

Claverdon Parish Council

Claverdon Neighbourhood Development Plan

A report to Stratford-on-Avon District Council of the
Independent Examination of the Claverdon Neighbourhood
Development Plan

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Overall Finding

This is the report of the Independent Examination of the Claverdon Neighbourhood Development Plan. The plan area comprises the entire administrative area of Claverdon Parish Council within the Stratford-on-Avon District Council area. The plan period is 2011-2031. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for residential development.

This report finds that subject to specified modifications the Neighbourhood Plan meets the basic conditions and other requirements. It is recommended the Plan should proceed to a local referendum based on the plan area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”¹
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Claverdon Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Claverdon Parish Council (the Parish Council). The draft plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Claverdon Neighbourhood Area which was formally designated by Stratford-on-Avon District Council (the District Council) on 16 June 2014. The Neighbourhood Plan has been produced by the Neighbourhood Plan Steering Group made up of Parish Councillors and other volunteers from the local community.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Parish Council for submission of the plan and accompanying documents to the District Council. The District Council arranged a period of publication between 31 January 2019 and 15 March 2019 and subsequently submitted the Neighbourhood Plan to me for independent examination.

Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan.² The report makes recommendations to the District Council including a recommendation as to whether or not the

¹ Paragraph 183 National Planning Policy Framework (2012) (See paragraph 214 of the NPPF 2019 for an explanation why this Independent Examination is being undertaken in the context of the NPPF 2012)

² Paragraph 10 Schedule 4B Town and Country Planning Act 1990

Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.

6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and the decision taken to put the plan to a referendum, it must be taken into account when determining a planning application, in so far as the policies in the plan are material to the application³.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area⁴ unless the District Council subsequently decide the Neighbourhood Plan should not be 'made'. The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan⁵. The Framework is very clear that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted⁶.
8. I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced Independent Examiner of Neighbourhood Plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years

³ Paragraph 216 of the National Planning Policy Framework 2012 explains full weight is not given at this stage

⁴ Section 3 Neighbourhood Planning Act 2017

⁵ Section 156 Housing and Planning Act 2016

⁶ Paragraph 198 National Planning Policy Framework 2012

professional planning experience and have held national positions and local authority Chief Planning Officer posts.

9. As independent examiner, I am required to produce this report and must recommend either:

- that the Neighbourhood Plan is submitted to a referendum, or
- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

10. I make my recommendation in this respect and in respect to any extension to the referendum area,⁷ in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.⁸

11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁹ The Planning Practice Guidance (the Guidance) states *“it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.”*

12. The examiner has the ability to call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary, I proceeded on the basis of written representations and an unaccompanied visit to the Neighbourhood Plan area.

Basic Conditions and other Statutory Requirements

13. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.¹⁰ A neighbourhood plan meets the Basic Conditions if:

⁷ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁸ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

⁹ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

¹⁰ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.¹¹

14. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights.¹² All of these matters are considered in the later sections of this report titled ‘The Neighbourhood Plan taken as a whole’ and ‘The Neighbourhood Plan Policies’.

15. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.¹³ I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 (the Regulations) which are made pursuant to the powers given in those sections.

16. The Neighbourhood Plan relates to the area that was designated by the District Council as a neighbourhood area on 16 June 2014. A map of the Neighbourhood Plan boundary is included as Figure 1 of the Submission Version Plan. The Neighbourhood Plan designated area is coterminous with the Claverdon Parish Council boundary. The

¹¹ This Basic Condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 are amended. This basic condition replaced a basic condition “the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects”.

¹² The Convention Rights has the same meaning as in the Human Rights Act 1998

¹³ In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

Neighbourhood Plan does not relate to more than one neighbourhood area,¹⁴ and no other neighbourhood development plan has been made for the neighbourhood area.¹⁵ All requirements relating to the plan area have been met.

17. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;¹⁶ and the Neighbourhood Plan does not include provision about excluded development.¹⁷ I am able to confirm that I am satisfied that each of these requirements has been met.
18. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁸ The front cover of the Submission Version Plan clearly states the plan period to be 2011-2031.
19. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.¹⁹ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other Statutory Requirements.
20. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
21. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to

¹⁴ Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

¹⁵ Section 38B (2) Planning and Compulsory Purchase Act 2004

¹⁶ Section 38A (2) Planning and Compulsory Purchase Act 2004

¹⁷ Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

¹⁸ Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

¹⁹ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the National Planning Policy Framework 2012

conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.

22. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.²⁰

Documents

23. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Claverdon Neighbourhood Plan Submission Version January 2019
- Claverdon Neighbourhood Plan Consultation Statement January 2019 including Appendices 1a, 1b, 2, 3, 4, 5a, 5b, and 6 [*In this report referred to as the Consultation Statement*]
- Claverdon Neighbourhood Plan Basic Conditions Statement January 2019 [*In this report referred to as the Basic Conditions Statement*]
- Strategic Environmental Assessment of the Claverdon Neighbourhood Plan SEA Screening Document November 2017 (including Habitats Regulations Assessment Screening Conclusion)
- Claverdon NDP - SEA Screening – SDC conclusion November 2017
- Technical Note regarding The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 dated 25 January 2018 (confirmed actually 2019) Lepus Consulting, and Natural England updated comments dated 7 May 2019
- Claverdon Neighbourhood Plan information available on the Claverdon Parish Council Neighbourhood Plan website
- Claverdon Neighbourhood Plan List of Examination Core Documents updated 8 April 2019
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and the District and Parish Councils, including the Parish Council response to the representations of other parties dated 23 April 2019, and correspondence relating to clarification of various matters raised by the Examiner
- Stratford-on-Avon District Core Strategy 2011-2031 and Policies Map
- Site Allocations Plan for Stratford-on-Avon District (emerging Plan)

²⁰ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Permitted development rights for householders' technical guidance DCLG (June 2017) [*In this report referred to as the Permitted Development Guidance*]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [*In this report referred to as the Guidance*]
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- The Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act 2011
- The Housing and Planning Act 2016
- The Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- The Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations*].
- The Neighbourhood Planning (General) (Amendment) Regulations 2015
- The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016.
- The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

Consultation

24. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the Submission Plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.

25. The Neighbourhood Plan Steering Group comprising Parish Councillors and other local volunteers first met in April 2015. A

questionnaire was delivered to every property in the parish in January 2016 and resulted in 259 completed returns which were used to develop key actions. The results from the questionnaire were published on the Parish council website. Other publicity during the plan preparation process included articles in the Parish news, and working meetings in respect of which agendas and minutes were published on the Claverdon Village website.

26. Pre-submission consultation in accordance with Regulation 14 was undertaken between 25 January 2018 and 9 March 2018. The consultation included notification of all statutory consultees; erection of three banners; a press advert; and a notice sent to every household and business stating the draft Neighbourhood Plan was available on the Parish Council website and that hard copies of the Neighbourhood Plan were available at the Community Shop accessible at all opening times, and at the Crown and Red Lion public houses. The representations arising from the consultation are summarised in Appendix 2 of the Consultation Statement where responses and changes made to the Neighbourhood Plan, are set out. The suggestions have, where considered appropriate, been reflected in a number of changes to the Plan that was approved by the Parish Council, for submission to the District Council.
27. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 31 January 2019 and 15 March 2019. A total of 24 representations were submitted during the period of publication. I have been provided with copies of each of these representations. In preparing this report I have taken into consideration all of the representations submitted during the Regulation 16 period even though they may not be referred to in whole, or in part. Where representations relate to specific policies, I refer to these later in my report when considering the policy in question.
28. During the Regulation 16 publication period the Parish Council has identified factual errors in respect of proposed Local Green Space Site reference CLAV6. I deal with this matter when considering Policy NE4 later in my report.
29. A substantial representation submitted by the District Council during the Regulation 16 publicity period refers to aspects of many of the policies of the Neighbourhood Plan. I refer to those representations when considering those policies later in my report. The District Council

Regulation 16 representation also includes a number of suggested corrections and clarifications to the Neighbourhood Plan which I deal with in the Annex to my report.

30. Historic England is supportive of both the content of the Plan document and the vision and objectives set out in it stating *“The emphasis on the conservation of local distinctiveness through good design and the protection of heritage assets and landscape character including important views is to be applauded, as is the earlier production of the Village Design Statement (now adopted into the Plan) which will no doubt be invaluable as a context and evidence base for the current Plan. Overall the plan reads as a well-considered, concise and fit for purpose document which we consider takes a suitably proportionate approach to the historic environment of the Parish. I hope you find these comments helpful. We have no substantive comments to add to those conveyed in our earlier regulation 14 consultation response (please see below in italic). We are pleased to note that our comments made then have been addressed in this version of the plan.”*
31. The Coal Authority, Highways England, Severn Trent Water, and Natural England confirm they have no specific comments on the Neighbourhood Plan. Sport England, National Grid, and Network Rail have submitted generic statements relating to neighbourhood plan preparation with no comment on any specific part of the Neighbourhood Plan. The Inland Waterways Association (Warwickshire) states support for *“robust and well-designed neighbourhood plans, particularly when they offer protection to the important and beautiful leisure facility, the adjacent Stratford Canal.”* This representation states support for all 18 Policies of the Neighbourhood Plan but includes no comments expanding upon that support. These representations do not necessitate any modification of the Plan to meet the Basic Conditions.
32. Six individuals have objected to the community aspiration relating to installation of lighting at the Tennis Club. Later in my report I explain the community aspirations are not a matter for my consideration. One of the individuals has suggested corrections to the Neighbourhood Plan which I refer to in the Annex to my report. This representation also includes questions which it is not within my role to answer however I have drawn these questions to the attention of the Parish and District Councils in the Annex to my report. Representations from three other individuals state support for many of the policies of the

Neighbourhood Plan. Where individuals object to specific policies I refer to those comments when considering the relevant policies later in my report. One representation suggests additional matters that could be included in the Neighbourhood plan but that is not a matter for my consideration.

33. Warwickshire County Council make a general comment relating to public health matters that does not necessitate any modification of the Neighbourhood Plan. The County Council also suggest adjustment of general text is appropriate in respect of transport matters. I refer to these comments in the Annex to my report. I refer to those representations of the County Council regarding flood risk matters that relate to specific policies of the Neighbourhood Plan when considering those policies later in my report.
34. A representation by Gladman Developments Ltd refers to elements of the Framework and the Guidance and to the strategic planning context for the Neighbourhood Area. The representation includes "*Gladman is concerned that the plan in its current form does not comply with basic condition (a). The plan does not conform to national policy and guidance*". I refer to this representation when considering Policy H1 and Policy NE2, and where other elements of the representation are relevant to other policies or my report in general, I have taken them into account when considering those other policies and in preparing other parts of my report.
35. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. I placed no obligation on the Parish Council to offer any comments but such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. On 23 April 2019 the Parish Council responded to the opportunity to comment by setting out a statement in respect of the Regulation 16 representations. I have taken the Parish Council response into account in preparing my report. I advised the District Council that the Regulation 16 representations and the Parish Council response should be posted on their website.
36. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a Consultation Statement means a document which:
 - a) contains details of the persons and bodies who were consulted

- about the proposed neighbourhood development plan;
- b) explains how they were consulted;
- c) summarises the main issues and concerns raised by the persons consulted; and
- d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.²¹

37. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. It is evident the Neighbourhood Plan Working Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

38. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all of these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

39. The Basic Conditions Statement states “*The CNP has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.*” I have considered the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and

²¹ Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

Article 1 of the first Protocol (property).²² I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. Whilst there is no indication an Equality Impact Assessment has been undertaken in respect of the Neighbourhood Plan, from my own examination the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.

40. The objective of EU Directive 2001/42²³ is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”* The Neighbourhood Plan falls within the definition of ‘plans and programmes’²⁴ as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²⁵
41. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to Stratford-on-Avon District Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
42. The Strategic Environmental Assessment Screening Document November 2017 states *“This screening report has explored the potential effects of the proposed Claverdon NDP with a view to determining whether an environmental assessment is required under the SEA Directive. In accordance with topics cited in Annex 1(f) of the SEA directive, significant effects on the environment are considered unlikely to occur as a result of the NDP. It is recommended that the Claverdon Neighbourhood Plan should not be screened into the SEA process.”* The Screening Report includes copies of statutory consultation responses from the Environment Agency, Historic England, and Natural England each agreeing with the conclusion reached. The District Council subsequently issued an email dated 15 November 2017 confirming the determination that a Strategic

²² The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

²³ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

²⁴ Defined in Article 2(a) of Directive 2001/42

²⁵ Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

Environmental Assessment (SEA) is not required in respect of the Neighbourhood Plan. I am satisfied the requirements regarding Strategic Environmental Assessment have been met.

43. The Strategic Environmental Assessment Screening Document November 2017 also relates to Habitats Regulations Assessment and states *“The nearest Natura 2000 sites to the Parish are located over 45km away. A likely significant effect of the NDP on any Natura 2000 site can therefore be objectively ruled out at this stage”*. The Screening Document includes a copy of a statutory consultation response from Natural England which states *“Natural England notes the screening process applied to this Neighbourhood plan. We agree with the Council’s conclusion of no likely significant effect upon the named European designated sites:*
- *Ensor’s Pool Special Area of Conservation located approximately 29k away*
 - *Bredon Hill Special Area of Conservation located approximately 32k away*
 - *Fens Pools Special Area of Conservation located approximately 36k away”*.
44. The Screening Document had been prepared prior to the EU Court of Justice ruling in *People Over Wind and Sweetman v Coillte Teoranta*. (Judgement of the Court Seventh Chamber 12 April 2018). The Screening Document had also not taken account of the Court of Justice (Second Chamber) judgement of 25 July 2018 *Grace, Sweetman, and National Planning Appeals Board Ireland* (ECLI:EU:C2019:593). The second Judgement relates to how the conclusions of the Appropriate Assessment should be interpreted which in turn determines whether Article 6(3) or Article 6(4) of the Directive applies. The trigger point for the Judgement to apply is once the Screening Stage has concluded that Appropriate Assessment of a plan or project is required. Where an HRA Screening concludes that Appropriate Assessment of a Neighbourhood Plan is not required this second Judgement is not applicable. I have earlier in my report referred to the replacement on 28 December 2018 of the Basic Condition relating to Habitats that had previously been in place throughout the period of preparation of the Neighbourhood Plan. The District Council has sent me a document dated 25 January 2019 which confirms *“The following recent/ current HRA Screening’s carried out by Lepus Consulting within the Stratford-on-Avon District are compliant with ‘The Conservation of Habitats and Species Regulations 2017’ as*

well as 'The Conservation of Habitats and Species and Planning (Various Amendments) England and Wales) Regulations 2018'.

45. As the final basic condition, on 28 December 2018, replaced a different basic condition that had previously been in place throughout the period of preparation of the Neighbourhood Plan I asked the District Council, following consultation with Natural England, to confirm the Neighbourhood Plan meets the new basic condition. On 7 May 2019 the District Council sent me a copy of an email received that same day from Natural England which stated *"I can confirm that the recent changes to the HRA Regulations process would not change our response to the original consultation on the SEA Screening. The recent changes to the HRA process would imply that if there is a pathway for the impacts on the European designation from a plan or project the likely significant effect cannot be ruled out at the screening stage of the HRA process. Plans and projects than should proceed to the HRA Appropriate Assessment stage where potential impacts and mitigation can be considered. In a case of Claverdon NDP the closest European designated sites are located approx.: 29k – Ensor's Pool SAC, 32K - Bredon Hill SAC and 36K - Fens Pools SAC. Our guidance on screening distances for potential impacts on European designations is 10k so it is safe to assume the existence of potential pathways for impacts is unlikely"*. I am satisfied with this response and the subsequent confirmation by the District Council that the Neighbourhood Plan meets the revised Basic Condition. I conclude the Neighbourhood Plan meets the requirements of the revised Basic Condition relating to Habitats Regulations.
46. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.
47. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
48. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The District

Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU obligations:

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).²⁶

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

49. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans²⁷ which requires plans to be “*consistent with national policy*”.

50. Lord Goldsmith has provided guidance²⁸ that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”

51. The Basic Conditions Statement includes in paragraph 2.9 a series of tables which summarise how Neighbourhood Plan policies contribute to the sustainability objectives of the Framework and the table in paragraph 2.10 provides a matrix of the Neighbourhood Plan policies against the relevant paragraphs of the Framework. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.

²⁶ Planning Practice Guidance paragraph 080 Reference ID: 41-080-20150209

²⁷ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the National Planning Policy Framework 2012

²⁸ The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the House of Lords Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

52. The most recent National Planning Policy Framework published on 19 February 2019 sets out the government’s planning policies for England and how these are expected to be applied. This most recent Framework supersedes the previous version of the National Planning Policy Framework published in July 2018, which in turn superseded the first National Planning Policy Framework published in March 2012. Paragraph 214 of the most recent Framework states *“The policies in the previous Framework published in March 2012 will apply for the purpose of examining plans, where those plans are submitted²⁹ on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.”* As the Neighbourhood Plan was submitted to the District Council on 18 January 2019, I have undertaken this Independent Examination of the Neighbourhood Plan in the context of the Framework published in March 2012.
53. The Neighbourhood Plan includes a positive vision for Claverdon Parish that includes economic dimensions (*“vibrant”* and *“expand”*) and social components (*“quality of life”*) whilst also referring to environmental considerations (*“distinctive character”*). The vision is supported by a community aspiration with 15 topic components and is underpinned by five strategic objectives relating to: housing; economy and infrastructure; natural environment; built environment; and community, sports and leisure. The strategic objectives of the Neighbourhood Plan provide a framework for the policies that have been developed.
54. Appendix 2 of the Neighbourhood Plan identifies *“community aspirations”* that have not or cannot be addressed through the planning policies of the Neighbourhood Plan. The Neighbourhood Plan preparation process is a convenient mechanism to surface and test local opinion on matters considered important in the local community. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight of. The Guidance states, *“Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver*

²⁹ Footnote 69 of the most recent Framework states that *“for neighbourhood plans, ‘submission’ in this context means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.”*

these improvements.” The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning is consistent with this guidance and represents good practice. The Guidance states, *“Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”* I am satisfied the approach adopted in the Neighbourhood Plan presenting the *“community aspirations”* in Appendix 2 adequately differentiates the community aspirations from the policies of the Plan and has sufficient regard for the Guidance.

55. A number of representations from individuals refer to one of the community aspirations relating to installation of lighting at the tennis club. I have noted in commenting on these representations the Parish council has stated *“the long-term future of the Club is threatened by the lack of any lighting. It has been agreed that the Aspiration can be removed as any lighting at the Tennis Courts will require a planning application and the LPA will decide based upon the details submitted and consultees responses. The Parish Council’s desire to sustain the Tennis Club is to try to ensure that the Village has local sports facilities for all ages and to enable social interaction.”* I have noted the intention of the Parish Council to remove the aspiration relating to lighting at the Tennis Courts and have no objection in that this is not a matter for my consideration. I have explained my role is to assess whether the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified.

56. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to *‘have regard to’* national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition *“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”*

57. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread

running through both plan-making and decision-taking.³⁰ The Guidance states, “*This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions*”³¹.

58. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

59. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Basic Conditions Statement includes in Section 3 a statement demonstrating how the policies of the Neighbourhood Plan simultaneously contribute to the social, economic and environmental dimensions of sustainable development. The appraisal does not highlight any negative impacts.

60. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate quality; will serve economic needs; will protect and enhance social facilities; and will protect important environmental features. In particular, I consider the Neighbourhood Plan seeks to:

- Establish a development strategy for housing;
- Establish conditional support for affordable housing provision;

³⁰ Paragraph 14 National Planning Policy Framework 2012

³¹ Planning Practice Guidance (Ref ID:41-072-20140306)

- Establish support subject to criteria for redevelopment of brownfield land to create new housing;
- Establish criteria for assessment of proposals for development of garden land within the defined Village Boundary;
- Support new employment opportunities and protect existing employment sites other than in stated circumstances;
- Provide for, and conditionally support, home-based working;
- Provide for high speed broadband, and conditionally support new or enhanced telecommunications;
- Protect valued landscapes;
- Guard against flooding and provide for drainage;
- Conditionally support renewable energy production;
- Designate Local Green Spaces;
- Conserve the natural environment;
- Establish principles for good design;
- Protect and enhance heritage assets;
- Conditionally guard against loss of community facilities; and
- Protect and enhance existing sports and leisure facilities and conditionally support new provision.

61. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

62. The Framework states that the ambition of a neighbourhood plan should “*support the strategic development needs set out in Local Plans*”.³² “*Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them.*”

³² Paragraph 16 National Planning Policy Framework 2012

*Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies”.*³³

63. The Guidance states, *“A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.”*³⁴
64. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The District Council has informed me that the Development Plan applying in the Claverdon Neighbourhood Area and relevant to the Neighbourhood Plan is the Stratford-on-Avon District Core Strategy 2011-2031 adopted July 2016. Whilst the saved policies associated with the Minerals Local Plan and the Warwickshire Waste Core Strategy also comprise part of the Development Plan those policies do not appear to be relevant to the Neighbourhood Plan. The District Council has confirmed that all of the policies of the Core Strategy are regarded by the Local Planning Authority as strategic policies for the purposes of neighbourhood planning.
65. The District Council is working to prepare a Site Allocations Plan that will form part of the Development Plan alongside the Core Strategy. This work has proceeded to the stage where consultation took place in Spring 2018 and a Further Focused Consultation closed on 18 March 2019. The representation of Gladman Development Ltd includes the statement *“it is therefore important that the CNP provides flexibility to ensure that the policies contained in the CNP are not overridden upon the adoption of any future component of the development plan”*.
66. The Neighbourhood Plan can proceed ahead of preparation of the Site Allocations Plan. The Guidance states: *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning*

³³ Paragraph 184 National Planning Policy Framework 2012

³⁴ Planning Practice Guidance Paragraph 077 Reference ID: 41-077-20140306

and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- *the emerging neighbourhood plan*
- *the emerging Local Plan*
- *the adopted development plan*

with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”³⁵

67. I am mindful of the fact that should there ultimately be any conflict between the Neighbourhood Plan, and the emerging Site Allocations Plan when it is adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan; however, the Guidance is clear in that potential conflicts should be minimised.

68. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging Site Allocations Plan is not part of the Development Plan and this requirement does not apply in respect of

³⁵ Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20160211

that. Emerging planning policy is subject to change as plan preparation work proceeds. The Guidance states *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan”*. In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole.

69. In considering a now-repealed provision that *“a local plan shall be in general conformity with the structure plan”* the Court of Appeal stated *“the adjective ‘general’ is there to introduce a degree of flexibility.”*³⁶ The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

70. The Guidance states, *“When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”*³⁷

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

71. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

³⁶ *Persimmon Homes v. Stevenage BC* the Court of Appeal [2006] 1 P &CR 31

³⁷ Planning Practice Guidance (ID ref: 41-074 201 40306)

has been addressed through examination of the plan as a whole and each of the plan policies below. This consideration has been informed by Section 4 of the Basic Conditions Statement which includes a table that indicates the relationship between the Neighbourhood Plan policies and the Core Strategy policies. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan Policies

72. The Neighbourhood Plan includes 18 policies as follows:

Policy H1 Development Strategy

Policy H2 Meeting Local Housing Needs

Policy H3 Use of Brownfield Land

Policy H4 Use of Garden Land

Policy E1 Protecting and Enhancing Existing Employment Sites

Policy E2 Promoting New Employment Opportunities

Policy E3 Encouraging Home Based Working

Policy E4 High Speed Broadband

Policy E5 Telecommunications

Policy NE1 Valued landscapes

Policy NE2 Flooding and Drainage

Policy NE3 Renewable Energy

Policy NE4 Designated Local Green Space

Policy NE5 Conserving the Natural Environment

Policy BE1 Principles of Good Design

Policy BE2 Heritage Assets

Policy CSL1 Community Facilities

Policy CSL2 Sports and Leisure Facilities

73. The Framework states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.” “Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*³⁸
74. The Guidance states *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*³⁹
75. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*⁴⁰
76. *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”*⁴¹
77. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the determination of planning applications and appeals, I have examined

³⁸ Paragraphs 184 and 185 National Planning Policy Framework 2012

³⁹ Planning Practice Guidance Paragraph 041 Reference ID: 41-041-20140306

⁴⁰ Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211

⁴¹ Planning Practice Guidance Paragraph 004 Reference ID: 41-004-20140306

each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

Policy H1 Development Strategy

78. This policy seeks to establish a Village Boundary, identified on Figure 2, within which new housing development will be supported in principle. The policy also seeks to limit new housing outside the Village Boundary to specified types.
79. In representations two individuals state Claverdon should remain broadly the same size as it is currently, and another individual states Claverdon village does not have the facilities to expand.
80. A representation by Gladman Developments Ltd states *“Policy H1 identifies a Village Boundary for Claverdon and states that land outside of this defined area, will be treated as open countryside and Green Belt, where development will be carefully controlled. Gladman object to the use of settlement boundaries if these preclude otherwise sustainable development from coming forward. The Framework is clear that sustainable development should proceed. Use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework and is contrary to basic condition (a). As currently drafted, this is considered to be an overly restrictive approach and provides no flexibility to reflect the circumstances upon which the CNP is being prepared. Greater flexibility is required in this policy and Gladman suggest that additional sites adjacent to the settlement boundary should be considered as appropriate.”*
81. In a representation the District Council states *“Suggest adding the following text to the end of the first paragraph of the policy: ‘CS.10 of the Core Strategy and section 13 of the NPPF’. The built-up area of Claverdon is washed over by Green Belt as well as the rest of the Parish so reference to the Green Belt in second paragraph is unnecessary. The Reg.14 version NDP had a paragraph [4.12] that outlined how the proposed settlement boundary for the village of Claverdon has been conceived. This has now been deleted from the Reg.16 version Plan, which means there is no reasoning or explanation as to the existence or current alignment of the settlement boundary. The District Council raised concerns via the Reg.14 consultation over issues of inconsistency when the PC were considering what land uses should be included within or remain*

outside the proposed settlement boundary. Many of the District Council's comments have been accepted and the boundary appears much more 'defendable' as a concept since it is more consistent in its interpretation. However, one or two anomalies remain, particularly given there is no explanatory text on the matter of interpretation. In the Reg.14 version Figure 2 the large residential garden associated with the most southerly dwelling known as 'Beechwood Ridge' had not been included within the boundary which was inconsistent with all other gardens in the village. To overcome including what is perceived as a 'large garden' within the boundary, the entire property has now been removed which means it is the only dwelling in the village which has a shared boundary with another residential property to be located outside the settlement boundary. It is not clear how this has been/can be justified. Additionally, part of a garden associated with a dwelling off Henley Road has also been left outside the settlement boundary for no obvious reason. These anomalies should be rectified and explanatory text should be re-instated to confirm how the alignment of the settlement boundary has been settled upon. The property 'Beechwood Ridge' has been excluded in its entirety, as has part of a residential garden associated with a dwelling off Henley Road. It is suggested these two properties are included within the proposed settlement boundary, in their entirety, for consistency of approach."

82. A Village Boundary is used in the Neighbourhood Plan as a policy tool to define where plan policies are to apply, and in particular where new housing development proposals will normally be supported through Policy H1, and where support is limited to dwellings of specified types through Policy H2. Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions in so far as it will not promote less development than set out in the Local Plan, as required by paragraph 184 of the Framework.
83. Claverdon is a settlement that is washed over by Green Belt. Core Strategy Policy CS.10 states limited infilling in Local Service Villages identified in accordance with Policy CS.16 is not inappropriate in principle in the Green Belt. It is appropriate Policy H1 refers to Core Strategy Policy CS10 and Green Belt Policy. Claverdon is identified as a Category 3 Local Service Village in the Core Strategy. Policy CS.16 states approximately 450 homes in total will be built in the Category 3 villages of which no more than around 13% (59 homes) should be provided in any individual settlement. Paragraph 5.1.11 of the Core Strategy states *"The scope for individual villages to accommodate*

development, and the assessment of specific sites for their suitability for development, will take into account the presence of environmental designations, such as the Cotswolds AONB, Special Landscape Areas and Conservation Areas. Within the Green Belt development will reflect the provisions of Policy CS.10, the National Planning Policy Framework and the Planning Practice Guidance”.

84. I have earlier in my report noted the District Council is preparing a Site Allocations Plan that will form part of the Development Plan. The District Council website states *“Our original intention was that the SAP would identify additional sites for housing development to supplement the strategic sites identified in the Core Strategy. However, sufficient housing provision has been made in the Core Strategy and through planning permissions to meet the housing requirement identified for the current plan period to 2031. The focus of the SAP will now be on the identification of ‘reserve sites’ in accordance with Policy CS.16 in the Core Strategy. Such sites will only be released selectively if one or more of the circumstances identified in Part D of that policy apply. The SAP will also cover a number of other matters, including the definition of built-up area boundaries for a wide range of settlements and the identification of sites for Self-Build housing schemes.”*
85. The Neighbourhood Plan states *“At the time of writing there are commitments for 25 new homes since 2011 some of which have been completed.”* The table in paragraph 4.2 identifies the sites concerned. The contribution arising from these sites amounts to a significant boost to the supply of housing. Whilst no total figure can be assumed there is undoubtedly potential for a number of additional dwellings to be provided on infill plots or through the redevelopment of sites within the Village Boundary defined on Figure 2 of the Neighbourhood Plan. The Neighbourhood Plan places no cap or limit on the number of homes that can be provided within the Village Boundary. Policy H2 supports affordable housing provision outside the Village Boundary. Whilst Policy H2 is limited to small sites the policy does not place any cap or limit on the number of homes that can be provided in accordance with that policy. I conclude Policy H1 will not lead to the Neighbourhood Plan promoting less development than set out in the Local Plan, as required by paragraph 184 of the Framework.
86. Paragraphs 89 and 90 of the Framework set out exceptions where new buildings or other forms of development may be appropriate in Green Belt. Policy H1 refers to re-use of appropriate buildings; replacement dwellings; and limited affordable housing schemes. Paragraph 55 of the Framework states *“Local planning authorities*

should avoid new isolated homes in the countryside unless there are special circumstances such as: • *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or* • *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or* • *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or* • *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:* – *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; – reflect the highest standards in architecture; – significantly enhance its immediate setting; and – be sensitive to the defining characteristics of the local area.”* Policy H1 does not reflect the national Green Belt policy requirement relating to limited infilling in villages nor does the policy refer to all of the special circumstances that would justify support of a proposal for an isolated home outside the Village Boundary. I have recommended a modification so that the policy has sufficient regard for national policy in these respects.

87. It is unnecessary and confusing for one policy to state “*in principle subject to compliance with the other policies in this Plan*” as the Neighbourhood Plan should be read as a whole. Special circumstances where new dwellings outside the Village Boundary would be supported, specified in Policy H1, would have to be balanced with considerations identified in other policies of the Neighbourhood Plan, including Policy NE1 relating to Valued Landscapes. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

88. I now consider issues relating to the precise alignment of the Village Boundary. The Regulation 14 version of the Neighbourhood Plan stated at paragraph 4.12 “*The Village Boundary has been carefully conceived to ensure that an appropriate and reasonable approach which accurately captures the built form of the village is defined. The boundary does not always follow existing site boundaries such as large residential gardens in the interests of preserving the open and rural setting of the village and the Green Belt.*” I have recommended a modification to reinstate text of this nature so that the alignment of the Village Boundary is explained within the Plan document.

89. The District Council representation proposes the Village Boundary should include an additional residential property (Beechwood Ridge) and the part of a domestic garden currently shown outside the Village Boundary in another location off Henley Road. The Parish Council do not support the amendment regarding Beechwood Ridge and has stated *“the guidance of the Village Boundary not splitting properties has been followed”* and in respect of part of a garden being left outside the boundary has stated exact details would be required. In response to my request for clarification on this latter point the District Council, on 30 April 2019, has provided details of a planning approval and an interpretation of the re-aligned Built Up Area Boundary. The Parish Council has subsequently confirmed it does want the area designated as garden and belonging to Crown Farm to be included in the Village Boundary. I am able to recommend modifications of the Neighbourhood Plan to correct identified errors including those arising from updates. I have recommended a modification on this basis such that the Village Boundary is adjusted to include the residential curtilage associated with Crown Farmhouse approved in respect of planning application reference 13/02493/FUL.
90. A Village Boundary can represent the dividing line between built areas and open countryside, and can follow clearly defined features such as walls, hedgerows or water courses. Extant planning permissions and allocations can be included within the Village Boundary. The definition of the boundary however does not have to relate to some observable land use difference or dividing feature. A Village Boundary does not have to include the full extent of a settlement, and Village Boundaries do not have to reflect land ownership boundaries or the precise curtilages of properties. Village Boundaries can be used to identify the limits to future development of a settlement. One approach is to exclude curtilages of properties which have the capacity to extend the built form of a settlement in areas where this is not considered desirable. Such areas could include whole properties or parts of large residential gardens.
91. The Village Boundary proposed has been subject to community engagement and consultation during the plan preparation process. Whilst consideration has been given to the character of the settlement and its development form, the Village Boundary does not define the built-up area of Claverdon. I am satisfied the Village Boundary indicates a physical limit to development over the plan period and will guide development to sustainable solutions. It is beyond my role to

consider whether any alternative alignment of the Village Boundary would offer a more sustainable solution.

92. The title of Policy H1 is misleading and should be changed to reflect the policy content which relates to new housing development. I have recommended a modification in this respect.
93. The policy is in general conformity with the strategic policies included in the Stratford-on-Avon District Core Strategy 2011-2031 adopted July 2016 applying in the Claverdon Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
94. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with supporting a prosperous rural economy; promoting sustainable transport; delivering a wide choice of high-quality homes; enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 1:

Replace Policy H1 with “Limited infill housing development will be supported within the Village Boundary defined on Figure 2 subject to Core Strategy Policy CS10 and Green Belt Policy. Proposals for new housing will not be supported outside the Village Boundary except development in accordance with Policy H2; or under the special circumstances set out in Paragraph 55 of the National Planning Policy Framework (2012), and subject to Green Belt policy.”

Change the Policy Title to “Housing Development Strategy”.

Adjust the Village Boundary to include the residential curtilage associated with Crown Farmhouse approved in respect of planning application reference 13/02493/FUL.

Include text within the “Explanation” that follows the Policy so that the alignment of the Village Boundary is explained.

Policy H2 Meeting Local Housing Need

95. This policy seeks to establish conditional support for affordable housing development on small sites beyond, but reasonably adjacent to, the Village Boundary and includes provision relating to cross-subsidy from market housing.
96. A representation questions *“whether existing affordable housing provision at Morgan Close & Brick Kiln Close within the parish safeguarded for people identified by the 2017 Housing Needs Survey.”* This is not a matter for my consideration. The representation also asks *“Do current residents satisfy the criteria on Page 11, 4.14?”*. I note the definition of local connection includes a person who has lived in the Parish for a minimum of 6 months. Another representation includes *“Claverdon is not suitable for significant affordable housing due to the limited public transport, shops and employment opportunities”* and *“Affordable housing should be very limited as the retail outlet (village shop), costly domestic fuel (bottled gas, electricity or oil) and lack of regular public transport make the village unsuitable for residents living on a very limited income.”*
97. In a representation the District Council states *“The inclusion of this Policy is welcomed in principle, since this is the only way in which new affordable housing is likely to be developed. However, having regard to the advice at para. 77 of the NPPF (July 2018), certain changes should be made to the wording of the Policy to bring it into closer alignment with Core Strategy Policies CS.15 (G), CS.10 (criterion a) and AS.10 (criterion (a)). The policy would appear to go beyond the intent of these policies in allowing an element of housing over and above that required purely to meet identified local needs. It is noted that the Policy only applies to development beyond, but reasonably adjacent to, the defined Village Boundary of Claverdon. This would have the effect of excluding schemes on the edge of, say, that part of Norton Lindsey within the parish of Claverdon where rural housing schemes have successfully been developed in the past. If the local community specifically wish to exclude this possibility then this decision would be respected, but it would be useful for this to be explicitly noted. The Parish Council has commented “It is likely within the life of the Neighbourhood Plan that a location such as Norton Lindsey would be considered for a rural/ affordable housing scheme and therefore the point raised is a good one”.* I have recommended a modification in this respect.

98. The District Council representation also states *“Final paragraph - It would normally be anticipated that any financial appraisal would be prepared by a scheme promoter (not necessarily a land owner), discussed and agreed with the Parish Council beforehand, and then submitted to the District Council for independent review. It is recommended consideration be given to the following revised wording for the first part of the policy in order to ensure correct terminology is used for community-led housing schemes: ‘Small-scale community-led housing schemes on sites beyond, but reasonably adjacent to, the defined Village Boundary of Claverdon will be supported where all the following criteria are satisfied:*

- *There is a proven and as yet unmet housing need, having regard to an up-to-date Housing Needs Survey.*
- *The content of the scheme, in terms of the type, size and tenure of homes proposed, and their accessibility, reasonably reflect the identified local need.*
- *Appropriate arrangements will be put in place via a planning obligation to secure delivery of the scheme and regulate its future occupancy to ensure the continued availability of the housing to meet the needs of local people.”*

99. It is important that consistent terminology is utilised across the Development Plan documents in order to achieve clarity for Plan users. Requirements should fall to the promoter of a scheme not to a landowner. The requirement that *“no other suitable and available sites exist within the Village Boundary”* is not in general conformity with strategic policy CS.18 and does not have sufficient regard for national policy set out in paragraph 54 of the Framework which states *“In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.”* I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

100. As recommended to be modified the policy is in general conformity with the strategic policies included in the Stratford-on-Avon District Core Strategy 2011-2031 adopted July 2016 applying in the

Claverdon Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

101. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. As recommended to be modified the policy has regard to the components of the Framework concerned with delivering a wide choice of high-quality homes. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 2:
In Policy H2**

- **replace the first paragraph with “Small-scale community-led housing schemes on sites beyond, but reasonably adjacent to, the defined Village Boundary of Claverdon or the part of the built-up area of Norton Lindsey within the Neighbourhood Area, will be supported where all the following criteria are satisfied:**
 - **there is a proven and as yet unmet housing need, having regard to an up-to-date Housing Needs Survey.**
 - **the content of the scheme, in terms of the type, size and tenure of homes proposed, and their accessibility, reasonably reflect the identified local need.**
 - **appropriate arrangements will be put in place via a planning obligation to secure delivery of the scheme and regulate its future occupancy to ensure the continued availability of the housing to meet the needs of local people.”**
- **in the second paragraph delete “land owners” and insert “proposers of schemes”**

Policy H3 Use of Brownfield Land

102. This policy seeks to establish conditional support for redevelopment of brownfield land to create new housing.

103. In a representation Warwickshire County Council states “*You could add to your objective a specific point about new developments needing to consider their flood risk and sustainable drainage systems when building on brownfield sites.*” In a representation the District Council states “*Criterion e) it is suggested adding ‘or features’ after ‘land’ in order to cover ecology, etc.*” There is no requirement for a Neighbourhood Plan policy to include provisions as suggested in order to meet the Basic Conditions. It is beyond my remit to recommend modification so that the policy addresses additional issues.
104. The Framework states “*Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land) provided it is not of high environmental value.*”
105. The policy is in general conformity with the strategic policies included in the Stratford-on-Avon District Core Strategy 2011-2031 adopted July 2016 applying in the Claverdon Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
106. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. This policy meets the Basic Conditions.

Policy H4 Use of Garden Land

107. This policy seeks to establish conditional support for development on garden land within the defined Village Boundary.
108. In a representation Warwickshire County Council states “*When building on garden land, the use of sustainable drainage systems should be considered in order to reduce flood risk*”. There is no requirement for a Neighbourhood Plan policy to include provisions as suggested in order to meet the Basic Conditions. It is beyond my remit to recommend modification so that the policy addresses additional issues.
109. The terms “*of the area*” and “*satisfactory*” are imprecise. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning

applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

110. The policy is in general conformity with the strategic policies included in the Stratford-on-Avon District Core Strategy 2011-2031 adopted July 2016 applying in the Claverdon Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

111. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with delivering a wide choice of high-quality homes; requiring good design; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 3:

In Policy H4

- **delete “the area” and insert “its surroundings”**
- **delete “satisfactory” and insert “safe”**
- **delete “parking” and insert “will not result in additional on-road parking”**

Policy E1 Protecting and Enhancing Existing Employment Sites

112. This policy seeks to establish that proposals for change of use or redevelopment of land or premises in employment use will only be supported where stated criteria are met.

113. In a representation an individual has stated any expansion should be in keeping with the surrounding environment. It is beyond my remit to recommend modification so that the policy addresses additional issues. The District Council states *“Criterion e) covers a different issue to the other points covered by this policy and should be a separate paragraph at the end of the policy; criterion f) repeats the first part of criterion b); within criterion f), suggest the wording from “Planning applications for...” should also be a separate paragraph within the policy.*

114. It is normally unnecessary to state *“providing there is no conflict with other policies in this Plan”* as all of the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a smaller area is specified. In this instance use of this term does

provide a convenient mechanism to avoid extensive repetition and assists efficiency in decision making. Criterion e) is however unrelated to the introductory part of the policy. The first sentence of part f) duplicates part b). I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

115. The policy is in general conformity with the strategic policies included in the Stratford-on-Avon District Core Strategy 2011-2031 adopted July 2016 applying in the Claverdon Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

116. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with building a strong, competitive economy, and supporting a prosperous rural economy. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 4:

In Policy E1

- **in part d) replace “; or” with a full stop**
- **convert part e) to a free-standing paragraph and replace “; and” with a full stop**
- **convert part f) to a free-standing paragraph and delete the first sentence**

Policy E2 Promoting New Employment Opportunities

117. This policy seeks to establish conditional support for new employment opportunities.

118. In a representation the District Council states *“It is not clear where this policy would apply, given that new employment buildings are not listed within paragraph 89 of the NPPF as ‘appropriate’ forms of development in the Green Belt.* The unconditional encouragement of new employment sites in the first paragraph of the policy does not have regard for national policy. Several types of development referred to in paragraph 89 of the Framework could facilitate employment opportunities. Others forms of development other than the construction

of new buildings may also be appropriate. I have recommended a modification in this respect so that the policy has regard for national policy.

119. The term “*encouraged*” does not provide a basis for the determination of planning applications. The term “*unacceptable*” is imprecise. It is unnecessary and confusing to state “*consistent with other policies in this Plan*” and “*within the Neighbourhood Area*” as all of the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a smaller area is specified. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. The Framework states “*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*” I have recommended a modification in this respect so that the policy has regard for national policy.

120. The policy is in general conformity with the strategic policies included in the Stratford-on-Avon District Core Strategy 2011-2031 adopted July 2016 applying in the Claverdon Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

121. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with building a strong, competitive economy; supporting a prosperous rural economy; promoting sustainable transport; requiring good design; protecting green belt land; and conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 5:

In Policy E2

- **delete the first paragraph**
- **delete “encouraged within the Neighbourhood Area” and insert “supported”**
- **delete “have an unacceptable impact due to increased traffic generation” and insert “result in severe traffic impacts”**

- in part d) before “Do not” insert “Are consistent with national Green Belt policy and”

Policy E3 Encouraging Home Based Working

122. This policy seeks to establish encouragement of new dwellings suitable for home-working and establish conditional support for small scale live-work developments.
123. The representation of an individual states any building work should be discreet; not affect local wildlife; and blend in with the local environment. It is beyond my remit to recommend modification so that the policy addresses additional issues.
124. In a representation the District Council states *“It is unclear whether live-work units are unacceptable outside the Village Boundary. Policy CS.22 (8th para) in the Core Strategy states that this is the case. It is important that the NDP confirms this or justifies a different approach.* Policies H1 and H2 do not provide for the development of live-work units outside the Village Boundary and no justification is provided for such development. In response to my request for clarification the Parish Council has confirmed *“The live-work units’ details under Policy E3 should align with the Core Strategy and promote only sites within the Village Boundary.”* I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework and is in general conformity with strategic policy.
125. The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: *“From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.* I have recommended a modification in this respect so that the policy has sufficient regard for national policy.
126. The first part of the policy is without consequence and the term *“encouraged”* does not provide a basis for the determination of planning applications. It is unnecessary and confusing for one policy

to repeat part of another policy. The terms “*suitable*”; “*appropriate level*”; “*operations*” and “*reasonably accessible locations*” are imprecise. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

127. The policy is in general conformity with the strategic policies included in the Stratford-on-Avon District Core Strategy 2011-2031 adopted July 2016 applying in the Claverdon Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

128. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with building a strong, competitive economy; supporting a prosperous rural economy; promoting sustainable transport; supporting high quality communications infrastructure; delivering a wide choice of high-quality homes; and requiring good design; Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 6:

In Policy E3

- **replace the first paragraph with “Proposals for new dwellings that provide space to support home-working, with flexible space adaptable to a home office will be supported.”**
- **after “conversion)” insert “within the Village Boundary defined on Figure 2”**
- **delete “suitable”**
- **replace part b) with “No on-road parking requirement will be generated;”**
- **delete “Operations” and insert “Work”**
- **delete part d)**

Policy E4 High Speed Broadband

129. This policy seeks to establish an expectation that all new residential and commercial development will include the necessary infrastructure to allow future connectivity to high speed broadband.

130. The term “*will be expected to*” does not provide a basis for the determination of planning applications. It is necessary to recognise the need for attention to viability and deliverability as required by paragraph 173 of the Framework. It is unnecessary and confusing for one policy to specify “*within the Neighbourhood Area*” as all policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a smaller area is specified. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

131. The policy is in general conformity with the strategic policies included in the Stratford-on-Avon District Core Strategy 2011-2031 adopted July 2016 applying in the Claverdon Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

132. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with supporting high quality communications infrastructure. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 7:

In Policy E4 delete “within the Neighbourhood Area will be expected to” and insert “must, subject to viability considerations,”

Policy E5 Telecommunications

133. This policy seeks to establish conditional support for new or enhanced telecommunications development.

134. In a representation the District Council states “*Criterion d) does not flow from introductory sentence “New or enhanced telecommunications development will be supported subject to the following factors:” Suggest amending to “Consideration of the potential for sharing existing masts, buildings and other structures...”*. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications

can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

135. The policy is in general conformity with the strategic policies included in the Stratford-on-Avon District Core Strategy 2011-2031 adopted July 2016 applying in the Claverdon Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

136. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with supporting high quality communications infrastructure. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 8:
In Policy E5 before “The potential” insert “Consideration of”**

Policy NE1 Valued landscapes

137. This policy seeks to establish that new development must have regard to landscape character and historic landscape features and that proposals which have an adverse impact on identified valued landscapes and views will not be supported.

138. Three representations oppose possible future installation of floodlights at Claverdon Tennis Club and state this would be seen from a considerable distance and adversely impact on valued landscapes C1 and D1. It is not within my remit to recommend a modification to include additional policy matters. I have earlier in my report referred to the Parish Council intention to delete the community aspiration relating to lighting at the tennis club.

139. A representation by Gladman Developments Ltd states *“Gladman are concerned with the intention of this policy to protect numerous valued landscapes, important skylines and views in the neighbourhood area. This policy identifies 9 ‘Valued Landscapes’, where the plan makers would not support development proposals adversely affecting them. Gladman suggests that this is a subjective issue and the policy does not provide support for a decision maker to apply the policy predictably and with confidence. Having considered the Landscape Appraisal supporting this consultation we do not*

consider this evidence to be sufficient to justify the protection of the number of views identified. We consider that for a landscape to be identified for protection there should be a demonstrable physical attribute that elevates a view's importance out of the ordinary. It is not justified to seek to protect nice views of open countryside. Gladman note the key views identified cover extensive areas of the neighbourhood plan area and this could be seen to be an attempt to impose an almost blanket restriction towards development in much of the neighbourhood area. To support this policy Gladman suggest that the evidence would have to demonstrate the physical attributes of the views identified that elevate them above simply being a nice view of open countryside. An area's pleasant sense of openness to the open countryside cannot on their own amount to a landscape which should be protected."

140. In a representation the District Council states *"The first paragraph of the policy refers to 'historic landscape features', but does not explain what they are nor does it list them. Could/should they be listed and also mapped? 'Important skylines' are notoriously difficult to define and control are not included in figure 3 as stated. It is suggested the final paragraph of the policy be amended to remove "and important skylines". Views are shown in photographs on pages 19-22. The Parish Council has agreed the word "historic" and the term "important Skylines" should be removed from the policy.*

141. A requirement for proposals to positively demonstrate they will not adversely affect a valued landscape would represent an unacceptable burden and would be contrary to the 'Guidance on Information Requirements and Validation'. The policy does not include such a requirement but instead seeks to identify locations where a valued landscape will be a factor in the assessment of a proposal. In this context I am satisfied the *"valued landscapes"* are adequately identified on Figure 3 and in photographs and descriptions of visual attributes and in particular relating to direction. Sufficient detail is provided to guide the preparation and determination of development schemes. The Framework states *"The Planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes."* I am satisfied the selection of views has been adequately explained and their local significance has been tested through extensive consultation. Planning policy must operate in the public interest. I have recommended a modification to clarify vistas relate to views that can be seen from

locations to which the general public have free and unrestricted access.

142. The first part of the Policy includes the imprecise term “*must have regard to*”; is without consequence; and does not provide a basis for the determination of planning applications. The third paragraph refers to “*skylines*” but these are not referred to in the second paragraph, nor are skylines identified or defined. Whilst the descriptions of the valued landscapes in supporting text include reference to some features that are historic in nature, the term “*historic landscape features*” used in the Policy is imprecise. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

143. The policy is in general conformity with the strategic policies included in the Stratford-on-Avon District Core Strategy 2011-2031 adopted July 2016 applying in the Claverdon Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

144. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 9:

Replace Policy NE1 with “To be supported development proposals must demonstrate regard to landscape character. Proposals that will have a significant adverse impact on the valued landscapes and views identified on Figure 3, where seen from locations to which the general public have free and unrestricted access, will not be supported.”

Policy NE2 Flooding and Drainage

145. This policy seeks to establish a series of development principles relating to flooding and drainage aspects of proposals.

146. In a representation Warwickshire County Council states “*The adoption and maintenance of all drainage features is a key consideration to ensure the long-term operation and efficiency of SuDS. As part of the planning procedure the LLFA will expect to see a maintenance schedule, at detailed design stages. All SuDS features should be monitored and cleaned regularly as a matter of importance. SuDS features should be at the surface and adequate treatment of flows should be provided to ensure that final flows leaving the site do not degrade the quality of accepting water bodies. Flood attenuation areas must be located outside of flood zones and surface water outlines to ensure that the full capacity is retained. You could include a point that the Lead Local Flood Authority requires SuDS to be designed in accordance with CIRIA 753 SUDS Manual. Please be aware that 5 l/s is NOT the minimum possible discharge rate achievable. In relation to this, the requirements set out in the following documents should also be adhered to in all cases:*

The National Planning Policy Framework

Paragraphs 030 - 032 of the Planning Practice Guidance (PPG)

DEFRA’s Non-statutory technical standards for sustainable drainage.

On smaller development sites where the discharge rate is below 5 l/s, these rates are achievable through water reuse, protected orifices, and better design. Discharge rates should be set to control run off at greenfield rates for a 1% AEP (Annual Exceedance Probability) event, plus an allowance for climate change. You could refer to our standing advice.(at <https://apps.warwickshire.gov.uk/api/documents/WCCC-1039-73>)” and “The creation of new culverts should be kept to a minimum. New culverts will need consent from the LLFA and should be kept to the minimum length. Having checked our records, we have previously received between 2-4 records of flooding in Claverdon. You could include a copy of the Flood Zone maps, showing the levels of risk from all types of flooding (fluvial and pluvial) to provide supporting evidence that parts of Claverdon fall within a surface water outline and encourage development to reduce the impacts from flooding. View maps online at <https://flood-warninginformation.service.gov.uk/long-term-flood-risk/map>”.

147. In a representation the District Council states “*In the penultimate paragraph of the policy, the correct terminology and acronym is ‘Sustainable Drainage Systems’ since the word “urban” has been dropped as such systems apply equally in rural areas, too. The correct*

acronym is “SuDs”. The representation of an individual suggests reference to BS8595 Code of practice for the selection of water reuse systems, and comments on water reuse and rainwater harvesting.

148. The Policy is without consequence and the terms “*will be expected*” “*will be encouraged*” and “*where possible*” do not provide a basis for the determination of planning applications. The terms “*satisfactorily*” “*adequate*” “*unacceptable*” “*suitable*” and “*satisfactory*” are imprecise. The meaning of the final paragraph is unclear. It is necessary to recognise the need for attention to viability and deliverability as required by paragraph 173 of the Framework. General reference to entire other plans, manuals, and assessments without specifying particular elements does not provide a practical framework for decision making. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. It is beyond my remit to recommend modification so that the policy addresses additional issues or includes further references to other documents.

149. Local planning authorities may use nationally recognised optional technical standards where there is evidence to show these are required. However, Neighbourhood Plans may not be used to apply these.⁴² The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: “*From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings*”. Whilst Policy NE2 relates to all development types these include dwellings which are likely to be the most common type of development occurring in the plan area over the plan period. I have recommended parts of the policy are modified so as not to introduce technical standards or requirements relating to the construction or performance of new dwellings.

150. Policy CS2 of the Core Strategy includes provision regarding flood prevention and mitigation measures, including Sustainable Urban Drainage Systems (SUDS) and water efficiency measures as set out in

⁴² <https://www.gov.uk/guidance/housing-optional-technical-standards>

Policy CS.4 Water Environment and Flood Risk. Policy CS2 also states *“Development proposals should maximise opportunities for multiple benefits of green infrastructure as an integral part of development to mitigate and adapt to the predicted effects of climate change, through the use of a range of measures, including SUDS, green spaces, allotments, street trees, landscaping, ponds and green roofs.”* Policy CS4 of the Core Strategy sets out a comprehensive policy regime relating to the water environment and flood risk that includes provisions relating to surface water runoff and sustainable drainage systems; enhancing and protecting the water environment; and water quality. Strategic Policy CS7 includes provision relating to the role of green infrastructure in reducing the risk of flooding. Strategic Policy CS9 includes provision relating to effective water management and flood protection. It is unnecessary and confusing for Policy NE2 to duplicate strategic policy and variation of terminology from strategic policy has not been adequately justified. I have recommended a modification in this respect.

151. The policy is in general conformity with the strategic policies included in the Stratford-on-Avon District Core Strategy 2011-2031 adopted July 2016 applying in the Claverdon Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
152. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with meeting the challenge of climate change and flooding. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 10:

Replace Policy NE2 with “Development proposals will be supported where they utilise sustainable drainage systems, including those that achieve landscape or biodiversity enhancement, and demonstrate they will not result in on-site or off-site flooding. Proposals to upgrade the local drainage network will be supported.”

Policy NE3 Renewable Energy

153. This policy seeks to establish conditional support for proposals relating to renewable energy production, especially where this leads to a positive local community benefit.
154. Two individuals object to this policy one stating “*solar farms and wind turbines would have a significant detrimental visual impact on the landscape around Claverdon*”. One representation expresses support for a specific proposal. Another representation expands on the statement “*This policy is nowhere near ambitious enough.*”
155. The term “*especially when this leads to a positive local benefit to the community*” does not provide a basis for the determination of planning applications. The term “*including*” introduces uncertainty. It is unnecessary and confusing for one policy to refer in general to “*other policies in this Plan*” as all of the policies of the Neighbourhood Plan apply throughout the Neighbourhood area unless a smaller area of application is stated. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. It is beyond my remit to recommend modification so that the policy addresses additional issues to become more “*ambitious*”.
156. The policy is in general conformity with the strategic policies included in the Stratford-on-Avon District Core Strategy 2011-2031 adopted July 2016 applying in the Claverdon Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
157. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with meeting the challenge of climate change and flooding, and conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 11:
In Policy NE3 replace the text after “supported” with “where there are no significant adverse landscape or other visual impacts.”

Policy NE4 Designated Local Green Space

158. This policy seeks to establish that six named areas should each be designated as a Local Green Space. The policy also includes reference to use of Community Infrastructure Levy funds.
159. During the Regulation 16 publication period the Parish Council has identified factual errors in respect of proposed Local Green Space Site reference CLAV6 as follows: *“Under “Public Access” – the reference to a public footpath is incorrect and should read “right of way”. In “Summary and Suitability for Designation as a Local Green Space” the field has not been donated to the school. The school have been granted short term access by the Charity who own it, until May 2019. Its suitability for designation as a Local Green Space is also because there are covenants on the field to restrict its use to that of a sports field or recreation field only.”* I am able to recommend the correction of identified errors. I have recommended that these corrections are made.
160. A representation states *“Development of sports ground and recreational amenities should only take place with due regard to the nature of land and buildings. In particular developments should not proceed where there is an increase in noise, light and general disturbance to the residents and to those residents in particular who are close to the amenities. There should also be no development which would harm the wildlife and disturb the rural nature of the village. Tennis court flood lights would affect all of these areas.”* Policy NE4 does not include any reference to tennis court floodlights. It is beyond my remit to recommend the policy should include additional matters. I have earlier in my report referred to the Parish Council intention to delete the community aspiration relating to lighting at the tennis club.
161. In a representation the District Council states *“Following an evaluation of the proposed LGS designations against the criteria set out in paragraph 77 of the NPPF, the LPA remain to have concerns over site CLAV5 [site CLAV9 from the Reg.14 version] remaining in the Neighbourhood Plan, due to it not meeting the strict assessment criteria as set out in para 77 of the NPPF. This decision is explained in more detail in comments relating to Appendix 3 – LGS Assessments later in this schedule. Penultimate paragraph of the policy: It is inappropriate to mention ‘openness’ in this context as it is not one of the criteria for Local Green Space designation. Recommend first sentence of the paragraph be amended to read: “Development that*

would harm the openness or special character”. Remove site LGS 5 from the map. [see above comment].”

162. The District Council also states regarding Appendix 3 “*General comment: Whilst text within the individual assessments at Appendix 3 attempt to provide justification for designating sites as LGS, concern is raised that the assessments do not cover all aspects of the relevant paragraphs of the NPPF satisfactorily. In fact, the assessments do not make mention of the NPPF at all. The issue of whether the area is ‘local in character’ and is not an ‘extensive tract of land’ has not been covered at all, which is critical in LGS analysis. Therefore, concern is raised that ‘evidence’ as drafted in Appendix 3 is not sufficient”* and in respect of “*CLAV5 [Previously ‘CLAV9’ in Reg.14 Plan]: The site is privately owned woodland. In the opinion of officers, the site is not in reasonably close proximity of the community, the land could not be classified as ‘local’ in character and would be classified as an extensive tract of land. There are no public footpaths running through the woodland. A public footpath skirts along the south and east edges of the wood and as such, there is no ‘general’ public access to the site. Justification for the inclusion of this field relates to it being used year-round by walkers, but based on footpath maps this can’t be the case. The site itself may be of some historic significance but it is not clear how it could be classified as demonstrably special to the community in overall terms. Since LGS designation should only be used when all the assessment criteria in the NPPF are met, the conclusion is that based on the evidence submitted, this site does not meet para 77 of NPPF.”*

163. Designation of Local Green Space can only follow precise identification of the land concerned. The proposed Local Green Spaces are presented on the Policies Map on Figure 4 (with village centre enlargement) at a scale that is sufficient to identify the land proposed for Local Green Space designation. The sentence that follows the list of areas provides a partial description of the use of the areas that does not assist decision making. I have recommended this sentence is deleted.

164. The third paragraph of the policy seeks to describe the characteristics of types of development that will not be supported within a Local Green Space. I have given consideration to the possibility of the policy including a full explanation of “*very special circumstances*”. Such circumstances may be that development is proposed that would clearly enhance the Local Green Space for the purposes for which it was designated, or proposals are made for essential infrastructure that cannot be located elsewhere. I have

concluded such explanation would necessarily be incomplete and that decision makers must rely on paragraph 78 of the Framework that states “*local policy for managing development within a Local Green Space will be consistent with policy for Green Belts*” and the part of the Framework that relates to ‘Protecting Green Belt land’, in particular paragraphs 87 to 91 inclusive. The wording of the policy does not adequately reflect the terms of the designation of Local Green Spaces set out in paragraph 76 of the Framework where it is stated communities will be able to rule out development other than in very special circumstances. The Neighbourhood Plan is not able to designate Local Green Spaces on terms that are different to those set out in the Framework. I have recommended a modification in this respect.

165. The Framework states “*Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them*” and “*Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed and be capable of enduring beyond the end of the plan period.*”

166. In respect of the areas intended for designation as Local Green Space I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The intended designations, which are being made in the context of the adopted Core Strategy, have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

167. The Framework states that Local Green Space designation “*should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*

- *where the green area concerned is local in character and is not an extensive tract of land.*⁴³

168. Proposed Local Green Space CLAV5 is stated to be 6.5 hectares in area. I do not consider this to be an extensive tract of land and the proposal does not constitute blanket designation of open countryside adjacent to a settlement as referred to in the Guidance⁴⁴. The Guidance states *“The proximity of a Local Green Space to the community it serves will depend on local circumstances, including why the green area is seen as special, but it must be reasonably close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served.”* Proposed Local Green Space CLAV5 is stated to be approximately 10 minutes’ walk from the village centre. Public footpaths lead to two points on the boundary of the area proposed for designation. I consider proposed Local Green Space CLAV5 is reasonably close to the community it serves. I find that in respect of each of the other intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves, is local in character, and is not an extensive tract of land.

169. Appendix 3 sets out Local Green Space Assessments which seek to identify site characteristics and *“special qualities and local significance”*. The Assessment of proposed Local Green Space CLAV5 includes a statement that *“a public footpath runs through the wood”* and the summary and suitability for designation relies heavily on the fact a path runs through the proposed area for designation. As my inspection of the Warwickshire County Council public right of way map did not confirm this, I sought clarification from the Parish Council. In response to my request the Parish Council stated *“The narrative is incorrect and should read ‘a public footpath runs alongside the wood.’”* The Guidance is clear that land could be considered for designation of Local Green Space *“even if there is no public access (eg green areas which are valued because of their wildlife, historic significance and/or beauty). Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.”*⁴⁵ I have noted public footpaths offer views of Hanging Wood, and in two locations reach the boundary of the area proposed for designation.

⁴³ Paragraph 77 National Planning Policy Framework 2012

⁴⁴ National Planning Policy Guidance Paragraph: 015 Reference ID: 37-015-20140306

⁴⁵ National Planning Policy Guidance Paragraph: 017 Reference ID: 37-017-20140306

170. Appendix 3 provides sufficient evidence for me to conclude that each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.
171. The Guidance states “*A Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan*”.⁴⁶ The method of assessment of potential Local Green Spaces adopted has included consultation with landowners. The evidence base includes an example of a consultation letter dated October 2017 sent to a landowner in respect of one of the proposed Local Green Spaces. In response to a request I made for clarification the Parish Council has on 2 May 2019 confirmed landowners in respect of all the proposed Local Green Spaces had been sent a letter of this nature.
172. Proposed Local Green Spaces CLAV 2 CLAV3 and CLAV4 are situated within Conservation Areas. With respect to this situation the Guidance states “*Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space*”⁴⁷. The regime set out in paragraphs 131, 137, and 140 of the Framework, relevant to the conservation and enhancement of a Conservation Area (including assessment of the desirability of new development; looking for opportunities for new development making a positive contribution to local character and distinctiveness; and assessment of the benefits of enabling development) together provide a very different approach to that arising from designation as Local Green Space which is seeking to rule out new development other than in very special circumstances.
173. All of the proposed Local Green Spaces are within Green Belt. This designation does not preclude, a designation as Local Green Space. The Guidance states “*If land is already protected by Green Belt policy ... then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.*”

⁴⁶ National Planning Policy Guidance Paragraph: 019 Reference ID: 37-019-20140306

⁴⁷ Planning Practice Guidance Paragraph: 011 Reference ID:37-011-20140306

One potential benefit in areas where protection from development is the norm (eg villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community.”⁴⁸ Whilst the Local Green Space Assessments included in Appendix 3 do not specifically consider the case for additional benefit it does confirm that the sites proposed for designation are demonstrably special to the local community. The proposed designations have been subject to extensive public consultation. I am satisfied designation is appropriate under these circumstances.

174. I find that the areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 76 and 77 of the Framework concerned with the identification and designation of Local Green Space.

175. The policy is in general conformity with the strategic policies included in the Stratford-on-Avon District Core Strategy 2011-2031 adopted July 2016 applying in the Claverdon Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

176. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 12:

In Policy NE4

- **delete “at the following locations” and insert “where development will be ruled out other than in very special circumstances”**
- **delete the second and third paragraphs commencing “The above” and “Development that”**

Correct the text relating to site reference CLAV 6 as stated in the Parish Council Regulation 16 representation, and relating to site reference CLAV5 with reference to existing public footpaths.

⁴⁸ Planning Practice Guidance Paragraph: 010 Reference ID:37-010-20140306

Policy NE5 Conserving the Natural Environment

177. This policy seeks to establish development should minimise impacts on biodiversity and provide net gains wherever possible. The policy also seeks to retain existing ecological networks and encourage new networks. Measures to improve landscape quality, scenic beauty and tranquillity and to reduce light pollution are also encouraged. New native hedge and tree planting is also required where appropriate.
178. A representation states *“Light pollution is a significant problem for my interest in observation of the night skies. Claverdon does not have street lighting and long may that continue. As a consequence, I would object strongly to any attempt to install flood-lighting towers at the tennis club”*. Two other representations refer to the effect lighting at the tennis club would have on local bat populations. *Another representation states “At the present time Claverdon is a quiet, unlit village that provides a good environment for generating a stable ecosystem. Nothing should be introduced into the village that disturbs the natural biodiversity of the area, this includes anything that generates noise, air pollution or bright lights. By falsely introducing a day light situation the natural feeding habits of wild nocturnal animals in particular would suffer and species may eventually die out in the area - such an occurrence would make the present ecosystem unstable. In particular reduction in light pollution should be encouraged. Light pollution will be increased by the wrong development of recreational and sports amenities”*. I have earlier in my report referred to the Parish Council intention to delete the community aspiration relating to lighting at the tennis club.
179. In a representation Warwickshire County Council states *“We support the protection of green infrastructure - this could be developed to mention the benefits of open space as flood risk management to retain water. Above ground SuDS could be utilised in open spaces. You could include an additional point that encourages new developments to open up any existing culverts on a site providing more open space/green infrastructure for greater amenity and biodiversity...”*. The District Council states *“The policy itself does not cover preserving or conserving trees and only covers new tree planting. Is this an omission?”* The Framework provides protection against *“aged or veteran trees”*. The Hedgerows Regulations 1997 establish a balanced regime to protect hedgerows in specified locations but exclude any hedgerow which is within, or borders, a domestic garden. It is appropriate for the Neighbourhood Plan to seek to introduce an additional regime of protection to apply in the context

of development proposals, however, earlier in my report I have explained my role is to assess whether the submitted Neighbourhood Plan meets the Basic Conditions and other requirements. It is beyond my remit to recommend modifications to include additional elements of policy.

180. In a representation the District Council states “*Paragraph 6.18 is policy wording, not explanatory text. Including it in the explanation gives it no weight.*” Explanatory and supporting text must not include policy statements. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

181. The Policy is without consequence and the terms “*should contribute to*”, “*particularly encouraged*”, and “*are encouraged*” do not provide a basis for the determination of planning applications. The terms “*wherever possible*” and “*where appropriate*” introduce uncertainty. The term “*minimising*” is imprecise. It is necessary to recognise the need for attention to viability and deliverability as required by paragraph 173 of the Framework. I have recommended a modification in these respects

182. The policy is in general conformity with the strategic policies included in the Stratford-on-Avon District Core Strategy 2011-2031 adopted July 2016 applying in the Claverdon Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

183. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 13:

Replace Policy NE5 with “To be supported, development proposals must not harm biodiversity and must provide net gains for biodiversity unless it can be demonstrated this is not possible or is not viable. Measures to retain ecological networks; to create new ecological habitats and networks; to improve landscape quality, scenic beauty and tranquillity; and to reduce light

pollution, will be supported. All development proposals must include new native hedge and tree planting as part of an integrated landscaping scheme unless it is demonstrated this is not practicable or viable.”

Adjust the text of explanation paragraph 6.18 so that it does not introduce elements of policy.

Policy BE1 Principles of Good Design

184. This policy seeks to establish design principles.

185. A representation states *“Putting floodlight stanchions on the tennis courts, next to the listed building of The Forge (see para 2.2 of the submission version of the Claverdon Neighbourhood Plan) would be in breach of BE1 - Principles of Good Design”*. Another representation supports the principles set out in Policy BE1 and states *“I do not believe that any building work, solar panels, stanchions or lighting additions should be allowed to have a detrimental effect on the area as a whole and nothing should be added in the green belt, conservation areas or to the many listed buildings that has an impact on the street scene or skyline. The views in Claverdon and into and out of the village should be preserved at all costs.”* A further representation states *“Placing any tall, unsightly, pollution, noise or light producing structure within the green belt, adjacent to historic buildings or in the conservation areas would be totally out of keeping with the village street views and contravene the Principles of Good Design Policy BE1”*. An additional representation states *“I do not understand how permission was granted for the extensions & alterations at Fobello, Station Road, which appear to contradict the criteria, resulting in a building that looks more suitable for an industrial estate and is now completely out of character with its neighbours.”* It is not within my role to assess or comment on planning applications whether current or determined. I have earlier in my report referred to the Parish Council intention to delete the community aspiration relating to lighting at the tennis club. A requirement that nothing should be added in the green belt, conservation areas, or to listed buildings that impact on street scene or skyline would not have sufficient regard for national policy.

186. In a representation the District Council states *“Concern is raised that the requirement for ‘all’ development proposals to take account of the VDS is too onerous and does not take into account development*

that can be carried out under permitted development rights. There is no criteria specifically relating to materials within the policy, but is referred to within the Explanatory text. The policy should refer to Appendix 1 – Village Design Principles. However, it is unclear how these design principles have been derived and what relationship they have with the VDS – this needs to be clarified in the text. Criterion a) should be amended to read: “Retention or provision of space appropriate gaps between buildings...”. This is due to the fact that the term ‘space’ is considered too vague and would need to be defined or clarified. I have recommended a modification in this respect on the basis this represents a correction as space, and the reinforcement of local distinctiveness, can only be considered in the context of any existing spaces between buildings. Criterion c) should be amended by removing the words “...and shape...” since this wording is too vague and open to different interpretation. The policy already refers to ‘building form’ which adequately covers design without referring to ‘shape’.” The policy only applies to development requiring planning permission. It is beyond my remit to recommend modification so that the policy addresses the additional issue of materials. Materials are referred to in the Building Guidelines section of the Village Design Principles. Supporting text in the explanation should not introduce elements of policy not included in Policy BE1. I have recommended a modification in this respect.

187. The Policy is without consequence and the term “*will be expected to*” does not provide a basis for the determination of planning applications. The policy must relate to submitted development proposals. The term “*shape*” is imprecise. It is unnecessary and confusing for one policy to specify “*within the Neighbourhood Area*” as all policies of the Neighbourhood plan apply throughout the Neighbourhood Area unless a smaller area is specified. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

188. Paragraphs 58 to 60 of the Framework state: “*Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:● will function well and add to the overall quality of*

the area, not just for the short term but over the lifetime of the development; • establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; • optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; • respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; • create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and • are visually attractive as a result of good architecture and appropriate landscaping. Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.” As recommended to be modified Policy BE1 seeks to promote or reinforce local distinctiveness without unnecessary prescription. The policy seeks to create an environment where crime and the fear of crime do not undermine the quality of life.

189. Local planning authorities may use nationally recognised optional technical standards where there is evidence to show these are required. However, Neighbourhood Plans may not be used to apply these.⁴⁹ The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: *“From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings”*. Whilst Policy BE1 relates to all development types these include dwellings which are likely to be the most common type of development occurring in the

⁴⁹ <https://www.gov.uk/guidance/housing-optional-technical-standards>

plan area over the plan period. I consider the policy and in particular part d) of the policy does not introduce technical standards or requirements relating to the construction or performance of new dwellings. Similarly, I consider Policy BE1 is expressed so as to pay sufficient regard to viability and deliverability as required by paragraph 173 of the Framework.

190. The policy is in general conformity with the strategic policies included in the Stratford-on-Avon District Core Strategy 2011-2031 adopted July 2016 applying in the Claverdon Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

191. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with requiring good design and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 14:

In Policy BE1

- **after “(VDS)” insert “presented in Appendix 1”**
- **delete “during the conception and evolution of a” and insert “in the”**
- **delete “will be expected to” and insert “must”**
- **delete “has been influenced by the need to plan positively to” and insert “will”, and delete “and how this will be achieved”**
- **delete “across the Neighbourhood Area”**
- **in part a) before “Provision” insert “Retention and”**
- **in part c) delete “and shape”**

Policy BE2 Heritage Assets

192. This policy seeks to establish principles for the assessment of proposals affecting heritage assets.

193. Representations include opposition to the installation of flood lights at the tennis club on the basis of the impact on heritage assets including a *Conservation Area*, and listed buildings referred to as *The Forge, Forge House and Tally-Ho Cottages*. I have earlier in my report

referred to the Parish Council intention to delete the community aspiration relating to lighting at the tennis club.

194. In a representation the District Council states *“It is considered that the first paragraph promotes a different test of ‘harm’ to that outlined in the NPPF. To ensure it complies with national policy, it is suggested ‘harm to the’ is inserted between ‘the’ and ‘significance’; again in order to comply with terminology within the NPPF, it is suggested ‘preserve’ should be replaced with ‘conserve’ in the second paragraph; since there are two Conservation Areas in Claverdon, therefore add ‘s’ to ‘Area’ on third line of second paragraph. Last paragraph – remove “and Scheduled Ancient Monuments” as there are none within the neighbourhood area.”* In addition, I consider the final paragraph of the policy does not reflect the balanced approach reflected in other parts of the policy which have regard for national policy and the term “important” is imprecise. I have recommended modifications in these respects so that the policy has sufficient regard for national policy and so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. Whilst there is a degree of unnecessary duplication of paragraphs 133 and 134 of the Framework, I regard this as acceptable given the benefit of more comprehensive coverage of heritage related issues in the policy, and the importance of the conservation and enhancement of the historic environment in the Neighbourhood Area.

195. The policy is in general conformity with the strategic policies included in the Stratford-on-Avon District Core Strategy 2011-2031 adopted July 2016 applying in the Claverdon Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

196. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 15:

In Policy BE2

- **in the first paragraph after “describes the” insert “harm to the”**

- in the second paragraph replace “preserve” with “conserve”, and replace “Area” with “Areas”
- delete the final paragraph

Policy CSL1 Community Facilities

197. This policy seeks to establish support for proposals that enhance and improve identified community facilities, and establish that loss or partial loss of community facilities will not be supported except in stated circumstances.

198. A representation states general support for the policy “*but no floodlighting*”. Another representation states “*The development of sports facilities which increase light pollution should be specifically curtailed. The surrounding urban conurbations all provide floodlit sports facilities within reasonable travelling distances. The Ardencote Club and Henley in Arden sports ground*”. I have earlier in my report referred to the Parish Council intention to delete the community aspiration relating to lighting at the tennis club. I have recommended a modification so that a consistent approach is adopted in Policies CSL1 and CSL2 regarding compatibility with neighbouring uses.

199. The policy has sufficient regard for paragraph 70 of the Framework that requires planning policies to plan positively for the provision and use of community facilities, and “*guard against the unnecessary loss of valued facilities and services particularly where this would reduce the community’s ability to meet its day-to-day needs*”. The term “*no prospect of being brought back into use*” provides necessary recognition of the need for attention to viability and deliverability as required by paragraph 173 of the Framework.

200. The term “*in the vicinity*” is imprecise. I have recommended a modification in this respect. I have earlier in my report stated I am satisfied the approach adopted in the Neighbourhood Plan presenting the “*community aspirations*” in Appendix 2 adequately differentiates the community aspirations from the policies of the Plan and has sufficient regard for the Guidance. Policy CSL1 fails to maintain that distinction by stating “*Proposals which enhance and improve existing community facilities will be supported as outlined in Appendix 2*”. Appendix 2 includes a mix of community aspirations relating to existing facilities and to facilities that are desired, and includes matters not normally referred to as community facilities for example community infrastructure levy, road safety and road improvements. The

“*Explanation*” text below the policy includes reference to community facilities not referred to in Appendix 2. There is a lack of clarity regarding application of the policy. Whilst there may be additions or losses of facilities throughout the Plan period the position at the time of plan preparation must be established. I have recommended a modification so that the “*Explanation*” that follows Policy CSL1 lists the community facilities to which the policy relates at the time of plan preparation. This modification is necessary to avoid uncertainty; and so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework; and has sufficient regard for national policy guidance relating to the approach to be adopted in respect of community aspirations.

201. The policy is in general conformity with the strategic policies included in the Stratford-on-Avon District Core Strategy 2011-2031 adopted July 2016 applying in the Claverdon Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

202. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 16:

In Policy CSL1

- **replace “the vicinity” with “no less convenient location for users”**
- **delete “as outlined in Appendix 2” and insert “where they are compatible with neighbouring uses”**

The list of existing community facilities that the policy applies to should be clearly stated in the “Explanation” that follows the Policy

Policy CSL2 Sports and Leisure Facilities

203. This policy seeks to establish conditional support for new leisure and sports facilities and states existing formal and informal sport and recreational facilities will be protected, enhanced and expanded where appropriate.

204. A representation identifies the wide range of facilities available locally and states none of the sports facilities in the neighbourhood need enhancing. A further representation states there is a substantial amount of sporting facilities that should be maintained but not enhanced. Several representations oppose, in some detail, inclusion in Appendix 2 of the installation of floodlights at the tennis club. I have earlier in my report referred to the Parish Council intention to delete the community aspiration relating to lighting at the tennis club. The requirement within Policy CSL2 that new facilities should be compatible with neighbouring uses is not applied to proposals for enhancement or expansion of facilities. This inconsistent approach is not sufficiently justified. The Guidance states “*Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan*”.⁵⁰ I have recommended a modification in this respect.

205. It is unnecessary and confusing for one policy to state “*in the Neighbourhood Area*” as all the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a smaller area of application is specified. The Policy is without consequence and the term “*where appropriate*” is imprecise and does not provide a basis for the determination of planning applications. The term “*protected*” is imprecise. It is necessary to recognise the criteria relating to proposals for loss of open space, sports and recreational buildings and land including playing fields set out in paragraph 74 of the Framework. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

206. Whilst there may be additions or losses of facilities throughout the Plan period the position at the time of plan preparation is established in the “*Explanation*” that follows Policy CF2 where the facilities to which the policy relates are identified.

207. The policy is in general conformity with the strategic policies included in the Stratford-on-Avon District Core Strategy 2011-2031 adopted July 2016 applying in the Claverdon Neighbourhood Area and relevant to the Neighbourhood Plan and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

⁵⁰ Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211

208. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 17:

Replace Policy CSL2 with “Proposals for new leisure and sports facilities and the enhancement or expansion of existing formal and informal sport and recreational facilities will be supported where they are compatible with neighbouring uses.

Proposals resulting in loss of open space, sports and recreational buildings and land including playing fields will only be supported if it is demonstrated they are surplus to requirements or they will be replaced by equivalent or better provision in no less convenient location to users.”

Summary and Referendum

209. I have recommended 17 modifications to the Submission Version Plan. I have also made a recommendation of modification in the Annex below.

210. I am satisfied that the Neighbourhood Plan⁵¹:

- is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Parish and Country Planning Act 1990 and meets the Basic Conditions:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;

⁵¹ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.⁵²

I recommend to Stratford-on-Avon District Council that the Claverdon Neighbourhood Development Plan for the plan period up to 2031 should, subject to the modifications I have put forward, be submitted to referendum.

211. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.⁵³ I have seen nothing to suggest that the policies of the Plan will have “*a substantial, direct and demonstrable impact beyond the neighbourhood area*”⁵⁴. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Stratford-on-Avon District Council as a Neighbourhood Area on 16 June 2014.

Annex: Minor Corrections to the Neighbourhood Plan

212. A number of consequential modifications to the general text, and in particular the ‘reasoned justification’ of policies sections, of the

⁵² This basic condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 (5) are amended

⁵³ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁵⁴ Planning Practice Guidance Reference ID: 41-059-20140306

Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies.

213. Natural England state with respect to the Strategic Environmental Assessment Screening Document November 2017 “We note an error made in section 1.4.6. of the report to the reference of nearby/adjacent SSSI in relation to the Claverdon Neighbourhood Plan area. The Figure 1.4 is correctly showing nearby/adjacent SSSIs, which are Oak Tree Farm Meadows SSSI, Railway Meadow, Langley SSSI, Shrewley Canal Cutting SSSI and Snitterfield and Bearley Bushes SSSI. The following wording ‘Just west of the Parish is the Knavenhill Wood SSSI, just north is Loxley Church Meadow SSSI and just east are Oxhouse Farm SSSI and Lobbington Hall Farm Meadow SSSI’ would require appropriate amendment”.
214. Warwickshire County Council suggest adjustment of general text is appropriate in respect of the following matters: “*Section 5.3 mentions the need for traffic calming measure on the A4189 however no details of these provided. The A4189 would not be able to have physical features on it due to ‘A’ Class road designation and the lack of a system of street lights and these are unlikely to be supported. Furthermore, this would also conflict with the Highway and Streetscape Guidelines (Page 37) which it states street lighting is discouraged from the village. From reviewing the collisions along this section of the A4189 they would not support a Road Safety Engineering scheme. Page 41 in the Road Safety section mentions a series of major accidents along this road however from reviewing the Personal Injury Collisions from data provided by the Police the amount of collisions along the A4189 is low. There have been 3 personal injury collisions over the past five years at the location. There are in excess of 101 cluster sites within the County which have had over 6 Personal Injury Collisions (PICs) in the last 5 years. The suggestion of a 30-mph extension is also not appropriate for this location. The extension of the 30-mph limit would not be supported as there is a change of environment at where the existing speed limit changes and as such this would not satisfy circular 01/2013 and other documentation used for the setting of speed limits. The document mentions speeding however does not supply any speed data within it. We would not support the installation of “Average speed cameras” in Claverdon. These are only considered for use along routes with a high number of PICs caused as a result of excess speed. There have been no collisions within the residential village extent over the past five years. The collision history at this location would not support the usage of*

average speed cameras. It further states about the use of traffic calming measures however this point has been covered above. The section continues to state that the A4189 junction with the Green is very dangerous and is in need of modification. However, there are no Personal injury collisions at this location over the previous five years suggesting that the junction operates safely in its current form. Based upon the collision data we would not look to carry out any Road Safety engineering scheme at this location.” The Parish Council has commented “The response does not mention that the A4189 used to be a B road and that the promise of infrastructure improvements never happened post making it an A road. The response does not recognise the expected increase in heavy traffic that will emanate from the approved planning applications for significant Commercial developments at Redditch Gateway to accommodate 24/7 warehousing operations. The planning applications were approved with the requests for restrictions on lorry traffic to be limited to M42 removed. The A4189 from Mapplebrough Green through to Warwick and the M40 junction will see a significant increase in HGV’s and commercial vehicles as a result. It is difficult to assess what impact HS2 may have on the A4189 The Neighbourhood Plan has been written to cover the next 20 years and not just today. The “change of environment” in both directions are small hills. Police Conducted Ad Hoc speed monitoring 18 times since September 2018 (dates available, but not duration of each visit) and this yielded 431 offences. Over a year ago a speed survey was conducted, and it showed that the average speed in the 30mph area was 43 mph. The Green is a triangle at the exit from Lye Green Road onto the A4189. No coach or lorry can exit Lye Green Road within the designated entrance and exit white lines. They need to cut across the opposite side and / or travel over the Green to manage the turning. Because of this the Parish Council have budgeted £3.5k in 19/20 to put forward a design plan to rectify this and WCC are fully aware of the problems here as they have visited the site twice and provided an outline plan of a proposed scheme but say that they refuse to fund as it is deemed too expensive. Their approach does not resolve the inability of lorries and coaches in negotiating the turn. The likelihood of continuing low statistics is slim especially over 20 years and with the increase in commercial & HGV traffic. See above.”

215. The section titled ‘Road Improvements’ suggests that consultation with Warwickshire County Council will take place to open the M40 Junction 16 in both directions. The Parish Council has agreed the County Council are not responsible for the Motorway

Network and will change the wording to state the responsibility of the M40 is Highways England.

216. An individual has suggested correction to the Neighbourhood Plan as follows: *Page 4, para 2.2 – Claverdon does not nor did not include Songar.* The Parish Council has clarified the Neighbourhood Plan follows the LPA designation. *The majority of listed buildings in the parish consist of timber-framed farmhouses & cottages dating from the 16th & 17th centuries. (not half-timbered as stated).* *Page 7, para 4.2 – This list does not include the recently built detached house between Bryn Arden & The Crown.* [The Parish Council refer to planning application 15/03834/FUL]. *Page 43, Appendix3, CLAV2 – Correction: The village Green is NOT owned by Stratford District Council.* [The Parish Council agree and will make this change]. This representation also includes questions regarding paragraphs 2.6 and 4.14 and Policy H2 which the Parish Council or District Council may wish to respond to. (*“Page 4, para 2.6 – What are DISCRETE year groups?” and “Page 10, Policy H2 Is the existing affordable housing provision at Morgan Close & Brick Kiln Close within the parish safeguarded for people identified by the 2017 Housing Needs Survey? Do current residents satisfy the criteria on Page 11, 4.14?”*). The Parish and District Councils may wish to respond directly in respect of enquiries made.

217. The District Council Regulation 16 representation includes a number of suggested corrections and clarifications to the Neighbourhood Plan as follows:

Page 4, para 2.1	Replace “ Stratford District of ” with “ <u>District of Stratford-on-Avon within</u> ” on the first line of the paragraph.
Page 5, para 3.3	First line – amend to ‘Stratford-upon-Avon District Council’
Page 5, para 3.5	Tenth bullet point – begin with: “ <u>Encouraging an</u> entrepreneurial approach...”; Fifteenth bullet point – amend as follows: “ Seek <u>Seeking</u> to protect...”
Page 6, Strategic Objectives	The objective seeks (amongst other things) ‘on-going improvements to flood defences’. However, it does not state where, or why. There are no rivers or watercourses running through, or close to the village of Claverdon. As such, the requirement for flood defences requires clarification and justification.
Page 7, para 4.2 and	Dwelling provision in Policy CS.16 of the Core Strategy relates to the settlement of Claverdon as a Local Service Village not the Parish as a whole. On that basis, the

associated Table	figures in the Table do not accurately reflect the provision made in the LSV itself. Having said that, there is no requirement that each Category 3 LSV should provide around 59 homes, particularly those washed over by Green Belt – as para 4.4 explains.
Page 7, para 4.3	Suggest adding "...and section 13 of the NPPF" to the end of the first sentence in order to be consistent when quoting associated policy from different sources.
Page 7, para 4.3	The associated bullet points do not quote Policy CS.10 or the NPPF accurately. With something as critical as Green Belt policy, the NDP should reflect assessment criteria accurately to avoid misinterpretation or miss-use.
Page 11, para's 4.14 and 4.15 [Explanatory text to Policy H2]	<p>Para. 4.14 sets out a slightly different set of local occupancy criteria that those included in the December 2017 version of the Plan. It is unclear whether those criteria are also intended to apply to any market housing. Whilst it is for the local community to determine what local connection criteria should apply, experience elsewhere within the District suggests that it would be better to simply to set out the high-level principle that occupancy controls, via a planning obligation, will establish the principle that initial and subsequent occupancy of the properties in question will be restricted to households with a qualifying local connection. The exact details can be determined at pre-application stage when a detailed scheme is being prepared, although for reasons of efficiency I would strongly recommend that the local connection criteria align with the standard criteria currently used by the District Council.</p> <p>Therefore, it is recommended paragraphs 4.14 And 4.15 are deleted and replaced as follows:</p> <p>"4.14 It is clear from the findings of the 2017 Survey that there is an identified local housing need that presently remains unmet. It is the aim of this Plan to promote a community-led housing scheme that responds effectively to the identified need, or need identified as a result of any subsequent similar Survey. The Parish Council will therefore seek to identify one or more suitable sites for a scheme on the edge of Claverdon village that could provide both affordable and local market housing and work with a promoter and Registered Provider to bring forward a suitable scheme. This will involve preparing and consulting on both a detailed design and layout for such scheme as well as a package</p>

	<p>of measures to ensure successful delivery of the scheme.</p> <p>4.15 It is expected that the occupancy of any homes (whether affordable or market) will be restricted in the first instance to households with a qualifying local connection to Claverdon parish, in line with standard arrangements operated by Stratford-on-Avon District Council, and set out in a planning obligation (S106 Agreement).”</p>
Page 13, Paragraph 5.1	<p>The terminology used in this sentence is incorrect and should read: “...but did not identify any land within Claverdon parish for such development or any very special <u>exceptional</u> circumstances <u>to amend the boundary of the</u> for the release of Green Belt land for employment opportunities.”</p>
Page 13, Paragraph 5.2	<p>This is incorrect and not policy compliant as worded. It is suggested amending to read: “As a consequence of this, only applications for commercial use will be considered for the Neighbourhood Area, providing the openness of the Green Belt is preserved <u>it meets Green Belt policy.</u>”</p>
Page 18, Paragraph 6.2	<p>Suggest inserting “[at Appendix 1]” between “(VDS)” and “has been...” on the second line, for completeness.</p>
Page 19, Figure 3	<p>This is a confusing figure. The angles and the shading do not match - does this mean only the shaded area is the element of the landscape which is valued? For example, in view B1 the shaded area is much smaller than the 2 arms of the angle.</p>
Page 33, Appendix 2	<p>It is unclear how these have been identified and what is expected – this should be clarified in some explanatory text.</p>

218. The Parish Council has not raised any objection to these changes proposed by the District Council. I recommend minor change only in so far as it is necessary to correct an error or where it is necessary so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

**Recommended modification 18:
Modify general text to achieve consistency with the modified policies, and to correct identified errors including those arising from updates. Renumber parts of policies arising from deletions.**

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17 May 2019
REPORT ENDS