



## **DECISION STATEMENT**

### **NEIGHBOURHOOD PLAN PROCEEDING TO REFERENDUM**

#### **1. Wellesbourne & Walton Neighbourhood Development Plan**

1.1 I confirm that the Wellesbourne & Walton 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 6 August 2014 Wellesbourne & Walton 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 21 August and 3 October 2014. 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 Wellesbourne & Walton Neighbourhood Area by way of approval of The Cabinet on 3 November 2014.

2.5 In accordance with Regulation 7 of The Regulations, the decision to designate the Wellesbourne & Walton 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 11 June and 6 August 2016 fulfilling all the obligations set out in Regulation 14 of The Regulations.

2.7 The Parish Council submitted their Neighbourhood Development Plan to Stratford-on-Avon District Council on 25 September 2017 in accordance with Regulation 15 of The Regulations.

2.8 The District Council publicised the submitted Plan and its supporting documents for 6 weeks between 12 October and 24 November 2017 in accordance with Regulation 16 of The Regulations.

2.9 Mrs Deborah McCann was appointed by the District Council to examine the Plan, and the Examination took place between January and April 2018, with her final report being issued on 24 April 2018.

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

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

## 2.12 The Basic Conditions are:

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

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

| Examiner’s Recommendation<br>(incl. page number in her report)  | Section/page no. in<br>submission draft<br>NDP | SDC Decision and reason   | New text or amendment to original text, as<br>applicable – as shown in Referendum version NDP  |
|---|--|---|--|
| <b>Policy WW1: Designation of<br/>Local Green Space (p.13-14)</b>   |  |   |  |
| <p>Criteria for the designation of and the protection for Local Green Spaces is set out in paragraphs 76 and 77 of the National Planning Policy Framework. Local Green Space designation cannot be used to protect future green space and the protection offered by this designation is very specific.</p> <p>Whilst I am satisfied that the areas detailed within the policy meet the requirements to be designated as Local Green Spaces, the current wording does not have regard for the Framework and the last two paragraphs should be deleted and the first paragraph modified to read as follows:</p> <p>“The following areas are to be designated as Local Green Spaces; inappropriate</p> | <p>Section 7, p.41</p>                         | <p><i>Modification agreed.</i></p> <p>The Examiner agreed with comments submitted at Reg.16 consultation stage by the District Council that there is a difference between general areas of green space and land for Local Green Space designation as set out in para’s 76 and 77 of the NPPF. The final two paragraphs of the policy referred to general areas of green space and did not comply with para’s 76 and 77 of the NPPF, hence the Examiner’s modification to delete reference to general ‘green space’.</p> <p>As such, officers agree with the Examiner and the policy has been amended as per the Examiner’s modification</p> | <p>Policy to be amended to read:</p> <p><del>“The following areas (including their flora and fauna) are to be designated as “Local Green Space” in order to protect them from development, unless under exceptional circumstances, so that they can remain accessible for leisure pursuits by the community.</del> <u>Local Green Spaces; inappropriate development will not be approved except in very special circumstances.</u> See Map 3 for extent of the protected areas.</p> <p>[List of sites as per Submission version Plan]</p> <p><del>Any new areas of green space established as part of future developments must include an undertaking that they will remain as green space.</del></p> <p><del>If any of this green space is considered for building as part of a planning application, an area of at least equivalent size and amenity value, as deemed by the Parish Council, should be made available by the developer.”</del></p> |

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| development will not be approved except in very special circumstances. See Map 3 for extent of the protected areas".  |  | to ensure accuracy and compliance with the NPPF. It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.  |   |
| <b>Policy WW2: Preservation of Allotments (p.14-15)</b>   |  |  |   |
| <p>Allotments sites are already protected under existing legislation and under paragraph 74 of the National Planning Policy Framework.</p> <p>The policy, as currently worded does not have adequate regard to national policy and in order to meet the Basic Conditions; the policy should be modified to read as follows:</p> <p>"Preservation of Allotments<br/>The allotments provide a valuable contribution to biodiversity and the healthy lifestyle of many residents within the Parish. Any consideration for development of the sites occupied by the</p> | Section 7, p.43                                | <p><i>Modification agreed.</i></p> <p>The Examiner considered that the policy as originally drafted was too prescriptive and did not comply with the provisions of the NPPF and that the policy should be simplified to bring in in-line with para 74 of the NPPF.</p> <p>Officers agree with the Examiner and the policy has been amended as per the Examiner's modification to ensure accuracy and compliance with the NPPF. It is therefore considered that the policy as amended now complies with Local and national policy and meets the</p> | <p>Policy to be amended to read:</p> <p>"The allotments provide a valuable contribution to biodiversity and the healthy lifestyle of many residents within the Parish. Any consideration for development of the site occupied by the existing allotments would need to <del>satisfy the following conditions, and would require the approval of the Wellesbourne Allotment and Garden Holders' Association. comply fully with paragraph 74 of the NPPF and other relevant legislation.</del>"</p> <p><del>a) alternative land should provide a net increase in open space for allotments which has equivalent or preferably improved soil quality</del><br/> <del>b) the new site is at a convenient location near to the village which includes access by both roadway and existing or extended new footpaths and public rights of way</del><br/> <del>c) the area is made more accessible for use by people with disabilities, general mobility</del></p> |

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| existing allotments would need to comply fully with paragraph 74 of the National Planning policy Framework and other relevant legislation".  |  | Basic Conditions test.  | <del>problems, and children</del><br>d) <del>services to the new site should include the provision of distributed water supply to all plots, toilets, car parking and perimeter security fencing</del><br>e) <del>the site should be located outside recognised flood zones (2,3) and surface water flooding areas associated with both the River Dene and the Newbold Brook.</del>   |
| <b>Policy WW3: Protection of Local Heritage (p.15-16)</b>  |  |   |   |
| <p>The definition of a Non-Designated Heritage Asset is a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets.</p> <p>In deciding any relevant planning permission that affects a locally listed heritage asset or its setting, the NPPF requires amongst other things that local planning authorities should take into account the desirability of sustaining and enhancing the significance of such heritage</p> | Section 7, p.47                                | <p><i>Modification agreed.</i></p> <p>The Examiner has clearly considered this matter in great detail and has considered all representations on the policy as set out in her report.</p> <p>As confirmed by the Examiner, the inclusion on a Local List provides no additional planning controls, the fact that a building or site is on a local list means that its conservation as a heritage asset is an objective of the NPPF and therefore a material consideration when</p> | <p>Policy to be amended to read:</p> <p><del>"New developments should not reduce the significance of, or cause harm, to the character or appearance of:</del></p> <p>a) <del>buildings and street scenes within the conservation area</del><br/> b) <del>designated listed buildings throughout the Parish</del><br/> c) <del>items contained within the Local List of Heritage Sites which can be found in Appendix 2b"</del></p> <p><u>"Proposals affecting the conservation area, Designated and Non Designated Heritage Assets within the Parish including items contained within the Local List of Heritage Sites (which can be found in Appendix B2) must comply with the</u></p> |

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| <p>assets and of putting them to viable uses consistent with their conservation. They are also obliged to consider the positive contribution that conserving such heritage assets can make to sustainable communities including their economic vitality.</p> <p>The NPPF contains policies that apply to heritage assets regardless of whether or not they are locally listed. However, local listing provides a sound, consistent and accountable means of identifying local heritage assets to the benefit of good strategic planning for the area and to the benefit of owners and developers wishing to fully understand local development opportunities and constraints.</p> <p>I have reviewed the Local List of Heritage Sites contained within appendix B2 and considered representations in relation to it. On balance, having considered the evidence I conclude that the</p> |  | <p>determining the outcome of a planning application. Local listing does not affect the requirements for planning permission.</p> <p>The historic nature of the airfield as a World War Two aerodrome is clear, even taking account of a number of original buildings having been removed and the proximity of a modern employment area. There are a small number of original structures remaining (including the current museum) and the site is still operational as an airfield.</p> <p>As such, officers are satisfied that the airfield and all other sites as listed in Appendix 2B (minus the Vulcan Bomber) meet the necessary criteria to be registered as Local Heritage Assets. Officers therefore conclude that the</p> | <p><u>requirements of the NPPF and Policy CS.8 of the Stratford on Avon District Core Strategy 2011-2031</u>".</p> |

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| <p>only item I consider it necessary to remove from the Local List is the Vulcan Bomber as this is clearly does not meet the designation criteria.</p> <p>I do however, consider that the airfield along with the airfield museum does satisfy the criteria and can remain on the list. I do not agree that this will necessarily frustrate future development of the site, but it will allow for any future proposals to be assessed appropriately against the significance of the non-designated Heritage Asset.</p> <p>The policy as currently worded does not conform with policies and guidance set out in the NPPF and Core Strategy and in order to meet the Basic Conditions, the policy should be modified as follows:</p> <p>"Protection of Local Heritage Proposals affecting the conservation area, Designated</p> |  | <p>policy as amended complies with Local and national policy, meets the Basic Conditions test and is acceptable.</p> |   |



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| and Non Designated Heritage Assets within the Parish including items contained within the Local List of Heritage Sites (which can be found in Appendix B2) must comply with the requirements of the National Planning Policy Framework and Policy CS.8 of the Stratford on Avon District Core Strategy 2011-2031".  |  |  |  |
| <b>Policy WW4: Preservation of Landscape and Views (p.17-18)</b>  |  |  |  |
| <p>I have received representation that this policy is overly restrictive and not in general conformity with the strategic policies of the Development Plan. I am satisfied that subject to the following minor modifications the policy does meet the Basic Conditions:</p> <ul style="list-style-type: none"> <li>• Inclusion of text to confirm that, in order to be acceptable, a scheme for development within the open spaces surrounding the</li> </ul> | Section 7, p.51                                | <p><i>Modification agreed.</i></p> <p>Officers agree with the Examiner that the policy as originally drafted was overly restrictive. Officers are therefore in agreement that the policy has been amended satisfactorily, as per the Examiner's proposed modification, to ensure appropriate flexibility and ensure compliance with local and national policy.</p> | <p>Policy to be amended to read:</p> <p>"All new <u>large-scale</u> housing or commercial developments need to demonstrate how the recommendations contained within the landscape report prepared by Warwickshire County Council (see Appendix F) have been taken into consideration. The following specific points should be addressed:</p> <p>1) The <u>Development within the</u> open spaces surrounding Wellesbourne and Walton, including the area covered under Policy CS.13 of the <u>Stratford-on-Avon District Core Strategy 2011-2031</u> as an Area of Restraint <del>must be retained</del></p> |

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| <p>settlements would need to demonstrate community benefits and that no suitable alternative site was available</p> <ul style="list-style-type: none"> <li>• Inclusion of replacement text to confirm the importance of the river corridor, both for affording access to the countryside and acting as floodplain</li> </ul> |  | <p>It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.</p> | <p><u>will not be supported unless:</u></p> <p><u>A scheme would have demonstrable community benefits and contribute significantly to meeting an objective of the Neighbourhood Plan. It will also need to be demonstrated that no suitable alternative site outside the Area of Restraint is available for the proposed development.</u></p> <p>Of particular importance is the corridor on either side of the River Dene which affords residents and visitors easy access to the surrounding countryside and assists in the dispersal of water during times of flooding.</p> <p><del>2) The impact on the following cherished views of any planning application in respect of the design, size, or materials used in developments should be taken into account. Planning applications that impact on the following cherished views should demonstrate how the impact has been mitigated through design, size and use of materials.</del></p> <p>[List of views as Submission version Plan]</p> <p>[Points 3 and 4 as Submission Version Plan]</p> <p>5) Existing hedgerows <del>must</del> <u>should</u> be retained <u>where possible</u>. The establishment of new native hedges, the gapping up of existing hedgerows</p> |

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|   |  |   | <p>and the planting or replacement of hedgerow trees is to be encouraged but this should not create a constraint in the dispersal of flood water.</p> <p>[Point 6 as Submission Version Plan]</p>                                      |
| <p><b>Policy WW5: Retention of Biodiversity and Historic Sites (p.19)</b></p>     |  |   |  |
| <p>Replace the word "should" in the final sentence of the Policy with "will".</p> | <p>Section 7, p.55</p>                         | <p><i>Modification not agreed.</i></p> <p>Officers submitted comments to the Examiner explaining that the final paragraph of the policy had not appeared in any previous iterations of the Plan and that it was not clear from where it has materialised, or why. There was seemingly no evidence for the creation of a nature reserve or how it would be funded.</p> <p>The Examiner did not agree with the District Council and suggested a minor amendment, only. However, notification has now been</p> | <p>Delete the final paragraph of the policy:</p> <p><del>"Developers should be encouraged to contribute towards the creation of a nature reserve along the River Dene in support of enhancing the biodiversity of the area".</del></p> |

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|   |  | <p>received from the Parish Council confirming that they no longer wish to pursue the prospect of creating a nature reserve along part of the River Dene, as set out in the final paragraph of the policy. They have requested this paragraph be deleted rather than modified.</p> <p>Officers are content with the wish of the Parish Council to delete the final paragraph due to lack of evidence. It is considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.</p> |   |
| <b>Policy WW6: Separation between Wellesbourne and Walton (p.19-20)</b> |  |  |   |

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| No modification required since the Policy meets the Basic Conditions.   | Section 7, p.59                                | <p><i>Modification agreed.</i></p> <p>Officers agree with the Examiner that the policy complies with Local and national policy and meets the Basic Conditions test without amendment.</p>  | No modification required, Policy to remain as drafted in Submission version Plan.  |
| <b>Policy WW7: Location of New Houses (p.20-23)</b>   |  |  |  |
| I am satisfied that the Wellesbourne and Walton Neighbourhood Plan addresses the provision of housing across the plan period adequately including identifying potential reserved housing sites. I find no conflict with the Strategic Policies of the Development Plan. However, the policy is long, lacks clarity and in some parts does not meet the Basic Conditions and should be modified to comply with national and local plan policy. | Section 7, p.65                                | <p><i>Modification agreed.</i></p> <p>Officers submitted comments to the Examiner stating that:</p> <ul style="list-style-type: none"> <li>• There was no need to include point 4) in the policy;</li> <li>• Penultimate paragraph – Built-up area boundaries can't be re-drawn 'on the hoof' and could only be amended via a review of the NDP or through the Site Allocations Plan or Core Strategy review.</li> <li>• Final paragraph – remove "...in other parts of Wellesbourne," as it is</li> </ul> | <p>Policy to be amended to read:</p> <p><del>"1) New housing, other than infill, should be contained within the Area 1 shown on Map 11 which, in accordance with the wishes of residents, is north of the village, near existing housing, and in close proximity to the traditional centre. This location has been identified by the Environment Agency as containing areas within flood zones 2 and 3. The extent of the flood zone and surface water flooding area should be confirmed as part of any development by detailed hydraulic modelling, taking into account the prevailing climate change allowances.</del></p> <p>The following conditions will apply to any consideration for development within Area 1. <del>See Map 11.</del></p> |

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|  |  | <p>not required.</p> <p>The Examiner agreed with all these points and suggested other modifications to improve clarity and also meet the Basic Conditions test.</p> <p>Officers agree with the Examiner on all the points raised and as such the policy has been amended as per the Examiner's modification to ensure accuracy. It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.</p> | <p>a) The site should be considered as a <del>Reserved area</del> <u>site</u> and will only be released for development if a clear requirement to do so is identified by <del>SDC</del> <u>Stratford-on-Avon District Council</u> and in any event not before 2021, when it is anticipated that the development of houses with already approved planning permissions within Wellesbourne, will have been completed.</p> <p><del>b) No housing shall be built within the zone 2 or 3 flood areas designated by the Environmental Agency. The distance that buildings will be permitted from the edge of the zone 2 and 3 areas is specified in WW13.</del></p> <p>e) <del>b) Development proposals must</del> <u>Developers are encouraged to</u> incorporate a scheme to help redress the deficit of community open space in Wellesbourne by allocating the areas contained within flood zone 2 and 3 as community open space. This open space should link through to existing local green space and the public footpath to the north of Hopkins Way, immediately adjacent to Area 1.</p> <p><del>d) c)</del> <u>c)</u> there should be minimal removal of existing trees and hedgerows in providing pathway links between the existing green space and the new open space areas.</p> |

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|  |  |                         | <p>e) <u>d</u>) proposals for development of Area 1 must include a master plan to address site specific constraints including:</p> <p>i) <del>flood risk management incorporating sustainable drainage systems (SUDS) to cope with both river flooding and surface water run-off, taking account of the predicted impact of climate change. The management of flood risk in compliance with Policy CS.4 of the Stratford-on-Avon District Core Strategy and the requirements of the NPPF.</del></p> <p>ii) noise impact and mitigation measures especially with regard to traffic on A429.</p> <p>iii) ecological assessment including perimeter hedgerows and trees which should be retained and extended.</p> <p>iv) transport impact and access strategy for the site.</p> <p>v) a <del>future site</del> management plan for the public <u>use access</u> of the <u>available</u> open space, <u>possibly</u> including transfer of ownership of this land to the Parish Council along with funding for the ongoing upkeep of the area <u>subject to agreement</u>.</p> <p><del>Warwickshire County Council historic environment records show no evidence of archaeological events or monuments associated with this field.</del></p> |

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|  |  |                         | <p>2) Area 2 on Map 10 <del>is to the east of Wellesbourne and adjacent to both existing housing and the allotments and includes flood zone 2 and 3 areas. The site should be safeguarded from any development that might compromise its future release</del> <u>This site is identified as a Reserved Site</u> for possible residential housing use beyond 2030. The extent of the flood zone and surface water flooding area should be confirmed as part of any development <del>by detailed hydraulic modelling, taking into account the prevailing climate change allowances proposals.</del></p> <p>3) Area 3 on Map 10 <del>is the allotments and any consideration for use as a location for housing development</del> <u>for housing</u> is subject to policy WW2. The extent of the flood zone and surface water flooding area should be confirmed as part of any development by detailed hydraulic modelling, taking into account the prevailing climate change allowances.</p> <p>4) <del>Areas 4 to 9 on Map 10 are rejected from consideration as sites for additional housing.</del></p> <p>No new housing will be allowed outside the built-up area boundary <u>other than for development of a Reserved Site</u>. In the event that planning approval is granted for development on a</p> |



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|  |  |   | <p><del>reserved site area, an adjustment to the built-up area boundary should be established in conjunction with SDC.</del></p> <p>Replacement <u>dwelling</u>s and small infill developments <del>of fewer than 10 dwellings</del> within the built-up boundary will be supported in principle <del>in other parts of Wellesbourne</del>, where these complement the design of surrounding buildings and provide satisfactory arrangements for access and off road parking”.</p>                   |
| <b>Policy WW8: Mix of New Housing Types (p.23-24)</b>  |  |   |  |
| The word “must” in the first sentence should be replaced with “should” in order to be compliant with the Basic Conditions. | Section 7, p.68                                | <p><i>Modification agreed.</i></p> <p>Although the Examiner provided no explanation for the proposed modification on this occasion, it appears that she has proposed this change to provide some flexibility, since ‘must’ purports to an ‘absolute obligation’, whereas ‘should’ alludes to the possibility that there may be certain circumstances where such an obligation may not be appropriate or possible.</p> | <p>First paragraph of the Policy to be amended to read:</p> <p>“All new developments within the Parish <del>must</del> <u>should</u> contribute towards the achievement of sustainable development through the provision of (amongst other things) a balanced mix and range of dwelling types and sizes. The range and mix of dwelling types must be considered against the provision of the Core Strategy Policy CS.19, apart from the following derogation to reflect identified local needs”.</p> |

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|  |  | Officers consider that this proposed modification would ensure the policy complied with Local and national policy and as such the modified policy now meets the Basic Conditions test.  |   |
| <b>Policy WW9: Affordable Housing for Local People (p.24)</b>  |  |   |   |
| The allocation of housing is carried out through Stratford District Council adopted policy and is not appropriate as a land use policy within a neighbourhood Plan and should either be moved to another section of the plan or deleted. | Section 7, p.70                                | <p><i>Modification agreed.</i></p> <p>The policy does not add anything to the District Council's policy on affordable housing and the cascade approach listed in WW9 does not comply with that currently operated by the District Council.</p> <p>As such, officers agree with the Examiner that the policy is not compliant with local policy, is not appropriate or necessary and should be deleted from the NDP.</p> | <p>Policy to be deleted:</p> <p><del>"New affordable homes within the Parish of Wellesbourne and Walton will continue to be allocated through the SDC "cascade" system which prioritises households with a qualifying local connection. This process is to be ensured through the imposition of occupancy restrictions under the terms of planning obligations (Section 106 agreements) associated with any new developments.</del></p> <p><del>The detailed steps involved in this SDC cascade process are contained within the Home Choice Plus Allocation report (see Appendix F) and include the following criteria which are applied when determining priority for housing allocation within the Parish:</del></p> <p><del>a) Current and previous residence</del></p> |

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|  |  |  | <p>b) <del>Close family connections with existing residents</del><br/> e) <del>Working in the Parish</del></p> <p>Associated explanatory paragraph 7.2.3 also to be deleted.</p>  |
| <p><b>Policy WW10: Design of New and Modified Housing (p.24-26)</b></p>  |  |  |   |
| <p>For clarity and in order to have regard to national policy the policy, the opening paragraph should be modified to read as follows:</p> <p>"Where planning permission is necessary and where appropriate, proposals for new and modified housing should be constructed in accordance with the prevailing standards of design excellence, in accordance with SDC Design Guide (currently 2001 issue) or any subsequent adopted design policy including:"</p> | <p>Section 7, p.72</p>                         | <p><i>Modification agreed.</i></p> <p>The Examiner has suggested a number of modifications necessary to have regard to national policy.</p> <p>Officers agree with the Examiner and the policy has been amended as per the Examiner's modification to ensure it complies with local and national policy and meets the Basic Conditions test.</p> | <p>Policy to be re-numbered WW9 and amended to read:</p> <p><del>"New and modified housing should be constructed in accordance with the prevailing standards of design excellence, in accordance with SDC Design Guide (currently 2001 issue), encompassing:</del></p> <p><u>Where planning permission is necessary and where appropriate, proposals for new and modified housing should be constructed in accordance with the prevailing standards of design excellence, in accordance with SDC Design Guide (currently 2001 issue) or any subsequent adopted design policy including:</u></p> <p>a) mitigation of climate change, energy efficiency</p> |

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| <p>Criterion c) delete wording within brackets.</p> <p>Criterion g) replace 'area configuration and housing...' with 'layout and...'. Replace 'No property should...' with 'Properties will not normally...'.<br/>Final paragraph replace 'must be' with 'are'; delete 'should be provided'; replace 'The optional' with 'Developers are encouraged to adopt' and delete 'should be adopted'.</p> |  |                         | <p>and environmental sustainability standards</p> <p>b) water saving technologies aimed at reduced consumption and increased recycling</p> <p>c) flood protection measures in modified houses considered at risk of flooding. <del>(Note: All new housing should be located outside Flood Zone 2 and 3 and therefore will not require specific flood protection measures.)</del></p> <p>d) architectural design of a height, scale and form, including roofline and fenestration, which does not detract from the visual amenities of the street scene, and typically uses materials that are traditional to the area</p> <p>e) plot layout that respects established building lines and boundaries along with attractive landscaping, where such features are important to the character of the area</p> <p>f) plot size that makes provision for at least 2 vehicle spaces for off-road parking which meets highway standards and provides adequate separation for privacy between properties</p> <p>g) <del>area configuration</del> <u>layout</u> and <del>housing</del> density which includes a variety of property designs and size that are sensitive to adjacent properties. <del>No property should</del> <u>Properties will not normally</u> exceed 2 and a half storeys height in order to blend in with the overall street scene prevailing within Wellesbourne and avoid obscuring wider views across the village</p> <p>h) street layout which is characterised by short</p> |

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|   |  |  | <p>and curved roads to the extent this is practical<br/>Alterations, modifications, or replacement of<br/>existing dwellings should be of an appropriate<br/>scale, meeting the prevailing design standards<br/>for new housing and in keeping with surrounding<br/>properties.</p> <p>Developers <del>must be</del> <u>are</u> encouraged to build<br/>sustainable and flexible living into house design<br/>to meet the requirements of people throughout<br/>their lives. In particular, accommodation <del>should</del><br/><del>be provided</del> that can be easily adapted to suit<br/>changing household needs and circumstances,<br/>including to cater for home working and people<br/>with disabilities and older residents who may<br/>need care and support. <del>The optional</del> <u>Developers</u><br/><u>are encouraged to adopt</u> Building Regulations<br/>Part M4(2) <del>should be adopted</del> in order to help<br/>fulfil these requirements".</p> |
| <p><b>Policy WW11: Pathways<br/>Linking to New Housing<br/>(p.26-27)</b></p>  |  |  |  |
| <p>To meet the Basic Conditions,<br/>the opening paragraph of the<br/>policy should be modified to<br/>read as follows:</p> <p>"New housing developments<br/>should include:"</p> | <p>Section 7, p.74</p>                         | <p><i>Modification agreed.</i></p> <p>The District Council<br/>submitted comments to the<br/>Examiner with concerns that<br/>the policy would not be<br/>applicable or appropriate to<br/>'small-scale' development,</p> | <p>Policy to be re-numbered WW10 and amended to<br/>read:</p> <p><del>"Any new</del> <u>New housing</u> developments <del>must</del><br/><u>should</u> include:</p> <p>a) footways, footpaths and the safe provision of<br/>signed cycle ways within the site which, where</p>   |

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| <p>Criterion c) delete 'where possible'.</p> <p>Criterion d) and e) should be removed from this policy and included in the list of priorities for local CIL expenditure.</p> |  | <p>which is the focus of the Plan. The Council considered it appropriate to amend the first paragraph with "New development should include..." (as opposed to 'must' include).</p> <p>The Examiner has modified the policy in line with the District Council's comments and also removed criteria which relate specifically to possible projects upon CIL monies could be spent, which should not form part of the policy itself.</p> <p>Officers agree with the Examiner and the policy has been amended as per the Examiner's modifications. It is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.</p> | <p>possible, connect to the equivalent existing networks towards Wellesbourne</p> <p>b) footways that are sufficiently wide to accommodate passing buggies and wheelchairs</p> <p>c) links, <del>where possible,</del> to the open countryside to encourage walking and cycling within the village and beyond</p> <p><del>d) contribution towards bike storage near community facilities (Library, Medical Centre, Village Hall and the new Wellesbourne Sports and Community Centre (WSCC)) secured through section 106 funding</del></p> <p><del>e) a contribution to the development of signed cycle ways in and around the village secured through section 106 funding.</del></p> |
| <p><b>Policy WW12: Landscape Design of New Housing (p.27-28)</b></p>   |  |   |   |

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| <p>Developers cannot be required to enter into agreements with Parish Councils to transfer landscaped areas from private developments. The penultimate sentence should not form part of this policy. It could be reworded to encourage developers to do this but should then be included in the context part of the policy.</p> <p>In order to meet the Basic Conditions, the policy should be modified to 'encourage' rather than 'insist' upon monetary contributions to landscaping.</p> | <p>Section 7, p.76</p>                         | <p><i>Modification agreed.</i></p> <p>The District Council submitted comments to the Examiner indicating that not all development will be on the edge of the village, particularly given the 'infill' policy preference. Therefore, a landscape buffer will not always be appropriate. The District Council also questioned the appropriateness of the paragraph appearing to indicate that the Parish Council would look after trees on private land.</p> <p>The Examiner has modified the policy in line with the District Council's comments. As such, officers agree with the Examiner that as amended, the policy now complies with Local and national policy and meets the Basic Conditions test.</p> | <p>Policy to be re-numbered WW11 and amended to read:</p> <p>"All developments will be required to demonstrate excellent landscape design, and encouraged to preserve the existing mature trees <del>population</del> along with the planting of new trees and hedges to form a landscape buffer around the development to soften its impact on the surrounding countryside, <u>where appropriate</u>.</p> <p><del>Sufficient land for these trees is to be provided by the developer. Funding should be provided as a commuted sum by the developer to the Parish Council which is considered by both parties as sufficient for the Parish Council to care for the newly planted trees. Trees should be native species and at least 2 metres in height when planted".</del></p> |

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| <b>Policy WW13: Flood Risk Management of New and Modified Housing (p.28-30)</b>  |  |   |  |
| <p>A framework of policy and guidance for development generating a flood risk already exists, including within the NPPF. Policy CS.4 of the Stratford-on-Avon District Core Strategy 2011-2031 also covers this in detail. As such it is not necessary for the Neighbourhood Plan to repeat this.</p> <p>My concern in relation to Policy WW13 is that it in part repeats policy and guidance but also seeks to include additional requirements not part of the existing Flood Risk regime. In order to meet the Basic Conditions, it is necessary for the policy to be modified to align with the NPPF.</p> | Section 7, p.79                                | <p><i>Modification agreed.</i></p> <p>The District Council submitted comments to the Examiner indicating that the first part of the policy says 'no' to any development in the Flood Zone, but the second part appears to state that development in the Flood Zone should be in accordance with hydraulic modelling thus indicating that some development may be appropriate, which was conflicting. We also stated that SUDS were not appropriate for smaller schemes.</p> <p>Officers agree with the Examiner that as originally drafted, the policy went beyond local and national policy on flood prevention.</p> | <p>Policy to be re-numbered WW12 and amended to read:</p> <p><del>"No new development will be supported within Flood Zones 2 and 3 as defined by the Environment Agency, taking into account prevailing contingencies for the impact of climate change. Hydraulic modelling should take place as part of any development within an area to confirm the extent of the flood plain. Finished floor levels should be a minimum of 0.6 metres above the 1 in 100 years plus climate change contingency flood level.</del></p> <p><u>Where planning permission is required, proposals for development affected by Flood Risk will be required to comply with the provisions of the National Planning Policy Framework and policy CS.4 of the Stratford-on- Avon District Core Strategy 2011-2031.</u></p> <p><u>Where modification of an existing dwelling located within Flood Zones 2 and 3 is proposed applicants are encouraged to ensure that the design reduces the consequences of flooding and facilitates recovery from the effects of flooding.</u></p> |



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|  |  | <p>It is therefore considered that the policy as amended with the Examiner's modifications complies with Local and national policy and meets the Basic Conditions test.</p> | <p><del>Any modified housing that is located within Flood Zones 2 and 3 must be designed to reduce the consequences of flooding and to facilitate recovery from the effects of flooding.</del> Design features are recommended to include the following measures:</p> <ul style="list-style-type: none"> <li>a) use of water-resistant materials for ground level floors, wall and fixtures</li> <li>b) siting of electrical equipment at least 1metre above the floor.</li> <li>c) incorporating flood-restraint systems (drain covers/removable door guards) to reduce the chance of water entering the property.</li> <li>d) parking areas and driveways <del>should be constructed</del> <u>replaced</u> with porous materials where possible to improve local drainage.</li> </ul> <p><del>Where appropriate, the</del> <u>The</u> provision of Sustainable Urban Drainage Systems (SUDS) as flood water storage areas should be installed in order to avoid any increase in the rate of surface water runoff from the site. The use of bund walls is to be avoided.</p> <p>Storage of rain water for non-drinking water uses such as garden watering and/or toilet flushing is encouraged as a sustainable initiative within any new development.</p> |

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|  |  |  | Where appropriate and achievable, no development should take place within 8 metres from the edge of the water course in order to provide an easement to allow access for maintenance and to create a wildlife corridor".   |
| <b>Policy WW14: Infrastructure Associated with New Housing (p.30)</b>  |  |  |  |
| <p>The delivery of offsite infrastructure is dealt with by the utility authorities.</p> <p>Developers cannot be compelled to make contributions to offsite infrastructure for existing developments or outside the existing CIL regime, which sets out the contributions to be made and the identified infrastructure to receive funding.</p> <p>Any additional planning obligations required for individual developments will be identified by the Local Planning Authority.</p> <p>This policy is unnecessary,</p> | Section 7, p.81                                | <p><i>Modification agreed.</i></p> <p>The District Council submitted comments to the Examiner setting out concerns relating to the drafting of this policy and its compliance with the CIL regime, although the comments fell short of outright deletion of the policy.</p> <p>However, the Examiner has made it clear that, in her opinion, the policy is unnecessary and doesn't need to be included within the Plan.</p> <p>Officers agree with the</p> | <p>Policy to be deleted:</p> <p><del>"Developers will be required to demonstrate robust provision of utilities to new sites which may include the funding of upgrades in offsite utilities infrastructure to ensure that there will be no increased constraints in the capacity of services delivered to existing properties. This is to include the provision of new flood risk management schemes, such as flood storage areas, along with funding towards the maintenance of existing defences on the River Dene.</del></p> <p><del>Site specific infrastructure projects for junction improvements and cycle/pedestrian links to new housing developments should be provided through Section 106 and Section 278 funding. Where necessary, this could include traffic calming measures that directly relate to a specific development.</del></p> |

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| <p>doesn't meet the test to be included as a neighbourhood plan policy and should be deleted.</p>   |  | <p>Examiner and conclude that the policy should be deleted.</p>  | <p><del>A contribution towards investment in infrastructure developments on a District-wide basis will be secured from developers through a Community Infrastructure Levy (CIL)".</del></p> <p>Associated explanatory paragraphs also to be deleted.</p>   |
| <p><b>Policy WW15: Contribution Towards New Community Amenities (p.30-32)</b></p>   |  |  |  |
| <p>The application of the adopted CIL regime and the negotiation of S106 Agreements lies with the Local Planning Authority.</p> <p>This is not a land use policy. It is appropriate to include a list of the Parish's priority list for the expenditure of the element of CIL which will come direct to the Parish but not as a policy and should be moved from this section of the plan.</p> <p>The final sentence does not fit with the CIL priorities and could not form part of a policy in its current wording as it is overly restrictive and does not have regard to national policy. If</p> | <p>Section 7, p.85</p>                         | <p><i>Modification agreed.</i></p> <p>The Examiner has made it clear that, in her opinion, the policy is unnecessary and doesn't need to be included within the Plan. Since it is linked to potential projects on which to spend CIL monies, it should not be expressed as a policy.</p> <p>Officers agree with the Examiner and conclude that the policy should be deleted.</p> | <p>Policy to be deleted:</p> <p><del>"All new housing development with a net gain of one dwelling or an extension of 100 square metres or above to a dwelling house will be liable to pay a Community Infrastructure Levy (CIL) towards the provision of new or improved community amenities within Wellesbourne. Section 106 agreements will only be used, where required, for on-site provision of infrastructure to make the development acceptable in planning terms.</del></p> <p><del>The allocation of funding, in accordance with Regulation 123 of CIL regulations 2010 (as amended), towards improvements in community infrastructure should be prioritised by the Parish Council and is recommended to include:</del></p> <p>a) <del>the provision of a sports hall</del></p> |

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| <p>retained it should be reworded as follows:</p> <p>"Any housing development of greater than 50 houses should, where achievable and viable ensure that there is no more than a 10 minutes' walk to public transport".</p> |  |                         | <p><del>b) the purchase of land to provide additional playing fields/pitches</del><br/> <del>e) the reinstatement/expansion of play areas for children</del><br/> <del>d) the improvement and expansion of car parking facilities near the village centre and near the Primary School</del><br/> <del>e) the provision of flood storage to reduce the risk of flooding</del><br/> <del>f) the expansion of natural accessible green space for leisure activities</del><br/> <del>g) the provision of a new community hub</del><br/> <del>h) a network of signposted cycle paths linking the commercial centre to more remote parts of the village</del><br/> <del>i) the widening of footpaths to permit use by wheelchair users and prams and the provision of new pathways where these currently do not exist.</del></p> <p>In addition, any housing development of greater than 50 houses should ensure that there is no more than a 10 minutes' walk to public transport".</p> <p>Associated explanatory paragraphs also to be deleted.</p> |
| <p><b>Policy WW16: Capacity at Primary Schools (p.32)</b></p>  |  |                         |   |

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| <p>The determination of planning applications based on the capacity of local schools is not a matter that can be controlled through the Neighbourhood Plan. The CIL regime will include provision for education. In order for the Neighbourhood Plan to meet the Basic Conditions this policy should be deleted.</p>   | <p>Section 7, p.86</p>                         | <p><i>Modification agreed.</i></p> <p>The Examiner has made it clear that, in her opinion, the policy is not appropriate and that it should be deleted in order for the Plan to meet the Basic Conditions.</p> <p>Officers agree with the Examiner and conclude that the policy should be deleted.</p>  | <p>Policy to be deleted:</p> <p><del>"Developments will only be supported if adequate places are available, or made available, for children to attend the existing or an extended Wellesbourne Primary School or through the provision of an additional primary school".</del></p> <p>Associated explanatory paragraph 7.2.3 also to be deleted.</p>  |
| <p><b>Policy WW17: Support for Retail Businesses (p.32-33)</b></p>   |  |   |   |
| <p>This policy doesn't acknowledge that permitted development allows for the change of use of retail units to other uses in certain circumstances without the need for Planning permission. The tone of the policy is overly restrictive and on the basis that I have not been provided with any evidence to support the blanket prevention of a change of use the policy as currently worded doesn't meet the Basic Conditions.</p> | <p>Section 7, p.88</p>                         | <p><i>Modification agreed.</i></p> <p>The Examiner makes it clear that the policy as originally drafted did not take account of current permitted development rights and was too restrictive to comply with national policy, particularly in the absence of locally sourced evidence to substantiate such a deviation in policy.</p> <p>Officers agree with the</p> | <p>Policy to be re-numbered WW13 and amended to read:</p> <p><del>"Premises for retail businesses will be retained and encouraged to expand. The conversion of retail businesses to residential use at ground floor level will not be supported. In order to support the provision of retail within the Parish and where planning permission is required, the conversion of retail businesses to residential use at ground floor level will not be supported unless evidence is provided to prove that the use is no longer viable. Any commercial premises that become available for sale in Wellesbourne will be encouraged to consider conversion to</del></p> |

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| <p>The first sentence should be moved to the policy context/justification and in order to meet the Basic Conditions, the policy should be modified to allow for permitted development rights.</p>   |  | <p>Examiner that the policy needs amending in order to recognise the current planning system as recommended by the Examiner. These modifications will ensure compliance with Local and national policy in order for it to meet the Basic Conditions test.</p>   | <p>retail use.</p> <p>Existing areas for car parking near the centre of Wellesbourne should <u>where possible</u> be safeguarded and opportunities sought to expand available space for additional car parking <del>along with improved access for all through restricted periods of stay</del>".</p>   |
| <p><b>Policy WW18: Support for Commercial Businesses (p.33-34)</b></p>  |  |   |   |
| <p>Elements of this policy are not land use. In addition, it is necessary to ensure that the policy has regard to national policy. The second sentence of this policy would be better located within the context section of this policy. In order to meet the Basic Conditions, the policy should be modified to look to safeguard existing business and commercial activities within the neighbourhood area.</p> | <p>Section 7, p.90</p>                         | <p><i>Modification agreed.</i></p> <p>The Examiner has made it clear that the modifications she has proposed for this policy are necessary to comply with the NPPF and therefore meet the Basic Conditions test. The amendment also takes into account that the site in question now has planning permission for a single user, negating the need to "attract new businesses to the reserved area...", which is</p> | <p>Policy to be re-numbered WW14 and amended to read:</p> <p><del>"Existing commercial business premises and employment sites should be safeguarded within Wellesbourne and Walton, including the airfield and local manufacturing and distribution park. Expansion of existing businesses should be encouraged in support of creating more local jobs particularly within the manufacturing and distribution park and through attracting new businesses to the proposed reserved area shown on Map 13. Warwickshire County Council historic environment records show no evidence of archaeological events or monuments associated with this field.</del></p> |

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|  |  | <p>now out-of-date.</p> <p>Officers agree that the policy should be amended as per the Examiner's modification to ensure clarity and accuracy, as well as ensuring that it complies with Local and national policy and meets the Basic Conditions test.</p> | <p><u>Existing commercial business premises and employment sites should be safeguarded within Wellesbourne and Walton, including the airfield and local manufacturing and distribution park. Alternative uses will only be considered if there is no reasonable prospect of the sites being used for employment purposes in the long term.</u></p> <p>Any new commercial buildings should consider the provision of alternative energy devices.</p> <p>The retention of flying activities at the Wellesbourne Airfield is supported. The role of the airfield must take account of, and safeguard the needs of associated business, leisure and training activities and enable them to grow".</p> |
| <b>Policy WW19: Support for Tourism (p.34)</b>                 |  |   |   |

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| This is not a land use policy and should be moved to a different section of the plan. | Section 7, p.91                                | <p><i>Modification agreed.</i></p> <p>The Examiner has made it clear that, in her opinion, the policy is not 'land-use' and as such it should be deleted in order for the Plan to meet the Basic Conditions.</p> <p>Officers agree with the Examiner and conclude that the policy should be deleted.</p> | <p>Policy to be deleted:</p> <p><del>"Tourism should be encouraged through the safeguarding and promotion of Chedham's Yard and Wellesbourne Airfield as local attractions and the establishment of a series of circular walks around Wellesbourne and Walton that pass places of interest".</del></p> <p>Associated explanatory paragraph 7.2.3 also to be deleted.</p> |
| <b>Map 10: Land Options for Additional Housing around Wellesbourne</b>                |  |  |  |



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| Not a modification requested by the Examiner.                  | Section 7 (p.61)                               | <p><i>Modification agreed.</i></p> <p>Whilst the Examiner had not picked up on the inconsistency between Map 10 and other maps within the NDP, the error of including a parcel of land off Walton Road as 'retained open space associated with previously approved planning permissions', this was pointed out by a contributor through the Reg.16 consultation.</p> <p>Officers agree that this error requires rectifying for clarity and accuracy.</p> | Map 10 has been amended to remove an area of land to the south of Walton Road from the designation titled 'Retained open space associated with approved planning permissions' within the submission version of the NDP, thus bringing the map in line with others within the NDP. |

**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):**

| <b>Sustainable Development Role (NPPF)</b> | <b>Neighbourhood Development Plan's Contribution</b>  |
|--|---|
| Economic                                   | <p>The Neighbourhood Plan seeks to support the local economy through the protection and enhancement of existing employment sites [both retail and commercial activities] and the promotion of new employment sites/opportunities within the neighbourhood area.</p> <p>If implemented these policies will have a positive impact on the local economy, safeguarding jobs and local services.</p>  |
| Social                                     | <p>The Neighbourhood Plan sets a framework that will help to support the achievement of sustainable social development.</p> <p>The Plan promotes the retention and improvement of local community facilities.</p> <p>Policies seek to promote the local distinctiveness of the area, and recognise important national and local heritage assets.</p> <p>Policy seeks to protect and improve public rights of way in order to provide a more welcoming environment for pedestrians and cyclists.</p> |
| Environmental                              | <p>The Neighbourhood Plan includes policies that support environmental sustainability for the community.</p> <p>The Plan has policies that look to protect heritage assets, natural features, biodiversity, valued landscapes as well as designate areas of Local Green Space.</p> <p>The NDP includes policies to protect the natural environment for future generations which have a positive impact on the environmental sustainability of the plan.</p>   |

3.1 The District Council concurs with the view of the Examiner that:

- Subject to the modifications above, the Wellesbourne & Walton 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/wellesbournenp](http://www.stratford.gov.uk/wellesbournenp)

And can be viewed in paper form at:

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