



DECISION STATEMENT

NEIGHBOURHOOD PLAN PROCEEDING TO REFERENDUM

1. Harbury and Deppers Bridge Neighbourhood Development Plan

1.1 I confirm that the Harbury and Deppers Bridge 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 29 November 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 20 May 2014 Harbury 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 confirmed 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 19 June and 1 August 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 Harbury Neighbourhood Area by way of The Cabinet meeting on 8 September 2014.

2.5 In accordance with Regulation 7 of The Regulations, the decision to designate the Harbury and Deppers Bridge 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 1 August 2016 to 23 September 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 15th December 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 11 January 2018 to 22 February 2018 in accordance with Regulation 16 of The Regulations.

2.9 Mrs Ann Skippers was appointed by the District Council to examine the Plan, and the Examination commenced in May 2018 with her final report being issued on 30 July 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))

New text in underlined and deleted text ~~struckthrough~~

Examiner’s Recommendation (incl. page number in hers 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
Page 13 Add a “s” to “Depper Bridge” in Figure 3 on page 10 of the Plan	Figure 3 on page 10	<i>Modification agreed.</i> This is a typo which needs to be corrected. SDC Officers agree with the Examiner and the policy has been amended as per the Examiner’s modification.	Harbury and Deppers Bridge Neighbourhood Development Plan
Page 14 OBJECTIVE 3 - To preserve and protect all green spaces within the village and retain countryside views out across a natural landscape. Change the word “all” in objective 3 to “important”	Page 26 Vision and Objectives- objective 3	<i>Modification agreed</i> and suggested by SDC Officers that it would be appropriate to ensure that objective 3 aligns with Policy H.07 and for this reason, the modification is recommended.	OBJECTIVE 3 - To preserve and protect all <u>important</u> green spaces within the village and retain countryside views out across a natural landscape.
Page 14 Consequential amendments to objective 3 will be needed throughout the Plan	Page 39 –objective 3	<i>Modification agreed</i> as above.	OBJECTIVE 3 - To preserve and protect all important green spaces within the village and retain countryside views out across a natural landscape.

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<p>Page 14 Add a title "Map 1" and a key to the map on page 28 of the Plan which identifies all the features indicated on the map i.e. the settlement boundary and the blue triangles</p>	<p>Page 28</p>	<p>??</p>	
<p>Page 15 Policy H.01 Amend criterion b) to read: "conserve or enhance <i>the significance</i> of designated and non-designated heritage assets;"</p>	<p>Page 30 Policy H.01</p>	<p><i>Modification agreed.</i></p> <p>The Examiner comments that Criterion b) refers to the conservation and enhancement of heritage assets and this is a high bar that does not align with national policy and advice or the statutory test for development in conservation areas or for development that might affect conservation areas, which is the preservation or enhancement of the character or appearance of the conservation area. SDC Officers agree with</p>	<p>b) conserve and or enhance <u>the significance of</u> designated and non-designated heritage assets;</p>

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		this modification and it is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test	
Page 16 Change two references to "Policy HN DP 1" on page 31 of the Plan to "Policy H.01"	Page 31 Paragraph 5.5 Background/justification	<i>Modification agreed</i> The supporting text to the policy contains two references to "Policy HN DP 1" which are now superseded and these should be brought up to date. Officers agree with the Examiner on this issue and the policy has been amended as per the Examiner's modification.	Policy <u>H.01</u> HN DP 1 will mean there is a presumption in favour of new housing development within the settlement boundary, where it can meet the criteria in Policy <u>H.01</u> HN DP 1.
Page 16 Update paragraph 5.7 on page 32 of the Plan to read: "...as at March 2017, 63 homes had been built, 71 dwellings committed making a total of 134 houses."	Page 32 Background/justification	<i>Modification agreed</i> The Examiner remarks that SDC has commented that the figures in paragraph 5.7 now require updating. In the interests of accuracy these figures should be updated. Officers agree with the	With the planning approvals on the edge of the village listed in para. 5.6 and other commitments, as of March <u>2017</u> 2015 , <u>63</u> 38 homes had been built and <u>71</u> 90 dwellings committed making a <u>90</u> had planning approval, giving total commitments of <u>134</u> houses 128 .

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		Examiner on this issue and the policy has been amended as per the Examiner's modification.	
<p>Page 16 Policy H.02 Add a new criterion e) that reads: "in accordance with Policy H.04."</p> <p>Page 16 Remove the "and" at the end of criterion c) and insert it at the end of criterion d)</p>	Page 34 Policy H.02	<p><i>Modification agreed.</i> The Examiner comments that there is a potential inconsistency with Policy H.04 which permits local needs schemes exceptionally adjoining the built-up area of Deppers Bridge subject to various other criteria. To recognise this, modification is made to this otherwise clearly worded policy and supporting text. Officers agree and it is therefore considered that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.</p>	<p>c) Development that would bring back in to use and secure a suitable and sympathetic re-use of a heritage asset; and d) Agricultural and forestry dwellings for essential workers; and <u>e) in accordance with Policy H.04</u></p>
Page 16 Add "In the Core Strategy" at the start of paragraph 5.11 on page 34 of the Plan.	Page 34 Background/justification	<p><i>Modification agreed</i> The Examiner comments that Deppers Bridge is identified in the CS as an</p>	<u>In the Core Strategy</u> Deppers Bridge is not identified as a Local Service Village but included with "all other settlements" as an area where new housing

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<p>Page 16 Add the word "However," to the start of the second sentence of paragraph 5.11</p>		<p>"other settlement" where CS Policies CS.15 and AS.10 indicate that new housing will be limited to small-scale community-led schemes which meet a need identified by the local community. In this instance the community does not consider development in Deppers Bridge would be sustainable and therefore this policy seeks to limit development. The Examiner therefore suggests a modification to cross refer to the Core Strategy.</p> <p>Officers agree with this amendment and considers that the policy as amended now complies with Local and national policy and meets the Basic Conditions test.</p>	<p>development will be restricted to small-scale community-led schemes. <u>However</u> To ensure that new housing development is sustainable and is concentrated in Harbury village proposals for new housing development in Deppers Bridge and the open countryside will be strictly controlled.</p>

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<p>Page 17 Amend the phrase "...including a proportion of homes to meet the needs of older and younger residents as well as those seeking to build their own home." In the policy to "including a proportion of homes <i>suitable</i> to meet the needs of older and younger residents as well as the potential to provide for those seeking to build their own home on appropriate sites."</p>	<p>Page 35 Policy H.03</p>	<p><i>Modification agreed</i> The Examiner considered that the policy takes account of national policy by helping to provide a wide choice of homes and plan for a mix of housing based on the needs of the community and will help to achieve sustainable development. It reflects CS Policies CS.18 and CS.19. A modification is recommended to add a little more flexibility and to ensure the policy has the precision sought by national policy and guidance.</p> <p>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 complies with Local and national</p>	<p>... including a proportion of <u>suitable</u> homes to meet the needs of older and younger residents, as well as those seeking to build their own home.</p>

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		policy and meets the Basic Conditions test.	
<p>Page 17 Change the sentence that reads "Before finalising the housing mix on such sites developers should consult and take into account the views of the Parish Council along with up-to-date demographic, housing need, self and custom build demand and strategic housing market information." to "Before finalising the housing mix on such sites developers <i>must take</i> account of up-to-date demographic, housing need, self and custom build demand and strategic housing market information <i>and are particularly encouraged</i> to consult and take into account the views of the Parish Council."</p>	Page 35 Policy H.03	<p><i>Modification agreed</i> The Examiner comments that the policy requires developers to "consult and take into account the views of the Parish Council...". Whilst she accepts this is good practice, she commented that the NPPF,25 whilst encouraging early engagement and consultation states that local planning authorities cannot require developer engagement before a planning application is submitted. Therefore a modification is made to this element of the policy to take account of the NPPF.</p> <p>Officers agree with the Examiner on this issue and the policy has been deleted as per the</p>	<p>Before finalising the housing mix on such sites developers <u>must take account</u> should consult and take into account the views of the Parish Council along with <u>of</u> up-to-date demographic, housing need, self and custom build demand and strategic housing market information <u>and are particularly encouraged to consult and take into account the views of the Parish Council.</u>"</p>

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		Examiner's modification. It is therefore considered that the amendment now complies with national policy and meets the Basic Conditions test.	
<p>Page 17 Add a new sentence to paragraph 5.14 on page 36 of the Plan that reads: <i>"However, it is appreciated that the most up to date evidence on housing need should be used."</i></p>	<p>Page 36 para 5.14 Background justification</p>	<p>Modification agreed The Examiner commented that supporting text refers to a Housing Needs Survey dated 2011. The Plan should be 'future proofed' and the insertion of a phrase to deal with this is recommended and this will align better with Policy H.03 and H.04. Officers agree with the Examiner on this issue and the policy has been deleted as per the Examiner's modification. It is therefore considered that the amendment now complies with Local policy and meets the Basic Conditions test.</p>	<p><u>However, it is appreciated that the most up to date evidence on housing need should be used</u></p>

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<p>Page 18 Amend Policy H.04 to read: "When <i>it can be demonstrated through robust and up to date local housing needs information</i> and that need cannot be met by affordable housing provision through a market-led scheme, <i>housing development for local needs will be supported when all of the following criteria are met:</i></p> <p>a) In Harbury <i>village the site</i> should adjoin the settlement boundary and in Deppers Bridge it should immediately adjoin existing built up development in the hamlet;</p> <p>b) <i>Development should be located in Flood Zone 1 and the floodplain of the River Itchen should be maintained and where opportunities arise, restored to maximise the natural storage of flood water, reduce flooding and increase landscape, conservation and ecology value;</i></p> <p>c) In Harbury village <i>the site is within</i> reasonable walking distance of public transport and local community facilities;</p> <p>d) The future use of such housing is secured in perpetuity to meet a local need.</p>	<p>Policy H.04 pages 36</p>	<p><i>Modification agreed</i> The Examiner considered that the wording used in this policy could be improved for clarity and precision and accordingly made modifications to reflect this. Furthermore the requirement to consult the Parish Council (as considered above on H.03) also requires a modification to be made to H.04 to alter this to take account of the NPPF. In addition this policy permits housing to meet local needs on sites that would not otherwise be considered suitable for housing development. A representation from the Environment Agency confirms that Harbury and Deppers Bridge are located within Flood Zone 1 (low risk), but that existing</p>	<p>When <u>it can be demonstrated through robust and up to date local housing needs information</u> a proven local housing need is properly identified, through a professional Parish Housing Needs Survey, and that need cannot be met by affordable housing provision through a market-led scheme, <u>housing development for under Policy H.03 local needs schemes will be supported in areas where housing will not normally be considered suitable unless it meets the following circumstances: when all of the following criteria are met:</u></p> <p>a) In Harbury <u>village the site</u> it should adjoin the village settlement boundary, and in Deppers Bridge it should be immediately adjoining existing built up development in the hamlet;</p> <p>b) <u>Development should be located in Flood Zone 1 and the floodplain of the River Itchen should be maintained and where opportunities arise, restored to maximise the natural storage of flood water, reduce flooding and increase landscape, conservation and ecology value;</u></p> <p>c) In Harbury village <u>the site</u> it is <u>within</u> reasonable walking distance of public</p>

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<p><i>Developers are also particularly encouraged to consult with the Parish Council to gain their support for the proposal at an early stage."</i></p>		<p>development in Deppers Bridge is located within 100m of the River Itchen and its floodplain. As a result the wording used in the policy could be interpreted that development might be permitted in the floodplain. The Examiner therefore considered that in order to provide the practical framework for decision taking sought by national policy and guidance that a new criterion should be added to address the Environment Agency's concern, take account of the CS and particularly Policy CS.4 and ensure that the Plan contributes to the achievement of sustainable development. This, together with the other modifications to the wording of the policy, will ensure it meets the basic conditions.</p>	<p>transport and local community facilities; e)d) The future use of such housing is secured in perpetuity to meet a local need; and d) Consultation has taken place with the Parish Council to gain their support for the proposal.</p> <p><u>Developers are also particularly encouraged to consult with the Parish Council to gain their support for the proposal at an early stage</u></p>

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		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 complies with Local and National policy and meets the Basic Conditions test.	
Correct "eception" to "exception" in paragraph 5.15 on page 37 of the Plan	Page 37 paragraph 5.15	<i>Modification agreed</i> This is purely a typological correction	Where the criteria in Policy H.04 and other development plan policy is fulfilled self-build may be appropriate as such rural eception <u>exception</u> housing.
Page 22 Substitute the words "will be protected" in the first sentence of the policy with are designated	Page 39 Policy H.07	<i>Modification agreed</i> The only modifications suggested are to ensure that the policy designates these areas as LGSs and to make the policy wording clearer and more reflective of the NPPF's stance on LGSs. Officers agree with the Examiner on this issue and the policy has been	The following areas listed below and shown on Maps 2a and 2b <u>are designated</u> will be protected as Local Green Spaces.

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		amended as per the Examiner's modification. It is therefore considered that the policy as amended now complies with National policy and meets the Basic Conditions test.	
Page 22 Delete the words "for non-open land uses" in the last paragraph of the policy	Page 40 Policy H.07	<i>Modification agreed</i> The only modification suggested is to make the policy wording clearer and more reflective of the NPPF's stance on LGSs. Officers agree with the Examiner on this issue and the policy has been deleted as per the Examiner's modification. It is therefore considered that this section of the plan as amended now complies with National policy and meets the Basic Conditions test	Development for non-open land uses will only be supported in very special circumstances
Page 22 Correct the area for proposed Local Green Space H.07k shown on Map 2a by amending Map 2a to accord with the	Page 41 Map 2a	<i>Modification Agreed</i> The amended map shows the area concerned more logically given the	Amended map 2a

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map sent to me in response to my questions of clarification by email of 18 June 2018		features on the ground and the area is smaller than that shown in the submission version of the Plan, the Examiner considered that no party would be prejudiced by a modification to correctly identify this site. Officers agree with the Examiner on this issue and the corrected map has now been substituted.	
Page 22 Remove the slither of land off Bush Heath Lane from Map 2a	Page 41 Map 2a	<i>Modification agreed</i> The Examiner queried the accuracy of a slither of land is shown on Map 2a that did not appear to be a proposed LGS. In the interests of accuracy, this area, a sewage processing station off Bush Heath Lane has been deleted from Map 2a. Officers agree with the	Amended map 2a

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		Examiner on this modification in the interests of accuracy and it is therefore considered that this section of the plan as amended now complies with Local and national policy and meets the Basic Conditions test.	
Page 22 Remove the photo of Queens Close Green from this section of the Plan	Page 43 photograph of Queens Close Green	<p><i>Modification agreed</i></p> <p>The Examiner agreed with SDC that as the photograph of Queens Close Green is not a proposed LGS, to avoid any confusion, this should be removed from this section of the Plan.</p> <p>Officers agree with the Examiner on this modification in the interests of accuracy and it is therefore considered that this section of the plan as amended now complies with Local and national policy and meets the Basic Conditions test.</p>	Photo of Queens Close Green removed

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<p>Page 22 Add the words: "as identified in Appendix 2 of the Plan" after "...in the loss of the other small, open spaces..." in the first sentence of the policy</p>	<p>Page 44 Policy H.08</p>	<p><i>Modification agreed</i> The Examiner considered that in the interests of clarity the policy should be linked to the open spaces identified in Appendix 2 of the Plan. Subject to this modification, the policy would meet the basic conditions. Officers agree with the Examiner on this modification in the interests of accuracy and it is therefore considered that this section of the plan as amended now meets the Basic Conditions test.</p>	<p>Development that would result in the loss of the other small, open spaces <u>as identified in Appendix 2 of the Plan</u> such as grass verges will only be supported when:</p>
<p>Update the second sentence in paragraph 5.26 on page 49 of the Plan by replacing the words "...when it is adopted later in 2017" to "adopted on 11 December 2017 and effective from 1 February 2018."</p>	<p>Page 49 paragraph 5.26. Background/justification</p>	<p><i>Modification agreed</i> The Examiner considered that as SDC has now adopted CIL some updating was needed to paragraph 5.26. Officers agree with the Examiner on this modification in the</p>	<p>Most small-scale development will be liable to contribute toward towards generic – 'district-wide' infrastructure through a Community Infrastructure Levy (CIL) <u>adopted on 11 December 2017 and effective from 1 February 2018</u> when it is adopted later in 2017.</p>

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		interests of accuracy and it is therefore considered that this section of the plan as amended now meets the Basic Conditions test.	
<p>Page 24 Add the words "or as otherwise may be justified by the circumstances of the premises in question and agreed" after "...(a minimum of twelve months..." in the policy</p>	Page 51 Policy H.12	<p><i>Modification agreed</i> The Examiner noted that SDC comment that usually a minimum marketing period of six months is used and this policy seeks a minimum of a year. In order to add a little more flexibility, a modification is made to address this point. Officers welcome the introduction of more flexibility and the policy has been amended as per the Examiner's modification.</p>	<p>or, after an extended period of active marketing (a minimum of twelve months, <u>or as otherwise may be justified by the circumstances of the premises in question and agreed</u> including marketing in the neighbourhood plan area),</p>
<p>Page 25 Amend criterion c. to read: "Use sustainable drainage to reduce risk of flooding on site, downstream and upstream, wherever it is appropriate to do so; and"</p>	Page 56 Policy H.14	<p><i>Modification agreed</i> The Examiner notes that the Government announced in a Written Ministerial Statement (WMS) of 25</p>	<p>c. Use sustainable drainage to reduce risk of flooding on site and downstream; <u>and upstream, wherever it is appropriate to do so; and</u></p>

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		<p>March 2015, that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans. Some of the measures referred to in the policy would be regarded as such standards. However, she considered that as the policy encourages, rather than requires, such measures and therefore is flexible in its approach to achieving sustainable design and energy efficiency, then the policy would meet the basic conditions in this regard. The policy also applies to other types of development and is in general conformity with the CS, particularly Policies CS.2, CS.4</p>	

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		<p>and CS.9. Criterion c. of the policy seeks the use of sustainable drainage. A WMS31 advises that from 6 April 2015, policy and decisions on major development should ensure that Sustainable Drainage Systems are put in place where appropriate. Therefore with some flexibility this criterion will be acceptable. In addition SDC make the point that this criterion should also refer to "upstream". The modification suggested addresses both issues.</p> <p>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 this policy as amended now complies</p>	

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		with Local and national policy and meets the Basic Conditions test.	
<p>Page 26 Amend Policy H.15 to read: "Development proposals should include measures to minimise and <i>make acceptable any</i> impact on the <i>local road network</i> by <i>providing</i>: a. safe and suitable access; and b. <i>encouraging</i> the use of public transport including new and enhanced pedestrian routes to the existing <i>network</i> and where necessary new <i>bus infrastructure</i>."</p>	Page 57 Policy H.15	<p><i>Modification agreed</i> The Examiner comments that the wording of the policy does not provide the practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency sought by the NPPF. This is because the policy only seeks safe and suitable access where appropriate. There are also two other modifications to ensure the policy provides the practical framework sought by national policy. Subject to these modifications, the policy will meet the basic conditions. Officers agree with the Examiner on these issues and the policy has been amended as per the</p>	<p>Where appropriate Development proposals should include measures to minimise <u>and make acceptable any their</u> impact <u>on the local road network</u> neighbourhood plan area by <u>providing</u> including: a. Safe and suitable access; and b. <u>Encourageing the use of</u> public transport including new and enhanced pedestrian routes to existing <u>network</u>, and where necessary new bus <u>infrastructure stops</u>.</p>

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		Examiner's modification. It is therefore considered that this policy as amended now complies with Local and national policy and meets the Basic Conditions test.	
<p>Page 27 Amend the second paragraph of the policy to read: "Development for employment uses in these <i>specified</i> areas and premises will be supported <i>provided that the proposal would have an acceptable impact on the local road network and residential amenity.</i>"</p> <p>Page 27 Amend criterion a. to read: "The existing use is no longer considered suitable or viable for continued employment use after an appropriate period of active marketing <i>to be agreed with the local planning authority; and</i>"</p>	Page 59/60 Policy H.17	<p><i>Modification agreed</i></p> <p>The Examiner comments that the NPPF supports prosperous rural economies and economic growth to support jobs³³ and CS Policy CS.22 seeks to provide for a wide range of businesses and commercial activities in sustainable locations but considers that the policy requires more precision and clarity in line with national policy and guidance and to take account of the stance in the CS.</p> <p>Officers agree with the Examiner that the</p>	<p>Development for employment uses in these <u>specified</u> areas and premises will be supported when they do not adversely affect residential or traffic congestion. <u>provided that the proposal would have an acceptable impact on the local road network and residential amenity.</u></p> <p>a. The existing use is no longer considered suitable <u>or viable</u> for continued employment use after an <u>appropriate extended</u> period of active marketing <u>to be agreed with the local planning authority;</u> and</p>

Examiner's Recommendation (incl. page number in hers 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
		modification is required and it is therefore considered that this amendment now complies with Local and national policy and meets the Basic Conditions test.	
<p>Page 27 Amend the second paragraph of the policy to read: "Change of use of retail premises to non-retail uses will only be supported <i>where planning permission is required</i> if the applicant can demonstrate there is no longer a need for such provision <i>or the use is no longer viable</i>, or suitable, or better provision is provided in a suitable location elsewhere <i>in or convenient to</i> the neighbourhood plan area."</p>	Page 62 Policy H.18	<p><i>Modification agreed</i></p> <p>The Examiner considered there is a danger that the latter half of the policy might stagnate those premises which are no longer viable. Subject to inclusion of the modification in the policy, it will provide a practical framework for decision making as sought by the NPPF and meet the basic conditions. Officers agree with the Examiner that this amendment is required. It is therefore considered that this amendment now complies with Local</p>	<p>Change of use of retail premises to non-retail uses will only be supported <u>where planning permission is required</u> if the applicant can demonstrate there is no longer a need for such provision <u>or the use is no longer viable</u> or suitable, or better provision, is provided, in a suitable location elsewhere <u>in or convenient to</u> within the neighbourhood plan area.</p>

Examiner's Recommendation (incl. page number in hers 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
		and national policy and meets the Basic Conditions test.	
<p>Page 28 Change the first paragraph of the policy to read: "Development should conserve the following heritage assets listed below and identified on Map 6 <i>taking into account the scale of any harm or loss to them and the significance of the heritage asset:</i>"</p>	<p>Page 62 Policy H.19</p>	<p><i>Modification agreed</i></p> <p>The Examiner commented that whilst the Plan can identify a potential list of such assets, the process for identifying local heritage assets rests with the local planning authority. The NPPF explains that the significance of a non-designated heritage asset should be taken into account in the determination of any planning application. A balanced judgment will be needed having regard to the scale of any harm or loss and the significance of the asset. The wording of the policy therefore needs some amendment to ensure</p>	<p>Development should conserve the following local non-designated heritage assets listed below and identified on Map 6 <u>taking into account the scale of any harm or loss to them and the significance of the heritage asset:</u></p>

Examiner's Recommendation (incl. page number in hers 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>regard is had to the NPPF as well as CS Policy CS.8.</p> <p>Officers agree with the Examiner that this amendment is required. It is therefore considered that this amendment now complies with Local and national policy and meets the Basic Conditions test.</p>	
<p>Page 28 Add a sentence to the first paragraph of Appendix 1 that reads: "<i>The most up to date information on listed buildings should be sought from Historic England or the local planning authority.</i>"</p>	<p>Page 68 Appendix 1 Listed Buildings</p>	<p><i>Modification agreed</i></p> <p>The Examiner considered that it would be useful to ensure that users of the Plan seek the most up to date information and this should be added so that the Plan provides a practical framework for decision making.</p> <p>Officers agree with the Examiner that this modification is desirable and that the amendment is required. It is therefore considered that this amendment now</p>	<p><u>The most up to date information on listed buildings should be sought from Historic England or the local planning authority.</u> There are 35 statutory Listed Buildings in Harbury Parish. These can be seen on a map online at https://historicengland.org.uk/listing/the-list/map-search and are listed below. The web link for each individual entry links to the National Heritage List for England</p>

Examiner's Recommendation (incl. page number in hers 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
		complies with Local and national policy and meets the Basic Conditions test.	

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 policies for the protection of existing employment sites; by creating more business space to meet local needs; by retaining employment components within mixed-use projects; encouraging live/work format developments and by improving visitor and tourism information facilities in the Town.</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>Policy seeks to improve and make safer the pedestrian and cyclist networks.</p> <p>The Plan also seeks to provide a range of housing to meet local and District needs.</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 designated heritage assets; ensure that development does not increase flood risk; designating areas of Local Green Space and ensuring development respects the local landscape and townscape.</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 Harbury 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/harburynp

And can be viewed in paper form at:

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