

Date: 23 February 2018

My reference: 16/174/EttingtonPC

Mrs Rosemary Williams
Policy Officer
Stratford-on-Avon District Council
Elizabeth House
Church Street
Stratford-upon-Avon CV37 6 HX

Dear Rosemary,

Ettington Neighbourhood Development Plan Response to Examiners Questions and Regulation 16 Rebuttal

I refer to the above Neighbourhood Development Plan (NDP), the Examiner's email to you dated 13 February 2018 and the Regulation 16 consultation responses received by the district council.

As you will be aware I act on behalf of the QB and have assisted them throughout the process of preparing, consulting and writing the NDP for Ettington and Fulready.

This letter has been endorsed by the Steering Group and the Parish Council.

Examiner's Questions

1. The Consultation Statement sets out the arrangements for the Regulation 14 Consultation and the responses to it in some detail. However, it does not list the statutory consultees who were consulted as required by Regulation 15 (2) (a). I should be grateful if this list could be sent to me and posted on the SDC website.

Please find attached the list of statutory and non-statutory consultees, provided by you, which were sent notification of the Pre-Submission Draft NDP under Regulation 14.

2. Site evaluation: Documents CD5.15 and CD5.16 relate to the assessment of possible housing sites. While they set out factors relating to each of the sites in some detail, I can see no explanation of

the process by which decisions were made on which if any sites to allocate. I should be grateful for some clarification on this.

The site selection process started with a list of 10 potential development sites which was established in consultation with the local community in 2015 via the village survey. Each site was independently assessed by APS Ltd. against a set of fixed criteria (e.g. highways, flooding, landscape, natural environment, heritage, accessibility etc...). Each site was then given a coloured rating (red, amber or green) based on its performance against the criteria and a matrix was created. The site assessments and the matrix form part of the evidence base behind the plan.

During the preparation of the plan a number of planning applications in and around the village were submitted to the Council. These applications were approved and are now reflected in the housing commitments in the table on page 17 of the plan. As a consequence of these permissions, the Steering Group decided not to allocate any further sites for development other than two small reserve sites for housing.

The two sites were shortlisted from the list of 10 due to their high rating in the independent assessments and were subsequently included in the Pre-Submission Draft (June 2017). The public were then fully consulted under Regulation 14.

One of the reserve sites on land east of Hockley Lane was deleted from the Submission Version of the NDP (November 2017) due to new evidence relating to highway safety concerns on an adjoining site.

The QB believes the process has been robust, transparent and fair.

3. Local Green Space 7. The evidence base contains assessments of most of the Local Green Spaces proposed in the Plan. However the link for LGS E7 and F3-4 contains a letter which appears to relate to the space now numbered LGS 6. Similarly the link for LGS F3-4 also contains a letter addressed to the owner of the space. I'd be grateful if the correct assessments could be sent to me and posted on the website.

The evidence base should contain a list of all LGS assessments. For the avoidance of doubt the assessments for LGS E7 and F3-4 are attached. If there are any other assessments which are missing please do not hesitate to let me know and these will be provided without delay.

Regulation 16 Rebuttal

There are 3 matters where the QB would like to provide additional explanation in response to comments received during the Regulation 16 consultation. These relate to comments received from Stratford District

Council and Gladman. This rebuttal is submitted in order to assist the Examiner in his consideration of the NDP.

Built-up-Area Boundary (BUAB)

In July 2017 the Council consulted parish councils on the formation of BUAB's for their villages. Prior to this consultation the Council has indicated that those parishes that were in the process of formulating an NDP for their parish would be allowed to define their own BUAB.

Ettington responded to that consultation and put forward a slightly different BUAB which had been discussed and agreed as part of the emerging NDP.

We note the Council has chosen to progress a different BUAB for Ettington despite the advance stage of preparation of the NDP.

The proposed BUAB in the NDP is based on local evidence and, unlike the Council's BUAB, has been informed by a detailed site assessment, local knowledge, local views and reflects the housing commitments in the village (NB these are not all shown on the maps because they are yet to be built).

The NDP BUAB therefore captures the reality of the physical confines of the built up area of the village, which is after all what the exercise is intended to achieve.

The QB would therefore maintain that the proposed BUAB is reflective of the local wishes and whilst this may be seen to be more flexible than the Council's proposed BUAB, this does not result in the NDP failing to meet any of the Basic Conditions.

Local Green Space (LGS) Designations

Gladman appear to criticise all 11 proposed LGS and in particular 5 but they do not state which 5. Their concern appears to be based on the perceived size of the spaces.

The PPG advises:

How big can a Local Green Space be?

There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 77 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not

be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name.

Paragraph: 015 Reference ID: 37-015-20140306

Revision date: 06 03 2014

The phrase “large tract of land” is intentionally undefined in the NPPF and the PPG. It is for the decision maker to determine on a site by site basis whether the land is excessively large having regard to the guidance as a whole, the site specifics of each case and the context of the LGS in relation to the community it serves.

The QB maintains that none of the proposed LGS represent a “large tract of land”. The proposed LGS do not result in a blanket designation around the villages of Ettington and Fulready. The LGS only represent a very small proportion of the edge of the villages and their designation genuinely represents the wishes of the local community.

Fulready does not have any public open spaces or formal recreational areas. The proposed LGS in Fulready relate well to the community and are highly valued and appreciated by walkers using the local network of public footpaths.

LGS E3 and E7 in Ettington form part of a proposed valued landscape designation which illustrates the importance and value of them to the local community.

LGS does not have to be in public ownership nor does it need to have public access. The appreciation of these important spaces from public viewpoints and paths is sufficient to demonstrate local significance and importance.

Gladman has cited examples where other Examiners have recommended the deletion of proposed LGS in other NDP's due to size. However, without full knowledge of the specific context of each location, site visits and a review of the evidence base behind the designations, they are meaningless and cannot be relied upon.

Consequently, the QB would urge the Examiner to disregard the suggestion that the proposed LGS are extensive and consider them in the context of the villages.

Valued Landscapes

Gladman appear to be introducing a new test for the designation of valued landscapes. There is nothing in the NPPF or the PPG which requires such

landscapes to demonstrate or have “physical attributes” or for them to be “out of the ordinary”.

The 2012 Landscape Sensitivity Study carried out by White Consulting for the as part of the evidence base for the Core Strategy identified View 1 and 2 in Ettington as having a high sensitivity and View 3 as having a medium sensitivity. Fulready was not assessed. This independent evidence corroborates the Valued Landscape designations proposed in the NDP.

Gladman are quite right that the appreciation of a landscape is a subjective matter. The local community who live within and experience those landscapes are clearly in the best position to determine which landscapes/views are most important to them. The number of views chosen is modest and fully justified.

It is important to note that the designation of these landscapes does not place an embargo on all development. In cases where a development satisfactorily demonstrates it protects or enhances the valued landscape, permission may be forthcoming.

I would be grateful if you could ensure the Examiner is passed a copy of this letter and attachments at your earliest convenience.

Furthermore, if the Examiner has any other questions about the policies, justification or evidence base underpinning the NDP, I would be happy to assist further.

Yours sincerely,



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