



DECISION STATEMENT

NEIGHBOURHOOD PLAN PROCEEDING TO REFERENDUM

1. Ettington and Fulready Neighbourhood Development Plan

1.1 I confirm that the Ettington and Fulready 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 11 October 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 17 December 2014 Ettington and Fulready 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 8 January and 20 February 2015. 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 Ettington and Fulready Neighbourhood Area by way of delegated powers of the Leader of the Council on 16 March 2015.

2.5 In accordance with Regulation 7 of The Regulations, the decision to designate the Ettington and Fulready 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 16 June and 27 July 2017 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 21 November 2017 in accordance with Regulation 15 of The Regulations.

2.8 The District Council publicised the submitted Plan and its supporting documents for 8 weeks between 4 December 2017 and 29 January 2018 in accordance with Regulation 16 of The Regulations.

2.9 Mr Richard High was appointed by the District Council to examine the Plan, and the Examination commenced on 20 November 2017, with his final report being issued on 15 March 2018.

2.10 The Examiner concluded he 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 his 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 his 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
Para 58 page 17			
<p>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...”,</p>	<p>Policy H1: Housing Growth(p.16)</p>	<p><i>Modification agreed</i> The Examiner considered that 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. The recommended modification would align more closely with the NPPF. It is therefore considered</p>	<p>“....be strictly controlled and limited to dwellings for rural workers,” and insert <u>“only be permitted in accordance with the criteria in paragraph 55 of the NPPF or for...”</u></p>

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		that the policy as amended now complies with national policy and meets the Basic Conditions test.	
Para 62 page 18			
<p>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."</p>	<p>Policy H2: Explanatory text (p.18)</p>	<p>The Examiner considered that the supporting text suggests that the reserve site should only be released if SDC is unable to demonstrate a 5-year supply of land. He felt that this was 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. He therefore recommended a</p>	<p>This Plan supports a strategic reserve allocation on land south of Banbury Road as shown on the Figure 2 for potential future residential-led development for around € 8 dwellings.</p> <p>The above site will only be released during the plan period if it can be demonstrated through the submission of robust evidence that there is an identified housing need for their <u>its</u> early release <u>having regard to the criteria in Policy CS.16 of the Core Strategy 2011-2031.</u></p>

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		<p>modification to align the policy more closely to the Core Strategy. Other modifications are for grammatical reasons. It is therefore now considered that the policy as amended now complies with National and Local policy and meets the Basic Conditions test.</p>	
Para 62 page 18			
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".	paragraph 6.11	The Examiner considered that the supporting text suggests that the reserve site should only be released if SDC is unable to demonstrate a 5-year supply of land. He felt that this was 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	Whilst this requirement has already been fulfilled and exceeded, this Plan seeks to identify an additional sustainable and deliverable site as a strategic housing reserve. This site will only be released if there is an identified need i.e. such as where the District Council is unable to demonstrate a 5 year supply of housing land as required under paragraph 47 of the NPPF <u>or other circumstances where the release of reserve sites may be necessary are set out in Policy CS.16 of the Core Strategy.</u>

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		<p>throughout the plan period and up to date evidence may justify the release of the reserve site for various reasons. He therefore recommended a modification to align the policy more closely to the Core Strategy. Other modifications are for grammatical reasons. It is therefore now considered that the policy as amended now complies with National and Local policy and meets the Basic Conditions test.</p>	
Para 67 page 19			
<p>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.</p>	<p>Policy H4- Housing Mix (page 21)</p>	<p>The Examiner considered that 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 therefore the Examiner recommends a</p>	<p>Developments of 6 or more units should <u>reflect the housing mix in the table below seek to meet the requirements identified by or those in the most current up-to-date published housing needs assessment evidence such as the Strategic Housing Market Assessment, the Residential Parish Survey conducted to inform this NDP or the 2016 Housing Needs Survey.</u> <u>at district wide or parish level. Developers will be required to justify</u></p>

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		<p>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 therefore a modification should be made to reflect this. Officers agree with the Examiner on these issues and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now meets the Basic Conditions test.</p>	<p><u>developments which depart from this approach having regard to viability and the character of the area.</u></p>																									
Para 67 page 19																												
<table border="1"> <thead> <tr> <th>1-bed</th> <th>2-bed</th> <th>3-bed</th> <th>4+bed</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>10%</td> <td>35%</td> <td>40%</td> <td>15%</td> <td>100%</td> </tr> </tbody> </table>	1-bed	2-bed	3-bed	4+bed	Total	10%	35%	40%	15%	100%	Policy H4-Affordable Housing table (page 19)	The Examiner notes that SDC 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	<table border="1"> <thead> <tr> <th>1-bed</th> <th>2-bed</th> <th>3-bed</th> <th>4+bed</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>At least</td> <td>At least</td> <td>No more than</td> <td>No more than</td> <td></td> </tr> <tr> <td>10%</td> <td>35%</td> <td>40%</td> <td>15%</td> <td>100%</td> </tr> </tbody> </table>	1-bed	2-bed	3-bed	4+bed	Total	At least	At least	No more than	No more than		10%	35%	40%	15%	100%
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		<p>the EFNDP are expressed in terms of a minimum percentage for smaller houses and a maximum percentage for larger ones.</p> <p>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. The Examiner could find no clear justification for this conflict on the basis of local needs. Evidence</p>	

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		<p>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, he recommended modifications to the figures to remove the conflict between the CS and the Neighbourhood Plan.</p> <p>Officers agree with the Examiner on this issue and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now conforms with local policy and meets the Basic</p>	

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		Conditions test	
Para 67 page 19			
Delete paragraph 6.20	paragraph 6.20 (page 19)		The evidence from the Strategic Housing Market Assessment (SHMA) and its update indicates that the provision of a greater number of smaller market homes on development sites to help meet the identified need should be encouraged. In light of the ageing population, the provision of small market bungalows will be particularly welcomed.
Para 70 page 20			
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).	Policy H5-Housing Design (page 23)	The Examiner commented that "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". He therefore suggests a modification. He considers Criterion c) conflicts with the encouragement in the	a) Infill developments <u>should respect</u> must follow established building lines and <u>the character of neighbouring development;</u> they should also avoid a terracing or crowding effect and retain a sense of space between buildings <u>be designed to ensure that space between buildings is not significantly reduced.</u> A terracing affect must be avoided;

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		<p>NPPF for innovation and he therefore recommends a modification to provide for more flexibility. Whilst he considers 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. He further considers Criterion i) is 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. Officers agree with the Examiner on these issues and the policy has been amended as per the Examiner's modification. It is therefore considered</p>	

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		that the policy as amended now conforms with local policy and meets the Basic Conditions test.	
Para 73 page 20			
<p>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:</p> <ul style="list-style-type: none"> • Their compatibility with neighbouring uses <p>21</p> <ul style="list-style-type: none"> • Market signals and the relative need for different land uses to support sustainable development • Other development plan policies. 	Policy LE1- Protecting and Supporting Existing Business Sites (Page 24)	The Examiner comments that the second part of the policy sets out the approach to changes of use where there is no prospect of an employment use. He considers that 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 he has recommended a modification to this effect and to link decision making to other development plan policies. He further comments that	<p>Where there is no reasonable prospect of a site being used for the <u>existing</u> allocated employment use, planning applications for alternative uses will be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. <u>be determined having regard to:</u></p> <ul style="list-style-type: none"> • <u>Their compatibility with neighbouring uses;</u> • <u>Market signals and the relative need for different land uses to support sustainable development; and</u> • <u>Other development plan policies.</u>

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		SDC also rightly point out that "allocated" should be replaced by "existing". Officers agree with the Examiner on these issues and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now conforms with local policy and meets the Basic Conditions test.	
Para 74 page 21	Policy LE2 – Promoting New Employment Opportunities (Page 21)		
In criterion d) of Policy LE2 after "national" insert "or District".		The Examiner considers Criterion d) refers to national policy and SDC has rightly pointed out that District policy should also be referred to. Officers agree with the Examiner on this issue and the policy has been amended as per the Examiner's modification.	d) Do not conflict with national <u>or district</u> policy.

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		It is therefore considered that the policy as amended now conforms with local policy and meets the Basic Conditions test.	
Para 77 page 21			
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."	Policy LE3- Home Working and Live-Work units (page 21)	The Examiner considers that there is an element of conflict between the provision of flexible space for home working in all new dwellings 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. He has recommended a modification to reduce the	All new dwellings are encouraged to provide space to support homeworking, with flexible space adaptable to a home office, and where appropriate incorporate cabling or suitable ducting to support broadband. <u>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</u>

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		potential for this policy to undermine Policy H4. Officers agree with the Examiner that the modification would usefully clarify this policy. It is therefore considered that the policy as amended now meets the Basic Conditions test.	
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..."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".		The Examiner considers that there is no grammatical connection between the introductory paragraph of the second part of the policy and the list of criteria. He also comments that SDC point out that the provision of Live-Work space should not facilitate development in locations where housing development would otherwise not be suitable. He has recommended modifications to reflect both of these points. Officers agree with the Examiner that the modification would	<p>Live-Work Units</p> <p>Proposals for small scale mixed use development (new build or conversion), comprising of commercial space (Class B1a) and living space will be supported subject to the following criteria <u>where:</u></p> <p>a) <u>They h</u>Have suitable independent access to both uses;</p> <p>b) <u>They h</u>Have an appropriate level of off road parking to serve both uses;</p> <p>c) They are Layout and <u>designed to</u> ensures that residential and work uses can operate together without conflict;</p> <p>d) Be in reasonably accessible locations to service facilities by means other than a private vehicle;<u>They are in locations where housing development would be acceptable;</u></p> <p>e) In the case of conversions, the building should be <u>is</u> of a permanent and substantial</p>

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		usefully clarify this policy. It is therefore considered that the policy as amended now meets the Basic Conditions test.	construction, structurally sound and capable of conversion without major rebuilding or extension; f) Have an adequate residential curtilage without having a detrimental impact on the building and its rural setting; and g) They do not adversely impact on existing neighbouring amenity
Para 84 Page 24			
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	Policy LA2 – Designated Local Green Spaces (page 24)	The Examiner notes that 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. He therefore considers that a modification to make this connection is necessary. The policy also sets out the approach to development in the Local Green Spaces. He visited all of the Local Green	This Plan designates the following areas of Local Green Space as defined on Figures 3a (Ettington) and 3b (Fulready): Ettington 1) Ettington Recreational Ground, Rogers Lane 2) Ettington Football Club Pitches, Banbury Road 3) Land west of Rookery Lane, Banbury Road 4) Land at Rogers Lane 5) Primary School Playing Field, Banbury Road 6) Land on Corner of Hillman Way and Clark Walk 7) Land west of Rookery Lane, Banbury Road Fulready

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<p>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.</p>		<p>Spaces and considered how they meet the criteria in paragraph 77 of the NPPF and recommended deletions based on this assessment. The PC have accepted these deletions. Officers are therefore in agreement with the modifications and it is therefore considered that the policy as amended now conforms with National Policy meets the Basic Conditions test.</p>	<p>1) Land south of 'Keepers Cottage' 2) Land west of 'Bluestones' 3) Land south of 'Barwood' 4) Land south of 'Roseycoombe' The above designations include a range of existing formal sports and recreational spaces along with informal areas of play and open space. Development that would harm the openness or special character of a Local Green Space or its significance and value to the local community will not be permitted unless there are very special circumstances which outweigh the harm to the Local Green Space. 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.</p>
<p>Para 85 page 25</p>			
<p>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</p>	<p>Policy LA3 - Sport and Recreation (page 31)</p>	<p>The Examiner considers that the majority of this policy meets the basic conditions except that the third part of the policy does not make clear how "the viability of existing</p>	<p>The loss of any facility will only be permitted if a facility of equivalent scale and quality is provided in a suitable location within the community <u>unless there is clear evidence that the existing facilities are not viable or well used.</u> The viability of existing facilities will be</p>

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		<p>facilities will be taken into account when considering alternative uses." He has therefore recommended a modification to address this.</p> <p>Officers agree with the Examiner on this issue and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now meets the Basic Conditions test.</p>	<p>taken into account when considering alternatives uses.</p>
Para 89 page 25	Policy LA5 - Allotments and Growing Space (page 33)		
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."		The Examiner comments that 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	<p>Proposals for the provision of new allotments in appropriate and suitable locations, such as those shown on Figure 4 will be supported.</p> <p>All new dwellinghouses with 3 bedrooms or more should be designed with private and secure gardens of at least 10.5m in length in order to facilitate individual homeowners with the opportunity to grow their own</p>

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		<p>the policy is deliverable.</p> <p>With regard to the final section of the policy relating to new housing developments, he comments that 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. The Examiner is satisfied that the modification proposed there meets the aim of the policy without unjustified rigidity.</p> <p>Officers agree with the Examiner on this issue and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended meets the Basic</p>	<p>food.</p> <p><u>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.</u></p> <p>Figure 4 Potential Allotment Sites deleted</p>

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		Conditions test	
Para 91 page 26	Policy NE1 - Valued Landscapes (page 37)		
<p>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."</p>		<p>The Examiner considers that 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. He has therefore</p>	<p>In order to maintain the distinctive character of the Neighbourhood Area, all new development must have regard to the valued landscape character, skylines and views <u>contained in</u> as depicted in the following five four views identified in Figures 4a and 4b. <i>(Original figure 4 now deleted resulting in renumbering)</i> Proposals which have an adverse impact on <u>these</u> skylines or valued landscapes, as shown in Figures 5a and 5b, will be resisted.</p>

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		<p>recommended some modifications to reflect these points. Officers agree with the Examiner on this issue and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now conforms with National policy and meets the Basic Conditions test.</p>	
Para 93 page 27	Policy NE2 - Green Infrastructure (page 41)		
At the beginning of the second sentence of the first paragraph insert "Wherever possible,". Delete the second paragraph.		<p>The Examiner comments that the requirement to replace trees or hedges that are lost may not always be possible and he has recommended a modification to reflect this. He notes that the second part of the policy requires developments to be "landscape led". However</p>	<p>Where appropriate, development will be expected to contribute to the provision and or improvement of terrestrial habitats including the protection of mature and healthy trees, particularly those with preservation orders, and hedges. <u>Wherever possible</u> n New trees and hedges must be planted to replace those lost with appropriate native species which are of nursery stock. Developments will need to demonstrate they have been landscape led in order to</p>

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		<p>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. He therefore recommends deletion of the second paragraph of this policy. Officers agree with the Examiner on this issue and the policy has been</p>	<p>avoid retrofitting of poor quality or token landscaping.</p>

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		amended as per the Examiner's modification. It is therefore considered that the policy as amended now meets the Basic Conditions test.	
Para 95 page 27	Policy BE1 – Responding to Local Character (page 43)		
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.		The Examiner comments that 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. Whilst he appreciates that the policy simply requires these factors to be taken into account but the final section of the policy strongly suggests that development that	i) <u>Where necessary</u> be preceded by an appropriate archaeological survey to ascertain the implications of development on below ground heritage assets. <u>Development that would be harmful</u> Proposals that do not positively contribute to local character will be resisted <u>unless the harm is clearly outweighed by other contributions to sustainable development.</u>

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		<p>infringes any of these principles will be resisted. He has therefore recommended a modification to the policy to provide for the necessary balance.</p> <p>The Examiner considers that 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.</p> <p>Officers agree with the Examiner on this issue and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now conforms with National policy and meets the Basic Conditions test.</p>	

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Para 96 page 28	Policy BE2 - Use of Brownfield Land (page 44)		
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"		The Examiner comments that Policy AS10 of the SCS only supports the redevelopment of brownfield sites in the countryside where the existing use is a "bad neighbour". A modification is therefore necessary to achieve general conformity with the SCS. Officers agree with the Examiner on this issue and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now conforms with Local policy and meets the Basic Conditions test.	c) The proposal would lead to an enhancement in the character and appearance of the site; <u>and where the site is outside the village boundary, the existing use of the site makes it a bad neighbour; and</u>
Para 96 page 28	Policy BE3 – Heritage Assets (page 45)		

Examiner's Recommendation (incl. page number in his 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>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.</p>		<p>The Examiner notes 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. He considers that this policy does not reflect this approach as its main thrust is to prevent any harm to listed buildings and Scheduled Monuments and is thus clearly in conflict with the NPPF.</p> <p>He considers that the policy also repeats the requirement for archaeological investigation where appropriate that was contained in Policy BE1 and is therefore not necessary here.</p>	<p>Proposals which cause harm to the structure or setting <u>special historical or architectural fabric and interest</u> of listed buildings and Scheduled Monuments and their settings will not be supported. <u>will be determined in accordance with the National Planning Policy Framework.</u> Proposals, including changes of use, which enable the appropriate and sensitive restoration and re-use of listed buildings, will be supported. All proposals must preserve the important physical fabric and settings of listed buildings and Scheduled Monuments. Development within and adjacent to all heritage assets, including nondesignated assets, will be strictly controlled. Where necessary, applications will be accompanied by an appropriate archaeological survey to ascertain the implications of development on below ground heritage assets.</p>

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		Officers agree with the Examiner on this issue and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now conforms with National policy and meets the Basic Conditions test.	
Para 102 page 29	Policy IN1- Parking and Highways Safety (page 48)		
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."		The Examiner comments that 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. Whilst Officers agree with this view it is considered that removal of the phrase "excluding garages but including car ports" would be preferable as	Dwellings comprising two or more bedrooms must provide off-road spaces for at least two cars per dwelling (excluding garages but including car ports). Additionally, dwellings must provide secure storage space for cycles. In the absence of any adopted standards from Warwickshire County Council, the parking provision for non-residential developments will be considered on their own merits. New developments <u>may be required to provide highway improvements, traffic calming or other means to mitigate any</u>

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		<p>this minor amendment does not alter the meaning of the policy and no objections were received on this element of the policy at consultation.</p> <p>He considers that the meaning of the phrase "should not undermine" in the last paragraph relating to pedestrian and cycle routes is not explicit and he has recommended an amendment to provide a clearer basis for decision making.</p> <p>Officers agree with the Examiner on this issue and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as amended now conforms with local policy and meets the Basic Conditions test.</p>	<p>harm to the safety of <u>should not undermine</u> existing pedestrian and cycle routes into the village centre and to schools.</p>

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Para 106 page 30	Policy IN2 – Sustainable Design (page 51)		
<p>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".</p>		<p>The Examiner considers that the general guidance in this policy lacks precision without reference to the later parts of the policy. The reference to Sustainable Drainage Systems (SuDS) is repeated in Policy IN3, where it is more appropriate.</p> <p>The requirement to meet the BREEAM excellent standard is not in accordance with national policy. Modifications are therefore required to reflect above issues.</p> <p>Officers agree with the Examiner on this issue and the policy has been amended as per the Examiner's modification. It is therefore considered that the policy as</p>	<p>All new development should demonstrate that it has taken account of best practices to achieve high levels of sustainability and safety. Appropriate measures to mitigate and adapt to climate change should be demonstrated together with the use of sustainable drainage systems (SuDS). In particular for new development on greenfield sites, or the significant redevelopment of existing sites, design should provide for a high quality public realm with both hard and soft landscaping and measures to encourage biodiversity. All new residential and non-residential gross floor space (including extensions) over 40sqm shall be designed to meet at least the BREEAM 'Excellent' standard. Evidence of compliance with the BREEAM7 standard as set out in this policy must be submitted as part of any application and its implementation secured through an appropriately worded condition. Favourable consideration will also be given to housing developments that can demonstrate evaluation against Building for Life 2012 (BfL 12) with all criteria achieving a 'Green' score. Developments which</p>

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		<p>amended now conforms with National policy and meets the Basic Conditions test.</p>	<p>include a 'Red' or 'Amber' score against any criterion must be justified in the Design and Access Statement or other supporting statement.</p> <p>Explanation 11.10 The BREEAM assessment process evaluates the procurement, design, construction and operation of a development against targets that are based on performance benchmarks. Assessments are carried out by independent, licensed assessors, and developments rated and certified on a scale of Pass, Good, Very Good, Excellent and Outstanding. 11.11 BREEAM measures sustainable value in a series of categories, ranging from energy to ecology. Each of these categories addresses the most influential factors, including low impact design and carbon emissions reduction; design durability and resilience; adaption to climate change; and ecological value and biodiversity protection. Within every category, developments score points — called credits — for achieving targets, and their final total determines their rating.</p>

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			<p>11.12 New residential and non-residential gross floor space over 40sqm will usually comprise a significant extension to an existing building or a moderately sized new building and therefore the BREEAM standard should apply.</p> <p>11.13 Building for Life8 ("BfL") is endorsed by the Government as a tool for assessing development proposals with the aim of promoting well designed homes and neighbourhoods. It contains 12 questions, based on the National Planning Policy Framework, reflecting that new housing developments should be attractive, functional and sustainable places. The questions are designed to help structure discussions between local communities, the local planning authority, the developer of a proposed scheme and any other stakeholders. This policy supports the use of BfL to strengthen what is stated in the Core Strategy Policy CS.9 in order to achieve exemplary development in the Neighbourhood Area.</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 support of existing employment sites; the promotion of new employment opportunities within the neighbourhood area; the encouragement of homeworking and live- work units and support for rural tourism. It aims to maximise the efficient use of existing assets through reuse of brownfield land.</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 seeks to provide sufficient land for future housing needs of a high quality design that is reflective of local character.</p> <p>The Plan promotes the protection and enhancement of community assets.</p> <p>Policy seeks to encourage safe walking and cycling and improve parking and highway safety in order to provide a more welcoming environment for pedestrians and cyclists.</p> <p>The Plan also seeks to protect, enhance and expand formal informal sport and recreational facilities in the Neighbourhood area, as well as protecting allotments and growing space.</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 seek to protect heritage assets and their settings; green infrastructure, valued landscapes as well as designating 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>
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3.1 The District Council concurs with the view of the Examiner that:

- Subject to the modifications above, the Ettington and Fulready 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/ettingtonnp

And can be viewed in paper form at:

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