could be expressed in the Explanatory text, but could not be a policy requirement. The requirements of the policy needed to be modified at various points in order not to impose excessive burdens on development.</p> <p>The PC was concerned that the caveat of 'where appropriate' as suggested</p>	<p>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.</p> <p>Appropriate Sustainable Drainage Systems (SuDS) must where appropriate necessary 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.</p> <p>Where it can be demonstrated that Infiltration SuDS and above ground SuDS attenuation is not practicable, development proposals should <u>are encouraged to</u> maximise opportunities to use SuDS measures which require no additional land take, such as green roofs. All development proposals should <u>are encouraged to</u> seek to control and discharge runoff generated on site to the Greenfield runoff rate for all return periods</p>

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<p>maximise opportunities to use SuDS measures which require no additional land take, such as green roofs. All development proposals 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.</p> <p>The reuse and recycling of water within developments will be encouraged, including the use of water butts.</p> <p>Surface water drainage schemes are encouraged to be in accordance with Warwickshire's Surface Water Management Plan (SWMP)".</p>		<p>was ambiguous and would not provide the clarity for decision makers when considering development proposals since it would be open to significant interpretation and would be the subject of continued debate over whether the subject matter of the policy reasonably applies or not. The PC suggested that the phrase "where appropriate" be changed to "where necessary" to ensure that the wording of the policy was clearer. It was considered the word "necessary" had a more precise meaning than "appropriate" and could therefore be better enforced by a decision maker.</p> <p>Officers had no objection to this change and this amendment was sent to the Examiner for comment. She replied stating "The substituting of the word 'necessary' for 'appropriate'</p>	<p>up to the 1 in 100 year plus climate change critical storm event using above ground sustainable drainage systems.</p> <p>The reuse and recycling of water within developments will be encouraged, including the use of water butts.</p> <p>The sSurface water drainage schemes should <u>are encouraged to</u> be in accordance with Warwickshire's Surface Water Management Plan (SWMP). the non-statutory technical standards for sustainable drainage³⁰ and must be agreed with the LLFA.</p> <p>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".</p>

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		<p>is not a Basic Conditions issue, and there is flexibility and difference within the choice of words from examiners, planners and indeed lawyers. The key thing is that the policy needed to have flexibility and not apply every time, in order to comply with the Basic Conditions. If the LPA feels it will do this with the qualifier 'necessary' as well, then that change can be made as a minor correction without the need to advertise under the amended Neighbourhood Planning Regulations, (as allowed within Schedule 4B 12 (6) of the TCPA 1990)".</p> <p>Officers agree with the Examiner and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now complies with Local and national policy and meets the</p>	

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		Basic Conditions test.	
Policy IN3: Highway Safety (p.31)			
<p>Criterion b) of Policy IN3 is recommended to be altered to read as follows:</p> <p>"b) There will be no significant adverse impact on the capacity and operation of the local highway network;"</p>	<p>Section 10: Infrastructure (p.44)</p>	<p><i>Modification agreed.</i></p> <p>The policy as originally worded in criterion b) could technically rule out development with any likely increase in vehicular movements. This would not pay due regard to the need for positive planning required by the NPPF. The Examiner considered the policy would comply with the Basic Conditions with the substitution of the word 'significant' for 'demonstrable' in criterion b).</p> <p>Officers agree with the Examiner and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now complies with Local and national policy and meets the</p>	<p>Wording of criterion b) to be amended to read:</p> <p>"b) There will be no demonstrable <u>significant</u> adverse impact on the capacity and operation of the local highway network;"</p>

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		Basic Conditions test.	
Policy IN4: Learning and Education (p.31)			
<p>Policy IN4 is recommended to be amended to read as follows:</p> <p>"Sustaining and increasing the opportunity to access education is encouraged to be delivered through the protection and expansion of the existing primary school, and private nursery.</p> <p>Development proposals that positively enhance education 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".</p>	<p>Section 10: Infrastructure (p.45)</p>	<p><i>Modification agreed.</i></p> <p>Aspects of the policy dealt with services such as the mobile library that were not land use issues, contrary to the requirements of the NPPG. The Examiner stated that it was not the role of a neighbourhood plan to require actions from a local education authority, but it could encourage the protection, expansion and enhancement of facilities (but not service provision). The policy would therefore meet the Basic Conditions with the recommended alterations that kept the policy focused on land use issues that were the scope of a development plan.</p> <p>Officers agree with the</p>	<p>Policy wording to be amended to read:</p> <p>"Sustaining and increasing the opportunity to access education should <u>is encouraged</u> to be delivered through the protection and expansion of the existing primary school, <u>and</u> private nursery. and the mobile library.</p> <p><u>Development</u> Pproposals 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".</p>

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		Examiner and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.	
Policy ALW2: Encouraging Safe Walking and Cycling (p.32)			
<p>Paragraphs 3 and 4 of Policy ALW2 are recommended to be amended to read as follows:</p> <p>"Proposals should not adversely affect existing walking and cycling routes, and are encouraged where appropriate to create new walking and potential cycling opportunities.</p> <p>To encourage residents to use an alternative to the private car, proposals are encouraged to demonstrate the safe and convenient access to pavements and footpaths, and where possible incorporate opportunities for cycle routes".</p>	<p>Section 11: Amenities, Leisure and Well-being (p.48)</p>	<p><i>Modification agreed.</i></p> <p>The Examiner stated that it was 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 could however encourage these actions and Policy ALW2 would meet the Basic Conditions with the recommended alterations which reduce potential burdens on development.</p>	<p>Paragraphs 3 and 4 of policy to be amended to read:</p> <p>"Proposals which either should not adversely affect existing walking, including dog walking and cycling routes, or fail to encourage and are <u>encouraged where appropriate to create</u> new walking and potential cycling opportunities. will be resisted.</p> <p>To encourage residents to use an alternative to the private car, proposals should <u>are encouraged to</u> demonstrate the safe and convenient access to pavements and footpaths, and where possible incorporate opportunities for cycle routes".</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
		Officers agree with the Examiner and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.	
Policy ALW3: Sports and Recreation (p.32-33)			
Policy ALW3 is recommended to be amended by removing the second paragraph.	Section 11: Amenities, Leisure and Well-being (p.48)	<i>Modification agreed.</i> The Examiner was of the opinion that the second paragraph (with its direct assumption of the implementation of Policy SSA1) was not policy, but could be an aspiration in the explanatory text. This sentence also appeared to attempt to add a requirement to Policy SSA1, which only mentioned the need for alternative provision of sports facilities. For clarity and consistency of policies, as required by the NPPF, the	Second paragraph to be removed: "The long term future of the Sports Club will be enhanced through the implementation of Policy SSA1".

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>second paragraph of Policy ALW3 was recommended to be removed in order that the policy met the Basic Conditions.</p> <p>Officers agree with the Examiner and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.</p>	

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):

Sustainable Development Role (NPPF)	Neighbourhood Development Plan's Contribution
Economic	<p>The Neighbourhood Plan seeks to support the local economy through the protection and enhancement of existing employment sites and the promotion of new employment sites/opportunities within the neighbourhood area.</p> <p>If implemented these policies will have a positive impact on the local economy, safeguarding jobs and local services.</p>
Social	<p>The Neighbourhood Plan sets a framework that will help to support the achievement of sustainable social development.</p> <p>The Plan promotes 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 public rights of way in order to provide a more welcoming environment for pedestrians and cyclists.</p>
Environmental	<p>The Neighbourhood Plan includes a number of policies that support environmental sustainability for the community.</p> <p>The Plan has policies that look to protect heritage assets, natural features, biodiversity, valued landscapes as well as designate areas of Local Green Space.</p> <p>The NDP 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 Snitterfield 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/snitterfieldnp

And can be viewed in paper form at:

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