

Ettington and Fulready Neighbourhood Development Plan 2011-2031

The Report by the Independent Examiner

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Summary

The Ettington and Fulready Neighbourhood Plan has clearly been carefully prepared with a good understanding of the basic conditions and the legal requirements. For the most part I have found the Plan and the supporting documentation clear and relevant and this has assisted my examination. In a few instances the connection between the Plan and background evidence is not sufficiently clear.

I have found it necessary to recommend some modifications to meet the basic conditions for a variety of reasons, including: the need to provide clear guidance to decision makers, closer alignment to national policy and guidance, the absence of clear justification for some elements of policy and grammatical errors. For the most part these changes have been minor, but in a few cases I have found it necessary to delete all or significant parts of some policies. The main instances of this are: the deletion of part of Policy LA2, where some of the proposed Local Green Spaces do not meet the criteria in the NPPF, the deletion of Policy LA5 relating to possible allotment sites, significant changes to policies BE1 and BE3 to accord with national policy and guidance and the deletion of much of Policy IN2 relating to sustainable design.

I am grateful to the officers of SDC and EPC and to the consultants of the Parish Council for the support and assistance they have provided in responding to my queries during the examination.

I have concluded that, if the modifications that I have recommended are made:

- The Ettington and Fulready Neighbourhood Development Plan has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012 (as amended) and that;
- Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;
- The making of the Plan would contribute to the achievement of sustainable development;
- The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;
- The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights.

I am therefore pleased to **recommend that the Ettington and Fulready Neighbourhood Development Plan should proceed to a referendum subject to the modifications that I have recommended.**

I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. The Plan includes the whole Parish of Ettington and I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”. **I therefore conclude that there is no need to extend the referendum area.**

Introduction

1. The Localism Act 2011 has provided local communities the opportunity to have a stronger say in their future by preparing neighbourhood plans which contain policies relating to the development and use of land.
2. Ettington Parish Council is the qualifying body for the Ettington and Fulready Neighbourhood Development Plan 2011-2031, which I shall refer to as the EFNDP or the Plan. The Plan covers the whole of the parish of Ettington.
3. Ettington lies between Stratford-upon-Avon and Banbury and is about 6 miles from Stratford-upon-Avon. The Parish contains two villages: Ettington itself is the main settlement and is centrally situated while the smaller hamlet of Fulready lies near the southern edge of the Parish. The population of the Parish in 2011 was about 1500.
4. If, following a recommendation from this examination, the Plan proceeds to a local referendum and receives the support of over 50% of those voting, it can be made and will then form part of the statutory development plan. This would make it an important consideration in the determination of planning applications, as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

Appointment of the Independent Examiner

5. I have been appointed by Stratford-on-Avon District Council (SDC), with the agreement of Ettington Parish Council (EPC) to carry out the independent examination of the EFNDP.
6. I confirm that I am independent of both SDC and EPC and have no interest in any land which is affected by the EFNDP. I have never had any other professional involvement in Ettington.
7. I am a Chartered Town Planner with over 30 years' experience in local government, working in a wide range of planning related roles, including 15 years as a chief officer. Since 2006 I have been an independent planning and regeneration consultant. I have completed over 25 neighbourhood plan examinations and three health checks. I therefore have the appropriate qualifications and experience to carry out this examination.

The Scope of the Examination

8. The nature of the independent examination is set out in Sections 8-10 of Schedule 4B of the Town and Country Planning Act 1990.
9. I must:
 - i. Decide whether the plan complies with the provisions of Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. These requirements relate

primarily, but not exclusively, to the process of preparing the Plan and I shall deal with these first.

- ii. Decide whether the neighbourhood development plan meets the basic conditions contained in Schedule 4B paragraph 8(2) of the Town and Country Planning Act 1990. This element of the examination relates mainly to the contents of the Plan.
- iii. Make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the Plan area.

10. The Plan meets the basic conditions if:

- i. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan;
- ii. The making of the Plan contributes to sustainable development;
- iii. The making of the Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- iv. The making of the Plan does not breach, and is otherwise compatible with, EU obligations.

11. I am also required to consider whether the Plan is compatible with the European Convention on Human Rights.

12. Paragraph 9 of Schedule 4B indicates that as a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. In carrying out the examination I concluded that the examination could be completed without a hearing.

13. The main documents to which I have referred in the examination are listed below:

- Ettington and Fulready Neighbourhood Development Plan 2011-2031 Submission Version November 2017
- Ettington and Fulready Neighbourhood Development Plan Basic Conditions Statement November 2017
- Ettington and Fulready Neighbourhood Development Consultation Statement
- Strategic Environmental Assessment of the Ettington and Fulready Neighbourhood Development Plan SEA Screening Document
- Letter from SDC to EPC dated 13 November 2017 re SEA Screening Document
- Responses to Regulation 16 publicity on Submission Plan
- Neighbourhood Plan Application by Ettington Parish Council December 2014
- Letter from SDC to EPC dated 16 March 2015 designating Neighbourhood Area
- Stratford-on-Avon Core Strategy 2011-2031, July 2016

- Stratford-on-Avon District Site Allocations Plan to accompany the Core Strategy, Intention to Prepare a Local Plan Regulation 18 Consultation
 - The Neighbourhood Planning (General) Regulations 2012 as amended in 2015 which are referred to as the NPR
 - The Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).
 - The National Planning Policy Framework which is referred to as the NPPF
 - National Planning Practice Guidance referred to as PPG
14. The documents submitted include all of those that are required to be submitted under regulation 15 of the NPR.
 15. In addition to these documents I was also provided with a list of documents relevant to the examination with weblinks to them. These include local and national background documents and legislation.
 16. I made an unaccompanied visit to Ettington on 12 February 2018 to familiarise myself with the Parish and help me to understand the implications of the Plan policies. I spent several hours walking and driving around the Parish and viewing all the key locations referred to in the Plan.
 17. During the examination I sought clarification on several points. My emails and the responses to them have been posted on the SDC website along with documents referred to in the responses.

The Preparation of the Plan

18. An application for the designation of the Parish as a neighbourhood area was submitted by EPC to SDC on 17 December 2014. It was publicised in accordance with the requirements of regulation 6 of the NPR at that time and approved by SDC on 16 March 2015. I am satisfied that the designation of the neighbourhood area met the legal requirements.
19. As required under section 38B (1) (a) of the Planning and Compulsory Purchase Act 2004 the Plan clearly states the period to which it relates, which is 2011-2031.
20. The Plan must not include any provision about development that is excluded development as defined in section 61K which is inserted into the 1990 Town and Country Planning Act. Excluded development includes “county matters”, such as mineral extraction and waste disposal, and major infrastructure projects. I am satisfied that the submitted Plan contains no policies which relate directly to these matters.
21. I am also satisfied that the Plan does not relate to more than one neighbourhood area.

Public Consultation

22. The Consultation Statement describes the various stages of consultation that were undertaken during the preparation of the Plan. An initial drop-in session to provide information about neighbourhood plans and assess interest in the preparation of a neighbourhood plan for Ettington took place in late 2013. There was strong support for the idea and a steering group was formed. A further information event took place in the summer of 2014 and this was followed by the application for the designation of the Neighbourhood Area.
23. In April/ May 2015 a questionnaire was distributed to all households and this was followed by a newsletter in September 2015 which set out the main themes to emerge from the questionnaire. During 2016 and early 2017 there were a range of initiatives to raise awareness and consult landowners and employers and a Housing Needs Assessment was commissioned.
24. Statutory consultation in accordance with Regulation 14 of the NPR took place between 16 June and 27 July 2017. This was extensively publicised, by means of banners at the entrances to both Ettington and Fulready, fliers to all households, e mails to all statutory consultees and a notice in the local press. There were also four drop-in sessions, two at the beginning of the six-week period and two at the end. At these sessions copies of the draft plan were available to view and members of the steering group were available to answer questions. The draft plan was also available on the Parish Council website and hard copies were available at the Village Hall.
25. Regulation 15 (2) (a) requires that the Consultation Statement “contains details of the persons and bodies consulted”. However, the Consultation Statement does not list the statutory consultees who were consulted. I sought clarification on this point and have been provided with a full list of those consulted at this stage, which has been posted on the SDC website.¹ The list covers those bodies that should be consulted.
26. Consultation following the submission of the Plan, in accordance with regulation 16 of the NPR, took place between 4 December 2017 and 29 January 2018.
27. I am satisfied that the consultation that took place during the preparation of the Plan exceeded the requirements of the NPR.

The Basic Conditions Test – The Plan taken as a whole

28. The consideration of whether the Plan meets the basic conditions is the main focus of the independent examination process. This section of my report clarifies the meaning of each of these conditions and considers how the Plan, taken as a whole, meets them.

¹ Attachment to e mail from SDC dated 23 February 2018

“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan”

27. There are two important points to emphasise in relation to this. The first is that I must consider this requirement in relation to the making of the Plan; it thus applies to the Plan as a whole rather than to individual policies. The second point is the use of the phrase “*having regard to*”. This means that I must consider the national policy and advice, but it does not mean that each policy should be in absolute conformity with it. PPG explains that “*having regard to national policy*” means that “*a neighbourhood plan must not constrain the delivery of important national policy objectives*”.² The Plan as a whole is clearly the sum of its policies and it is therefore necessary to consider the extent to which each policy complies with national policy and guidance. However, in reaching my conclusion on this basic condition it is the relationship of the Plan as a whole with national policies and guidance rather than individual policies which is the key consideration.
28. The Basic Conditions Statement includes a table which sets out how the EFNDP relates to each of the core planning principles of the NPPF and a further table which identifies the neighbourhood plan policies which relate to the Chapter headings of the NPPF. A further table links each of the neighbourhood plan policies to specific paragraphs of the NPPF. I have found this table useful in assessing this basic conditions and subject to the modifications I have recommended I am satisfied that the Plan does not conflict with the NPPF.
29. Also, relevant to this element of the basic conditions test is “...guidance issued by the Secretary of State” as set out in PPG. This contains extensive guidance on both general principles and specific aspects of the preparation of neighbourhood plans³ some of which I have already referred to. It is important to be able to demonstrate that the preparation of the Plan has had regard to this. The Basic Conditions Statement does not refer to PPG, but in my report, I make frequent reference to it. At this stage I need to emphasise the importance of the guidance on the formulation of policies. “*A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood plan for which it has been prepared*”⁴. Also “*Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn on to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan...*”⁵

² PPG What does having regard to national policy mean? Reference ID: 41-069-20140306

³ PPG Neighbourhood Plan, Reference ID Paragraphs 41-001 to 41-087

⁴ PPG Neighbourhood Planning How should the policies in a neighbourhood plan be drafted? Reference ID: 41-041-20140306

⁵ PPG Neighbourhood Planning What evidence is needed to support a neighbourhood plan? Reference ID 41-040-20160211

30. I have considered each policy in turn having regard to national policy and guidance and my findings on each policy are set out later in this report. Taking the Plan as a whole, and subject to the modifications I have recommended, there is no serious conflict between the policies of the Plan and national policies and guidance.

“The making of the Plan contributes to sustainable development”

31. There is inevitably considerable overlap between the requirements for satisfying this basic condition and the previous one as the NPPF clearly states that *“the purpose of the planning system is to contribute to the achievement of sustainable development and the policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.”*⁶
32. The NPPF then spells out the three dimensions of sustainable development: economic, social and environmental, and emphasises the interdependent nature of these. Again, it is important to note that the assessment to be undertaken relates to the Plan as a whole, but clearly the contribution of each policy needs to be considered to enable a conclusion to be reached. Policies which fail to demonstrate that they contribute to sustainable development are likely to require modification or deletion. As the NPPF points out, local circumstances vary greatly and that influences the way in which contributions to sustainable development can be made.⁷
33. The coverage of sustainable development in the Basic Conditions Statement is somewhat cursory as it simply lists in 6 bullet points ways in which the EFNDP contributes to sustainable development.
34. The contribution of each of the policies of the Plan to sustainable development is considered later in my report. However, taken as a whole I am satisfied that the Plan contributes to sustainable development.

“The making of the plan is in general conformity with the strategic policies contained in the development plan for the area”

35. As with the previous two conditions, the test applies to the Plan as a whole, but also requires consideration of individual policies against relevant strategic policies in order to reach an overall conclusion. The test of *“general conformity”* is fundamentally that the neighbourhood plan policies should not undermine the strategic policies of the Local Plan. The test is spelt out more fully in PPG.⁸ It does not preclude some variation from a strategic policy where it is justified by local circumstances providing the proposal upholds the general principle that a strategic policy is concerned with. However, any departure from development plan policies needs to be clearly justified.

⁶ NPPF Paragraph 6

⁷ NPPF Paragraph 10

⁸ PPG What is meant by ‘general conformity’? Reference ID 41-074-20140306

36. The main development plan document for the purposes of the EFNDP is the Stratford-on Avon Core Strategy 2011-2031 (SCS). Other Development plan documents are:
- The Warwickshire Waste Core Strategy 2013-2028 and
 - The saved policies of the Minerals Local Plan for Warwickshire 1995 (The Minerals Local Plan is due to be replaced by the emerging Mineral Plan).
37. The Basic Conditions Statement includes a table which shows which SCS policies are relevant to each of the EFNDP policies. It does not explain how the policies relate to each other and that is something that I have had to do. Taking the Plan as a whole, and subject to the modifications I have recommended, I am satisfied that it is in general conformity with the policies of the SCS.
38. With regard to the Minerals and Waste Plans I have not identified or been made aware of any conflict with the policies of these plans or the pre-submission draft of the emerging Minerals Plan.

“The making of the order does not breach and is otherwise compatible with EU obligations”
Strategic Environmental Assessment and Appropriate Assessment under the Habitats Regulations

39. PPG indicates that *“where a neighbourhood plan is likely to have significant environmental effects it may require a strategic environmental assessment”*⁹, subsequently referred to as SEA. A SEA requires the preparation of an environmental report. In order to determine whether the plan is likely to have a significant environmental effect, a screening assessment is necessary.
40. Regulation 15 of the NPR requires that the submission of a neighbourhood plan must include: *“(i) an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans Regulations (EAPPR) or (ii) where it has been determined under regulation 9(i) of these Regulations that the proposal is unlikely to have significant environmental effects (and accordingly does not require an environmental assessment), a statement of reasons for the determination”*.
41. Regulation 102 of the Conservation of Habitats and Species Regulations 2010 (CHSR) puts into effect the requirements of Article 6.3 of the EU Habitats Directive and requires that: *“(1) Where a land use plan - is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site, the plan-making authority must before the plan is given effect, make an appropriate assessment of the implications of the site in view of that site’s conservation objectives.”*
- Amendments to these regulations were made in the Schedule 2 to the NPR which inserted Regulation 102A to the CHSR:

⁹ PPG Does a neighbourhood plan require a strategic environmental assessment? Reference ID: 11-027-20150209

“A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required.”

42. The submitted documents include an SEA Screening Document prepared by Lepus Consulting for Stratford-on-Avon District Council. The document presents a Screening Opinion on the need for both SEA and an Appropriate Assessment under the Habitats Regulations prepared in October 2017. It concludes that the policies of the EFNDP are unlikely to have significant environmental effects and that neither SEA or HRA are necessary. The screening opinion has been subject to consultation with Natural England, Historic England and the Environment Agency in accordance with regulation 9(2) of the EAPPR and all three agencies confirm its conclusions. Also included in the submission documents is a letter from SDC to EPC which determines that SEA is not necessary. The letter refers to the screening document and the responses of the statutory consultees as the reasons for its conclusion.
43. I conclude that the making of the Plan does not breach and is otherwise in conformity with European Regulations.

Human Rights

44. Nothing in the Plan suggests that there would be any breach of the European Convention on Human Rights

Vision Statement

45. The policies of the Plan are preceded by a Vision Statement and six strategic objectives. These are not land use policies and thus will not form part of the development plan but as they help to shape the policies they are clearly an important element of the Plan. The Vision Statement states:

“Ettington aspires to thrive as a vibrant and distinctive neighbourhood, to continue to respect and reflect the views of its community, to evolve and expand whilst retaining its unique and distinctive character, and to provide an outstanding quality of life for current and future generations and residents.”

This statement is entirely consistent with sustainable development.

46. The six objectives relate to: housing, the local economy, local amenities, the natural environment, the built environment and infrastructure. The objectives strike an appropriate balance between supporting appropriate sustainable development and protecting the character of the village and its environment. The policies of the Plan are grouped in relation to each of the six objectives.

Neighbourhood Plan Policies

47. I have considered all the policies of the Plan against the basic conditions, having regard to the evidence provided to justify them. Where necessary I have recommended modifications. I am only empowered to recommend modifications necessary to meet the basic conditions or to correct errors.
48. In considering the policies I have taken account of all the comments made during the preparation of the Plan with a particular focus on comments made in response to the regulation 16 consultation on the submitted plan. While I have not referred directly to all the comments made I have given attention to all of them.

Housing

Policy H1- Housing Growth

49. Policy H1 defines the Village Boundary¹⁰, within which new housing development will be supported in principle. It also sets out the approach to development outside the Village Boundary. This is an important policy as it effectively defines the amount of development that the Plan is providing for and one of the prime requirements for neighbourhood plans is that they *“should not promote less development than set out in the Local Plan or undermine its strategic policies.”*
50. The Stratford on Avon District Core Strategy 2011-2031 (CS) sets out the strategy for housing development in the District. Policy CS.15 identifies a settlement hierarchy with most new development in the form of strategic allocations in Stratford on Avon, eight Main Rural Centres and in two proposed new settlements. Smaller amounts of development are required in Service Villages and four categories of Service Village are identified on the basis of their size and the availability of key services within the village.
51. Policy CS.16 envisages that a total of 2000 new homes will be accommodated in Local Service Villages and Ettington is identified as one of ten category 3 Local Service Villages which are between them expected to accommodate 450 new houses, with no one village required to accommodate more than 13% of this total which equates to 59 dwellings. If development was evenly spread between the ten villages, it would amount to 45 dwellings in each village. However, the policy also recognises the role of neighbourhood plans and “encourages Parish Councils to prepare Neighbourhood Plans that identify sites to meet or exceed the housing requirements set out above.” There is no requirement for a specific number of dwellings in individual service villages.
52. The supporting text to Policy H1 indicates that since 2011 planning permission has been granted for a total of 76 dwellings. This means that there is enough development permitted to exceed the indicative requirement in the CS by almost 29% and to exceed the pro rata

¹⁰ The EFNDP uses the term “Village Boundary” and the Core Strategy and emerging Site Allocations Plan use the term “Built-up-Area” boundary. I have used “Village Boundary” throughout for the sake of consistency and to avoid confusion.

requirement by almost 69%. While there is no guarantee that all the dwellings permitted will be built, I noted on my visit that the largest development permitted, on Banbury Road, where there is permission for 33 dwellings, is under construction. I am therefore satisfied that the Plan provides for sufficient new housing development to be in general conformity with the strategic policy of the Local Plan.

53. The Village Boundary has been defined by using the boundary originally adopted in the Stratford on Avon District Plan 2000 and amending it to include sites with planning permission on the edge of the boundary and residential curtilages unless they are clearly paddocks rather than gardens. Gladman object in principle to the use of Village Boundaries to *“arbitrarily restrict suitable development from coming forward.”* I don’t accept that the use of the Village Boundary is arbitrary. It is a well-established means of providing a clear definition of where development is considered appropriate and where it is not. It thus provides clear guidance to decision makers and a level of certainty for all involved. Providing that the boundary does not prevent the required level of residential development from taking place, it is not inconsistent with sustainable development.
54. In the case of Ettington it includes four significant sites on the edge of the village which have planning permission for new housing. Together with other smaller permissions these provide for substantially more development than is required to be in general conformity with the development plan.
55. SDC have commented that the proposed Village Boundary differs somewhat from that proposed in the emerging Site Allocations Plan (SAP). A revised Scoping and Initial Options version of this plan was published for consultation in January 2018. The settlement boundary proposed in the EFNDP is less tightly drawn than that in the emerging plan in that it includes a number of farm buildings, the church, the school playing field, existing buildings and their curtilages on Warwick Road close to the junction with the A429. It also includes an area of several small paddocks on the north-eastern edge of the village between Hillman Way and Hockley Lane. This appears to conflict with the stated criteria. One of the criteria is that *“Residential curtilages are included with the Village Boundary unless an area is clearly a paddock and more appropriately defined as ‘non-urban’.”* I sought clarification on this apparent inconsistency. I was informed that *“The QB decided to extend the BUAB to the north-east edge of the village between Hillman Way and Hockley Lane (as shown on Figure 2) because there are a number of dwellings to the north of the small paddocks. The map does not show all of these as some have recently obtained planning permission and have not yet been built. The QB felt that this was the defensible built up area boundary of the village which is what the exercise was intended to achieve.”*¹¹ This response also referred to the limited potential for development of the small paddocks because of access difficulties.

¹¹ From e mail dated 5 March from Neil Pearce, forwarded by Rosemary Williams in response to my e mail of 2 March

56. The Site Allocations Plan is at an early stage and there is no requirement for the boundary being proposed in the EFNDP to be consistent with it. Where neighbourhood plans have been made the SAP does not propose village boundaries and SDC has confirmed that if the EFNDP is made the boundary currently being proposed in the SAP will not be pursued.¹² I am satisfied that the rationale for the definition of the rather looser boundary proposed in the EFNDP does not conflict with the basic conditions and will provide rather more potential for additional windfall sustainable development, than the one in the emerging Site Allocations Plan.
57. Dobson Grey have also submitted a representation for the inclusion of a site on the northern edge of Ettington between the old Warwick Road and the A129 within the Village Boundary. The representations refer to proposals for the provision of a use class C2 nursing home and other housing and facilities for the elderly. It states that proposals are at an early stage of development and I am not satisfied that there is evidence that it is necessary to recommend a modification to the Village Boundary which has been proposed in order to meet the basic conditions.
58. The second part of the Policy aims to limit new housing in the countryside to dwellings for rural workers, replacement dwellings and new dwellings in accordance with policies H2 and H3. This is a rather narrower definition of what would be acceptable than that in the NPPF which also allows for the re-use of redundant buildings in some circumstances and for exceptional and innovative design. I have recommended a modification to align more closely with it.

Recommendations

In Policy H1:

In the second part of the policy delete: “be strictly controlled and limited to dwellings for rural workers,” and insert “only be permitted in accordance with the criteria in paragraph 55 of the NPPF or for...”

Policy H2 – Strategic Reserve

59. The policy identifies a small area of land south of Banbury Road as a “strategic reserve allocation” only to be released if there is demonstrable housing need.
60. Representations on behalf of the owners of the site welcome the allocation but suggest that it should be much larger and include the football field and land to the south-west of it, a total area of 4.37ha. There is no requirement to provide a reserve site and it is therefore beyond my remit to recommend the extension of it as this is not necessary to meet the basic conditions.
61. There is an inconsistency between the policy and the supporting text as the policy refers to “around 6 dwellings” and the supporting text refers to “a further 8 homes”. I have made a recommendation to correct this.

¹² E mail from Rosemary Williams dated 7 March 2018

62. The supporting text suggests that the reserve site should only be released if SDC is unable to demonstrate a 5-year supply of land. This is an unreasonably narrow interpretation of demonstrable need as policy CS.16 identifies four criteria, each of which may justify the release of reserve sites. Housing needs will no doubt be reviewed throughout the plan period and up to date evidence may justify the release of the reserve site for various reasons. I have recommended a modification to align the policy more closely to the Core Strategy.

Recommendation

In Policy H2:

In the first paragraph delete 6 and insert 8.

In the last line of the second paragraph delete “their” and insert “its” for grammatical reasons and after “...release” add “having regard to the criteria in policy CS.16 of the Core Strategy 2011-2031.”

In paragraph 6.11 delete “i.e.” and insert “such as” and at the end of the sentence add “other circumstances where the release of reserve sites may be necessary are set out in Policy CS.16 of the Core Strategy”.

Policy H3 - Local Needs Housing

63. The policy provides for the provision of affordable housing on sites outside the Village Boundary to meet the identified needs of people with a local connection which cannot be met within the Village Boundary. It also allows for the provision of an element of market housing where this is necessary to make the development viable. The policy also sets out criteria to define what is meant by “a local connection”.
64. The policy is carefully worded and similar to policies that are included in other neighbourhood plans in the District. I am satisfied that it meets the basic conditions.

Policy H4 – Housing Mix

65. Policy H4 sets out guidance for the housing mix to be achieved in new developments. It identifies the proportion of houses that should be of a particular size for both market and affordable housing. The NPPF encourages planning for a housing mix based on local needs. SDC have pointed out that the percentages differ from those in the adopted Core Strategy and, while similar, are rather more rigid. Those in the Core Strategy are expressed as a range, while those in the EFNDP are expressed in terms of a minimum percentage for smaller houses and a maximum percentage for larger ones.
66. The requirement for general conformity with strategic policies of the Core Strategy does not mean that policies should be identical. However, where they depart there should be clear justification. Only in the case of 2-bedroom dwellings are the percentages given in the two documents compatible: at least 35% in the EFNDP, and 35-40% in the CS. For larger dwellings the maximum figure in the EFNDP is the lower end of the range in the CS. I can find no clear justification for this conflict on the basis of local needs. Evidence quoted from the

Neighbourhood Plan Survey provides opinion on priorities but provides no guidance on the specific mix required. The 2016 Housing Needs Survey is relevant for affordable housing and the Strategic Housing Market Assessment is part of the evidence base for the Core Strategy. For this reason, I have recommended modifications to the figures to remove the conflict between the CS and the Neighbourhood Plan.

67. The policy refers to “the most current up-to -date evidence” and then gives the percentages required. In practice the percentages may be superseded by up to date evidence and I have recommended a modification to clarify this. The first paragraph of the supporting text acknowledges the need for flexibility to reflect viability and other factors. This is effectively policy and I have also recommended a modification to reflect this.

Recommendations

Reword the first part of Policy H4 to read:

“Developments of 6 or more units should reflect the housing mix in the table below or those in the most up to date published housing needs assessment at district wide or parish level. Developers will be required to justify developments which depart from this approach having regard to viability and the character of the area.

Delete paragraph 6.20

Market Housing

1-bed	2-bed	3-bed	4+bed	Total
10%	35%	40%	15%	100%

Affordable Housing...

Policy H5 - Housing Design

68. Policy H5 sets out a list of design principles to be applied to all relevant developments. In essence these criteria seek to encourage traditional design and materials, but many of the criteria also allow for some flexibility with the use of words like “encouraged” and “usually”. Little evidence is provided to demonstrate the need or justification for these criteria. While paragraph 6.23 states that the policy is not intended to “impose architectural styles or stifle innovative design” the overall thrust of the policy does not provide any encouragement for other than traditional design.
69. Section 4 of the Plan does provide a general character appraisal of the village and its historic development. However, while there are several older buildings of traditional style and materials, more recent development is mostly brick built and reflects the period in which it was built.

70. SDC suggest that criterion a) is effectively contradictory in that any infill will reduce the space between buildings. This is true but at the same time the intention of the policy is clear. I have recommended a modification to reflect this. Criterion c) does conflict with the encouragement in the NPPF for innovation and I have therefore recommended a modification to provide for more flexibility. While it is appropriate to encourage the use of local stone in criterion f), the predominant material in the village is brick and there is no clear justification to preclude further brick buildings.
71. Criterion i) is in my view too prescriptive to comply with the NPPF and in most circumstances changes of windows are permitted development. The discouragement of white UPVC is therefore not a policy that can be enforced.

Recommendations

In Policy H5:

Modify criterion a) to read “Infill developments should respect established building lines and the character of neighbouring development; they should also avoid a terracing or crowding effect and retain a sense of space between buildings.”

At the end of criterion c) add “except where a demonstrably high quality of design, which respects its context clearly justifies a more modern or innovative style.”

At the beginning of criterion f) insert “Materials should respect the character of neighbouring development.”

Delete criterion i).

Local Economy

Policy LE1 – Protecting and Supporting Existing Employment Sites

72. This policy aims to retain and support the limited expansion of existing employment sites. It sets out four criteria which may justify changes of use. These criteria are consistent with the basic conditions.
73. The second part of the policy sets out the approach to changes of use where there is no prospect of an employment use. The phrase “will be treated on their merits” offers no clear guidance to decision makers. An important consideration in any change of use will be the compatibility with neighbouring uses and I have recommended a modification to this effect and to link decision making to other development plan policies. SDC also rightly point out that “allocated” should be replaced by “existing”.

Recommendations

In Policy LE1:

In the second line of the second part of the policy delete “allocated” and insert “existing” and reword the last part of the sentence to read: “...for alternative uses will be determined having regard to:

- **Their compatibility with neighbouring uses**

- **Market signals and the relative need for different land uses to support sustainable development**
- **Other development plan policies.**

Policy LE2 – Promoting New Employment Opportunities

74. Policy LE2 is positively worded and supports proposals for new employment related subject to conformity with other policies in the Plan and four other criteria. The policy is consistent with the positive approach to employment related development in the NPPF¹³ and the first three criteria are consistent with the basic conditions. Criterion d) refers to national policy and SDC has rightly pointed out that District policy should also be referred to. Policies CS.22 and AS10 of the CS are particularly relevant.

Recommendation

In criterion d) of Policy LE2 after “national” insert “or District”.

Policy LE3 – Home Working and Live-Work Units

75. The policy supports the inclusion of flexible space in new homes to facilitate homeworking and the construction of new Live-Work units subject to several criteria.
76. The first part of the policy encourages the provision of flexible space for home working in all new dwellings. There is an element of conflict between this and the encouragement in Policy H4 for most new housing to be 2-3 bed housing as the provision of flexible space could provide the opportunity to increase the size of these dwellings to 4+- bed homes rather than use it for work space. The additional space may also increase the cost of new dwellings and make them less affordable. I have recommended a modification to reduce the potential for this policy to undermine Policy H4.
77. There is not a grammatical connection between the introductory paragraph of the second part of the policy and the list of criteria. Also, SDC point out that the provision of Live-Work space should not facilitate development in locations where housing development would otherwise not be suitable. I have also recommended modifications to reflect both of these points.

Recommendations

Modify the first part of Policy LE3 to read: “The provision of space to provide home working such as flexible space adaptable to a home office will be supported where it would not undermine the housing mix proposed in policy H4. The provision of cabling or suitable ducting to support broadband will also be supported.”

In the second part of Policy LE3 delete “subject to the following criteria” and insert “where ”; in criteria a) and b) insert “They” before “have”; modify criterion c) to read “They are designed to ensure that residential and work uses...”

¹³ NPPF paragraph 28

modify criterion d) to read “They are in locations where housing development would be acceptable;”

in criterion e) delete “should be” and insert “is”;

in criterion g) insert “They do” before “not”.

Policy LE4 – Rural Tourism

78. This policy supports new and improved leisure and tourism services and facilities where they do not conflict with other policies. It also aims to prevent the loss of existing leisure or tourism related uses unless they can be demonstrated to be unviable or the development will facilitate relocation to a more suitable site. The policy is consistent with the basic conditions.

Local Amenities

Policy LA1 – Protecting and Enhancing Existing Community Assets

79. Policy LA1 aims to protect existing community assets and encourage the enhancement of existing facilities and the provision of new ones. It is consistent with the basic conditions and it does already refer to the potential to *“be used for an alternative use that would benefit the community”* as suggested in a comment by SDC.

Policy LA2 – Designated Local Green Spaces

80. The policy proposes the designation of seven spaces in Ettington and four in Fulready as Local Green Spaces. The supporting text refers to paragraphs 76-78 of the NPPF but it does not refer to the assessments of the suitability of each of these sites for this designation provided in the Evidence Base on the neighbourhood plan website. A modification to make this connection is necessary. The policy also sets out the approach to development in the Local Green Spaces.
81. I visited all of the proposed Local Green Spaces on my visit and considered how they meet the criteria in paragraph 77 of the NPPF. I have not attached weight to the ecological elements of the assessments as they generally refer to the value of hedgerows and birds seen in the village generally rather than the specific sites. There is no evidence of special ecological significance.
82. Proposed Local Green Spaces in Ettington
- 1) Ettington Recreation Ground This is a multi-purpose recreational facility in the heart of the village adjacent to the Community Centre. It is an attractive and well used space and is clearly special to the community and therefore appropriate as a Local Green Space.
 - 2) Ettington Football Club Pitches The football pitch is close to the recreation ground, but I am not persuaded that this particular area has the special qualities that justify designation as a Local Green Space. The intention of Local Green Spaces is that they merit long term protection because of their special qualities and in this instance, it is the function rather than the location that is important. Another suitably located area of level ground could serve this

purpose equally well and Policy LA3 protects the use by requiring a suitable replacement for the loss of any recreation space. The owner has objected to the designation and I do not consider that the criteria are met.

3) Land west of Rookery Lane and south of the Lodge This area lies immediately to the south of the area proposed as Local Green Space 7. Together they would make up an area of almost 4 hectares on the western edge of the village which could be considered an extensive area, though that in itself is not decisive. Area 3 is grassland offering extensive views to the west. However, the purpose of Local Green Spaces is not to provide an extra layer of protection on countryside around the edge of the village. The lack of public access is not in itself decisive, but the space itself must be demonstrably special. While I understand the attraction for walkers along Rookery Lane, in providing distant views, I am not satisfied that the space itself has the unique qualities required for Local Green Space designation.

4) Land at Rogers Lane This is a small area of amenity space associated with a group of houses on Rookery Lane. It is clearly close to the community it serves and important to their quality of life. It is appropriate for Local Green Space designation.

5) Primary School Playing Field The school playing field is attractively set within the village and is an important green space in this central position in the village. It is also a relatively small area close to the community it serves and very well used. It is appropriate for designation as a Local Green Space.

6) Land on the Corner of Hillman Way and Clark Walk This is a small area of green space in a prominent corner position within a modern residential development. It is an important amenity for the houses around it and creates a sense of place. It meets the criteria for Local Green Spaces.

7) Land south of the church and west of Rookery Lane This area lies immediately north of the area proposed as Local Green Space 3. It is a roughly rectangular paddock area on the edge of the village and close to the church. It is also of historic interest as a “ridge and furrow” field. While there is no public access to it, this is not a requirement for Local Green Spaces. As I have said in relation to area 3, the designation of Local Green Spaces should not be used to protect areas whose main characteristic is that they are countryside on the edge of a village. However, I am satisfied that this space can be distinguished from Area 3 as having a special quality because of its importance as the setting of the church and its distinctive ridge and furrow character.

83. Local Green Spaces in Fulready

1) Land South of Keepers Cottage and 2) Land west of Bluestone These two areas of paddock lying to the south of the hamlet of Fulready are separated by a footpath and have similar characteristics. There is no public access to them and the footpath provides access to the open countryside beyond. I am not satisfied that these spaces themselves are “demonstrably special” and, as I have said the purpose of Local Green Space designation is not to provide an additional layer of protection for countryside on the edge of settlements.

3) Land west of Barwood This is a small rectangular area on the edge of Fulready. It is

described in the assessment as an area of arable land, but it has the appearance of a long-established area of grassland with very well defined historic ridge and furrow. The description also refers to a well-used footpath, but that was not obvious to me on my visit. I am satisfied that it does have a distinctive quality as a small, particularly well preserved, example of ridge and furrow grassland which justifies designation as Local Green Space.

4 Land to the south of Roseycoombe Like several of the other proposed Local Green Spaces this is an area of countryside on the edge of the settlement. This is quite a large and relatively featureless area of agricultural land. While there are undoubtedly attractive distant views over it, I am not satisfied that this space itself is demonstrably special.

84. The policy which is applied to the designated Local Green Spaces is consistent with the basic conditions as it is consistent with Green Belt policy in allowing for development which is consistent with the character and function of the Local Green Spaces but precluding other development except in very special circumstances. However, as SDC point out, the purpose of Local Green Space designation is not to provide an adequate area of open space and the last part of the policy is therefore not appropriate

Recommendations

In Policy LA2 under “Ettington” delete “2) Ettington Football Pitches, Banbury Road” and “3) Land west of Rookery Lane, Banbury Road” and delete these areas from Figure 3a.

Under “Fulready” delete “1) Land south of ‘Keepers Cottage’ , 2) Land west of ‘Bluestones”” and “4) Land South of Roseycoombe” and delete these areas from Figure 3b.

Delete “The above designations include a range of existing formal sports and recreation spaces along with informal areas of play and recreation space” as it is purely descriptive and not wholly accurate.

Delete “Where appropriate, CIL funds will be used to enhance these designations to ensure a suitable quantum and quality of recreational and amenity space is available for the Neighbourhood Area.

In paragraph 8.10 insert after “...special protection” “All of the spaces designated have been assessed against the criteria and these assessments may be found at <http://www.ettington.org/neighbourhood-plan/evidence-base/>”

Delete the spaces which are not designated from the evidence base for the avoidance of confusion.

Policy LA3 - Sport and Recreation

85. This policy aims to protect informal and formal recreational facilities unless suitable replacement facilities are provided. It meets the basic conditions except that the third part of the policy does not make clear how “the viability of existing facilities will be taken into account when considering alternative uses.” I have therefore recommended a modification to address this.

Recommendation

In Policy LA3 in the second paragraph add after “...within the community” “unless there is clear evidence that the existing facilities are not viable or well used” and delete the third paragraph.

Policy LA4 - Encouraging Safe Walking and Cycling

86. The policy aims to protect existing walking and cycling routes and to ensure that new development facilitates walking and cycling as appropriate. The policy meets the basic conditions

Policy LA5 - Allotments and Growing Space

87. The policy aims to resist the loss of existing allotments unless they are replaced and to support the establishment of new allotments. It also sets out criteria to be met by new allotment sites and identifies three possible sites for new allotments. Finally, it suggests that all new houses of 3 bedrooms or more should have gardens at least 10.5m long to facilitate growing food.
88. The owner of the site numbered 3 on Figure 4 has indicated that the site is not available for allotment use and there is no information to indicate the other sites would be available. It is therefore not clear that this part of the policy is deliverable. There may also be other sites which meet the criteria identified. As these sites are not allocated for allotment use and there is no policy protect them for this purpose this part of the policy does not offer useful guidance.
89. With regard to the final section of the policy relating to new housing developments, SDC have drawn attention to the response of the examiner to an identically worded policy in the Bidford-on-Avon Neighbourhood Plan, pointing to the absence of any justification the figure of 10.5m for the length of gardens. I am satisfied that the modification proposed there meets the aim of the policy without unjustified rigidity.

Recommendations

In Policy LA5:

In the second paragraph delete “such as those shown on Figure 4,” and delete Figure 4.

Replace the final paragraph with the following wording “Residential developments are encouraged to provide shared space or private gardens which are suitable for and encourage and enable residents to grow their own food.”

Natural Environment

Policy NE1 - Valued Landscapes

90. The policy aims to protect the view of three valued landscapes looking away from Ettington and two from Fulready by requiring new development to have regard to them and to resist development which would have an adverse impact on the skyline or landscape. The

supporting text also refers to views into the settlements, but none are identified in Figures 5a and 5b. SDC point out that the policy combines landscapes, views and skylines which are three distinct concepts, but I am satisfied that they can be contained within one policy with minor rewording.

91. Views 1 and 2 in Ettington are undoubtedly of high quality in their openness and scope with distant views of high ground representing significant geological features. View 3 is rather more restricted but still noteworthy. Similarly view 1 from Fulready is broad and impressive, but view 2 is more contained and I am not persuaded that it merits special protection in addition to its countryside status. Any development could be said to have an adverse impact on the landscape contained in these views. As the overall scope of the views includes a large proportion of the countryside around both settlements, that would impose a level of constraint on top of existing policies for the countryside that would not be consistent with the presumption in favour of sustainable development. It is sometimes the case that buildings that may initially be perceived as intrusive become valued elements of a landscape. I have therefore recommended some modifications to reflect these points.

Recommendation

In Policy NE1:

Modify the end of the first paragraph to read “...skylines and views contained in the 5 views identified in Figures 5a and 5b.”

Delete view 2 from Fulready

Modify the second paragraph to read “Proposals which have a clearly adverse impact on these skylines or valued landscapes will be resisted.”

Policy NE2 - Green Infrastructure

92. Policy NE2 requires new development to contribute to biodiversity where possible, to be “landscape led” and to safeguard existing rivers, streams and ponds. The requirement to replace trees or hedges that are lost may not always be possible and I have recommended a modification to reflect this.
93. The second part of the policy requires developments to be “landscape led”. There are many elements which go into the design of new development and to require one of them to lead puts other equally important requirements into a subordinate position and this may not be consistent with sustainable development. Good design flows from successfully co-ordinating all the important considerations attaching weight to them appropriate to their context. In some instances, small extensions within the built-up area for example, landscape may be a relatively minor consideration. Policy CS.5 of the Core Strategy contains a comprehensive and balanced set of requirements regarding the way new developments should take landscape into account and requiring landscape impact assessments appropriate to the scale and type of development. The final section which relates to the protection of rivers, streams and ponds is consistent with the basic conditions.

Recommendations

In Policy NE2:

**At the beginning of the second sentence of the first paragraph insert “Wherever possible,”.
Delete the second paragraph.**

Built Environment

Policy BE1 – Responding to Local Character

94. This policy sets out several criteria to be taken into account in the preparation of development proposals in order to reflect local character. They relate to a wide range of factors including the existing settlement character, density landscape, drainage and archaeology. These principles are all generally consistent with sustainable development in themselves, but the policy does not allow for any flexibility in balancing the implications of different aspects of a development. In some circumstances it may be necessary to balance economic or social benefits against environmental effects. For example the requirement in criterion c) to “preserve or enhance heritage assets such as listed buildings” is stronger than guidance in the NPPF which clearly requires the significance of an asset and the extent of any harm to be balanced against any other benefits of development.¹⁴ I appreciate that the policy simply requires these factors to be taken into account but the final section of the policy strongly suggests that development that infringes any of these principles will be resisted. I have therefore recommended a modification to the policy to provide for the necessary balance.
95. Criterion i) requires an appropriate archaeological survey for all development. This is an unreasonably onerous requirement as there will be many instances with smaller scale development there this would not be appropriate.

Recommendations

In Policy BE1:

**at the beginning of criterion i) insert “Where necessary,”;
modify the final section of the policy to read: “Development that would be harmful to local character will be resisted unless the harm is clearly outweighed by other contributions to sustainable development.**

Policy BE2 - Use of Brownfield Land

96. Policy BE2 supports the redevelopment of brownfield land to create new housing subject to four criteria. The NPPF supports the re-use of brownfield land providing it is not of high environmental value. SDC point out that the policy as worded does not distinguish between brownfield sites within the Village Boundary and those in the countryside. Policy AS10 of the SCS only supports the redevelopment of brownfield sites in the countryside where the existing

¹⁴ NPPF paragraphs 131-136

use is a “bad neighbour”. A modification is therefore necessary to achieve general conformity with the SCS.

Recommendation

In Policy BE2 c) after “...site” delete the semi-colon and after “and” add “, where the site is outside the village boundary, the existing use of the site makes it a bad neighbour; and”

Policy BE3 – Heritage Assets

97. I have already referred to the very clear approach set out in the NPPF to development that would be harmful to heritage assets, which requires a balance between the significance of the asset and the severity of the harm on one hand and the public benefits of the proposal on the other. This policy does not reflect this approach as its main thrust is to prevent any harm to listed buildings and Scheduled Monuments. It is thus clearly in conflict with the NPPF.
98. The policy also supports proposals for the re-use and sensitive restoration of listed buildings and this aspect of it is consistent with National Policy. It also repeats the requirement for archaeological investigation where appropriate that was contained in Policy BE1 and is therefore not necessary here.

Recommendations

In Policy BE3:

Reword the first sentence to read “Proposals which cause harm to the structure or setting of listed buildings or Scheduled Monuments will be determined in accordance with the National Planning Policy Framework.”

After the second sentence delete the rest of the policy.

Infrastructure

Policy IN1- Parking and Highways Safety

99. This policy sets out parking standards and aims to maintain the safety of pedestrian and cycle routes. The second paragraph of the policy requires that developments of two or more dwellings must provide off-road spaces for at least two cars per dwelling (excluding garages but including car ports).
100. SDC has commented that parking standards should be consistent with the Council’s adopted standards and that there is no evidence given for the exclusion of garages from the parking requirements. The Council’s website indicates that draft parking standards are contained in the emerging Development Requirements SPD, but SDC has stated in response to a query¹⁵ that they are being used for development control purposes. The requirements in Policy IN1 for dwellings of 2-3 bedrooms to provide “off-road spaces for at least two cars per dwelling” are broadly in alignment with common practice in areas of high car ownership and the Council’s

¹⁵ Email from SDC dated 2 March

standards except that the latter indicate that for houses of 4 bedrooms plus at least three spaces are required. There is flexibility within policy IN1 which allows for the provision of more parking for larger dwellings. However, no clear reason is given for the exclusion of garages from the assessment of spaces available. While garages are not always used for cars there is no reason why they should not be.

101. The second section of the policy requiring parking provision for non-residential developments to be considered on their merits offers no clear guidance to decision makers.
102. The meaning of the phrase “should not undermine” in the last paragraph relating to pedestrian and cycle routes is not explicit and I have recommended an amendment to provide a clearer basis for decision making.

Recommendations

In Policy IN1:

In the second paragraph change “(excluding garages but including car ports)” to “(including garages and car ports)”.

Delete the fourth paragraph.

Modify the last paragraph to read “New developments may be required to provide highway improvements, traffic calming or other means to mitigate any harm to the safety of pedestrian or cycle routes into the village centre and to schools.”

Policy IN2 – Sustainable Design

103. This policy contains several requirements designed to achieve sustainable design. The first part of the policy encourages adherence to best practices to achieve high standards of sustainability and appropriate measures to adapt to climate change together with sustainable drainage systems. This general guidance lacks precision without reference to the later parts of the policy which are considered below. The reference to Sustainable Drainage Systems (SuDS) is repeated in Policy IN3, where it is more appropriate.
104. The second paragraph requiring high quality public realm while again rather general is consistent with the basic conditions.
105. Paragraphs 3 and 4 require the achievement of the BREEAM excellent standard. As SDC point out the Written Ministerial Statement of March 2015¹⁶ presented the conclusions of the Housing Standards Review which introduced a set of optional housing standards to be applied through the building regulations. The statement indicated that *“qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.”* For this reason, the requirement to meet the BREEAM excellent standard is not in accordance with national policy. The Ministerial Statement also referred to optional new technical standards which may

¹⁶ “Planning Update” presented to parliament 25 March 2015

be adopted by local planning authorities but stated that *“Neighbourhood plans should not be used to apply the new national technical standards.”*

106. The final section of the policy refers to the “Building for Life 2012”. This is not a technical standard but a broader approach to best practice in the assessment of sustainable design and is a nationally recognised standard. The policy supports development which achieves a “Green” score against all 12 criteria. However, it provides for developments which do not achieve this against particular criteria where there is a clear justification.

Recommendations

In Policy IN2, delete the first, third and fourth paragraphs and in the supporting text delete paragraphs 11.10, 11.11 and 11.12.

In the second paragraph delete “In particular”.

Paragraph IN3 – Drainage and Flooding

107. The policy requires that new development does not add to the risk of flooding and should, where appropriate include Sustainable Drainage Systems (SuDS). It also encourages measures such as the reuse and recycling of water and other measures to help with water efficiency. I am satisfied that, while the policy does not add substantially to national guidance it is consistent with the basic conditions.

Conclusion and Referendum

108. The Ettington and Fulready Neighbourhood Plan has clearly been carefully prepared with a good understanding of the basic conditions and the legal requirements. For the most part I have found the Plan and the supporting documentation clear and relevant and this has assisted my examination. In a few instances the connection between the Plan and background evidence is not sufficiently clear.
109. I have found it necessary to recommend some modifications to meet the basic conditions for a variety of reasons, including: the need to provide clear guidance to decision makers, closer alignment to national policy and guidance, the absence of clear justification for some elements of policy and grammatical errors.
110. I am grateful to the officers of SDC and EPC and to the consultants of the Parish Council for the support and assistance they have provided in responding to my queries during the examination.
111. I have concluded that, if the modifications that I have recommended are made:
- The Ettington and Fulready Neighbourhood Development Plan has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012 (as amended) and that;

- Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;
- The making of the Plan would contribute to the achievement of sustainable development;
- The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;
- The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights.

112. I am therefore pleased to **recommend that the Ettington and Fulready Neighbourhood Development Plan should proceed to a referendum subject to the modifications that I have recommended.**

113. I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. The Plan includes the whole Parish of Ettington and I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”. **I therefore conclude that there is no need to extend the referendum area.**

Richard High

15 March 2018