

Bidford-on-Avon Neighbourhood Development Plan

Pre-Submission Neighbourhood Plan Regulation 14 Consultation (Neighbourhood Planning (General)

Regulations, 2012

Appendix 1 - Comments from Stratford-on-Avon District Council

Policy related comments:

Section	Reference/page	Comment
1.0 Introduction	The Rationale, p.2	Second paragraph, first sentence ‘...gives it more weight than other locally prepared document...’ Suggest that they could include an example, such as Parish Plans.
3.0 Neighbourhood Housing	Strategic Objective, p.4	The basis of the housing policies (subsequently set out) does not appear to be well justified. There is no explanation of how the housing-related provisions of the emerging Core Strategy have been translated into the subsequent policies of the Plan.
3.0 Neighbourhood Housing	Strategic Objective, p.4	The third paragraph concerning the villages of Barton, Marlcliff and Broom requires clarification or re-drafting. More particularly, it is fundamentally at odds with the Parish Council’s previously-expressed support for a ‘Local Choice’ scheme at Bidford Road, Broom. This is a serious issue as, amongst other things, the District Council has already resolved to commit significant grant funding to support that scheme. The scheme would also involve our partners in committing significant sums of money, so it’s vital that there is no uncertainty as to the continued support of the local community.
3.0 Neighbourhood Housing	Strategic Objective, p.4	The fifth paragraph refers to a Proposals Map demonstrating a number of constraints to development in the Neighbourhood Area, which have been taken into account when considering potential new sites for development. This appears to be missing...

<p>3.0 Neighbourhood Housing</p>	<p>Policy H1, p.4</p>	<p>Support the identification of a village/built-up area boundary but would make the following observations:</p> <ul style="list-style-type: none"> • The boundary should include the strategic reserve site referred to in Policy H2 • Is it appropriate to include areas of open space on the edge of the village within the boundary (e.g. Dugdale Sports Field (AM3 (3)))? If so, then for consistency, surely all of Crawford Hall and associated Sports Club (AM3(8)) should also be included • Consistency in the inclusion of farm buildings/small holding land: e.g. the site on Grafton Lane has been included but sites at Home Farm, west of Waterloo Road and Marriage Hill Nurseries, south of Salford Road have been excluded • The boundary appears to slice through the North of the Bramley way site which is currently under construction.
<p>3.0 Neighbourhood Housing</p>	<p>Policy H1, p.4</p>	<p>Objection is raised to this Policy as presently drafted. In certain circumstances it could prejudice the delivery of the proposed 'Local Choice' scheme at Broom. This scheme forms one of three schemes within the District Council's Rural Housing Programme 2015 and inability to deliver that scheme would seriously destabilise the whole Programme. This scheme is also one into which the District Council's has already agreed to make significant capital; investment by way of grant funding and its partners have also already invested significant time and money in drawing up detailed proposals.</p> <p>Under one scenario, it is possible that in the event that the Plan is in due course "made" and forms part of the statutory development plan, this policy (and, in particular, the restriction of development outside "these built up area boundaries") would take precedence over other policies and consequently frustrate delivery of the Broom scheme.</p> <p>At the very least, the Policy should be amended to make clear that the restriction in the second paragraph does not apply to community-led 'Local Needs' schemes promoted under Part 7 of emerging Core Strategy Policy CS.15. In the alternative, local community support for the proposed scheme could be confirmed by the inclusion of an additional policy making a site-specific allocation for this purpose: this would be preferred.</p> <p>On a point of detail, there is an inconsistency between the wording used in Policies H1 and H2. Policy H1 refers to "the sites allocated" by Policy H2, whereas Policy H2 itself refers only the "safeguarding" of one particular site.</p> <p>The explanation for the Policy is considered unsatisfactory given the points made here.</p>
<p>3.0 Neighbourhood Housing</p>	<p>Policy H2, p.5</p>	<p>This Policy is insufficiently justified and conflates different issues as drafted. This Policy differs from an earlier iteration in that it now purports to safeguard only one site for possible future release (land west of Waterloo Road).</p>

The specific concerns about the policy are as follows:

- The policy states it “*Supports the safeguarding ...*” of the reserve site. This wording is ambiguous but implies that actual safeguarding will be achieved through some other mechanism. At the very least this matter requires clarification.
- There is no clear reasoned justification for the safeguarding of this site – as opposed to other sites – or for the limitation on the overall scale of development to 100 dwellings. There is no objection to this overall limit as such: the concern relates to the absence of a reasoned justification for this figure. In the absence of a reasoned justification, this figure appears arbitrary.
- The purpose of safeguarding – and, ultimately, releasing – this site for housing is unclear given the strategic context set by the emerging Core Strategy. The second paragraph refers to the site only being released in the light of evidence of “local housing need”. It is not clear whether this “local housing need” relates to:
 - (i) The District’s objectively assessed need (as per emerging Core Strategy Policy CS.16) or;
 - (ii) To a purely local need; such as that identified in the 2012 Survey for Bidford-on-Avon parish.

If the latter approach is intended then, combined with the issues raised above in relation to Policy H1, the inference is that a ‘Local Need’ scheme should be directed to *this* site, rather than the site presently proposed in Broom. This would appear to be at odds with the Parish Council’s previously-expressed support for the Broom scheme.

In practical terms, development to meet a purely local need is unlikely to require up to 100 homes in one go. For example, the 2012 Survey only identified a need for a total of 24 homes. Additional need could, of course, be identified in subsequent surveys. A phased approach to release and development may be warranted, but if so it should take place in the context of a masterplan for the whole site: the need for such a masterplan is not mentioned in the Policy.

Also in practical terms, it is not considered that criteria (a) – (g) create any real “added value”. It would instead be preferable for the site-specific requirements to be identified in the Policy.

<p>3.0 Neighbourhood Housing</p>	<p>Policy H3, p.5-6</p>	<p>Although it is always helpful for neighbourhood plans to include policies dealing with the optimum housing mix for a particular locality, concern is raised that this policy is poorly drafted and conflates different issues.</p> <p>From the outset, it is important to bear in mind that this policy presumably relates to supply brought forward under Policy H1. This, in turn, is presumably intended to contribute towards meeting District-wide housing requirements. In these circumstances it is not clear how this policy relates to Part B of Core Strategy Policy CS.18.</p> <p>The first part of the Policy relates to market housing on sites of five or more dwellings. From a practical point of view and in view of the Plan's reliance on supply from unidentified windfall sites, it is unlikely that many sites will exceed this threshold.</p> <p>The second part of the Policy refers to the findings of the 2012 Survey. As already noted, it is proposed that part of this need will be met within the proposed scheme at Broom. It is not at all clear, though, how the remaining need will be met or what mechanism will be used for this purpose.</p> <p>It is also unclear how the proposed tenure split for any further affordable housing has been derived. In any case, it appears at odds with Part C of emerging Core Strategy Policy CS.17. In the absence of any evidence indicating the alternative proposed tenure mix to be justified by local circumstances, objection is raised on that basis.</p> <p>The commitment to undertake a review of local housing need within the first five years of the adoption of the Plan is welcomed, but in the meantime, it is recommended that the Policy be re-written taking into account the above issues.</p>
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<p>3.0 Neighbourhood Housing</p>	<p>Policy H4, p.6</p>	<p>There is no assessment of the likely capacity of brownfield sites, although it is likely such capacity will be limited. It is considered that reference to development of greenfield sites in 'exceptional circumstances' only is inconsistent with the NPPF.</p> <p>The second paragraph of this policy states "Unless otherwise specifically allocated in this plan, there is a general presumption against the development of greenfield land." For the avoidance of doubt, there is no objection to this approach per se. However, as noted above in relation to other policies, it is possible to envisage a scenario whereby it could frustrate the delivery of the proposed 'Local Choice' housing scheme at Broom. Therefore, it is recommended that the second paragraph of the Policy be redrafted and, separately, an estimate of the capacity of brownfield sites be included in the plan.</p> <p>The accompanying explanation defines Previously Developed Land (PDL) as being within the village envelope. PDL may exist outside the village envelope and as written, this suggests that such sites would not be considered suitable. Further text clarification may be required setting out this policy distinction, if such a distinction is indeed appropriate.</p>
<p>4.0 Neighbourhood Economy</p>	<p>Policy ECON1, p.7</p>	<p>It is considered that the connection between (a) and (b) should be 'or' not 'and' as satisfying (a) would seem to be independent on (b).</p>
<p>4.0 Neighbourhood Economy</p>	<p>Policy ECON2, p.7</p>	<p>The first paragraph of the policy refers to land and premises within the village centre being defined on a Proposals Map, but there is no such map in the neighbourhood plan. Does this refer to the 'proposed village centre boundary' map as shown on p.218 of the Core Strategy (as submitted September 2014 showing subsequent modifications) June 2015 in relation to Policy CS.22 'Retail Development and Main Centres'? If so, this needs to be made clear.</p>
<p>4.0 Neighbourhood Economy</p>	<p>Policy ECON3, p.8</p>	<p>Whilst the principle of this Policy is supported, it may have implications for the specification of new affordable homes. It is not clear how this Policy will be implemented and enforced.</p>
<p>4.0 Neighbourhood Economy</p>	<p>Policy ECON5, p.8</p>	<p>Although supportive of the principle of this Policy, there are concerns about its application and implementation. The inclusion of the second paragraph within the policy is questionable. There is an inference that financial contributions might be sought (presumably via S.106 Agreements). However the scale of any such contributions – which could represent an additional cost for housing schemes – is not quantified. There is a concern that, in practice, it may be unworkable.</p> <p>Policy Explanation – It is recommended that the last sentence which reads 'Future developments must protect and where possible enhance the attraction of the river to visitors' is better placed within the policy.</p>

<p>4.0 Neighbourhood Economy</p>	<p>Policy ECON6, p.8-9</p>	<p>Is the requirement for all dwellings to include space for home working reasonable? How is home working space defined? How would this policy be enforced i.e. prevent a work space being turned into an additional bedroom?</p> <p>There are concerns about its application and implementation and the potential implications for the delivery of affordable housing, in particular. In practical terms, it really consists of two separate policies: the first relating to all new dwellings and the second promoting live-work schemes. The particular concerns relate to the first part of the Policy.</p> <p>Amongst other things, the Policy requires that "All new dwellings must include space to support home-working, with flexible space adaptable to a home office ...". The understanding is that this Policy would apply to all new homes – both market and affordable. Whilst having no objection to the principle, it is essential that its implications for the delivery of affordable housing are considered. Designing-in dedicated works space, whilst commendable in principle, will have cost implications. It is important that those implications are discussed with the Council's partner housing associations, in order to avoid prejudicing the delivery of schemes.</p>
<p>5.0 Neighbourhood Environment</p>	<p>Policy ENV1, p.9</p>	<p>It is suggested that the title of the policy might be helpfully amended to read 'renewable and low carbon energy'. Similarly, It is suggested that it would better to refer to 'renewable and low carbon energy', rather than 'green energy' within the policy wording, for the avoidance of doubt.</p> <p>Whilst the level of energy efficiency in homes is set now by the Building Regulations following the Government's abolition of Code for Sustainable Homes and other similar standards, the policy might encourage development to go beyond Buildings Regulations standards for energy efficiency wherever possible.</p> <p>There are practical concerns about the application and implementation of this Policy as written, particularly in relation to the delivery of affordable housing schemes. The Policy is effectively two policies. It is the second paragraph of the Policy which is of particular concern. Strictly speaking, it is not solely about "renewable energy". It states "All new developments should maximise energy efficiency through the provision of high energy efficient buildings".</p> <p>It is assumed that this Policy applies to residential and non-residential buildings alike. There is concern that the wording is too vague to provide certainty in its application since the District Council's partners require certainty at an early stage as to the standards they should be applying in the design process.</p>
<p>5.0 Neighbourhood Environment</p>	<p>Policy ENV2, p.9</p>	<p>Green Infrastructure comprises much more than trees and hedges so the title is rather a misnomer.</p>

<p>5.0 Neighbourhood Environment</p>	<p>Policy ENV4, p.10</p>	<p>The inclusion of a policy on flood risk is welcomed. The policy could be strengthened by including that sustainable urban drainage schemes should be constructed in line with the Warwickshire Sustainable Urban Drainage Systems (SUDs) manual. Applicants should ensure that the design of SUDs should support the findings and recommendations of the Warwickshire Surface Water Management Plan, the Warwickshire Sustainable Urban Drainage Manual and the District Council's Strategic Flood Risk Assessment. Where SUDs are proposed, it should be supported by a groundwater risk assessment and arrangements put in place for the whole life management and maintenance. You may also wish to consider the requirement for development to include permeable paving.</p> <p>Furthermore, Policy ENV4 should require new homes to include water efficiency measures that go beyond the current Building Regulations and non-domestic buildings should as a minimum reach 'Good' BREEAM standards. A further update to the Water Cycle Study has been carried out and set out the evidence and recommendations for water efficiency measures in domestic and non-domestic buildings. This is based on evidence from Severn Trent Water 'Water Resources Management Plan' (WRMP). Stratford district and West Midlands generally is located within an area of moderate stress. The WRMP has concluded that any growth and increase in population will further exacerbate the issue. In addition, key resources of raw water (canals and rivers) supplying the district are considered to be close to their limit of water they can continue to yield for abstraction, before ecosystems and other users reliant on these resources would be adversely affected.</p>
<p>5.0 Neighbourhood Environment</p>	<p>Policy ENV5, p.10</p>	<p>The requirement for all new development proposals to demonstrate that adequate water supply and water treatment facilities are in place to serve the whole development is somewhat onerous and disproportionate to some forms of development. Consideration should be given to possible thresholds of development that would need to comply with the policy principle. It is worth noting that under Section 94 of the Water Industry Act 1991, water companies have a general duty to provide effectual drainage to accommodate planned development. Furthermore, they are also required to manage their assets efficiently to minimise customers' bills. Consequently, there will often be limited headroom as water companies do not generally provide significant amounts of spare capacity to accommodate speculative development. Where liaison through the planning process identifies a need to provide additional capacity, the required infrastructure upgrades are planned to ensure the delivery of planned development is not unduly delayed.</p> <p>Consideration should be given to the Council's Water Cycle Study (March 2014) which has assessed the impact of the proposed growth in the emerging Core Strategy on the district's water environment. The study included an assessment of capacity waste water treatment works (WwTws); sewer system network; fluvial flood risk; surface water flooding and constraints to the sustainable urban drainage. Bidford on Avon was included in the study and capacity issues at the WwTW and sewer system network were not identified as problematic.</p>

		Please note that the emerging Core Strategy Policy CS.4 contains a principle relating to Water Quality and development would not be permitted which would affect the negative impact on water quality either directly through pollution of surface or ground water, or indirectly through overloading the Waste Water Treatment Works.
5.0 Neighbourhood Environment	Policy ENV6, p.11	<p>The first part of this Policy is inconsistent with the NPPF and should not be applied to any scale of proposed development. It is considered that the first sentence in the explanation to the policy is more accurate.</p> <p>On a point of detail, there is reference to land "... as outlined on the Proposals Map ...". As previously mentioned, no such Proposals Map is included in the Plan. This point is, of course, of fundamental importance when considering the suitability of potential housing sites and indeed more generally in understanding the Plan in its entirety.</p>
5.0 Neighbourhood Environment	Policy ENV7, p.11	What is the landscape character and what are the historic landscape features this policy is specifically looking to maintain/preserve? Have they been assessed and quantified? The policy also looks to retain important landmarks, skylines and views...have these been identified and assessed? It is considered that these elements would need to be quantified and mapped, spatially. It is considered that the policy and justification requires more work in order to be justified.
5.0 Neighbourhood Environment	Policy ENV8, p.11	The policy states that proposals that cause harm to listed buildings and scheduled ancient monuments and their settings will not be supported. As written, this does not comply with the NPPF or related Core Strategy policies, since it is too restrictive. The NPPF looks to assess the significance of the harm and establish whether the harm is more or less than 'substantial' in order to ascertain whether the proposed development is acceptable. As such, there is a balancing exercise to be carried out and as such some harm may be deemed acceptable in certain circumstances... It is considered that the policy will need to be re-drafted to take account of this.
5.0 Neighbourhood Environment	Policy ENV10, p.12	There are concerns about the application and implementation of this policy. There is reference to the preparation of a Biodiversity Action Plan. By whom, and within what timescales? Who will be responsible for its implementation? The Policy then requires that all proposals should take account of it. This could potentially affect proposals for housing schemes by, for example, imposing obligations for wildlife habitat creation on or off site. Whilst having no objection to this in principle, it is crucial to the viability and progression of housing schemes that any obligations are identified and quantified at an early stage. The Policy, as presently drafted, appears too vague to be implementable.
6.0 Neighbourhood Amenities	Policy AM1, p.12	Whilst supporting the principle of this Policy, there are ambiguities which could have adverse implications for the delivery of affordable housing. The second paragraph could be interpreted and inferred as applying to all new housing proposals (including affordable housing), unless

		<p>mitigated through the payment of contributions towards the improvement of healthcare facilities. If this is indeed the intention of the policy, concern is raised that this Policy could be unworkable without quantifying the cost implications.</p> <p>It is considered that the Policy should be re-written to remove any ambiguity over the circumstances in which (pending introduction of the Community Infrastructure Levy) developer contributions might be sought from residential development (including affordable housing). In the alternative, the preference would be for the Plan to broadly quantify local healthcare (and, indeed, other infrastructure needs) relative to the anticipated volume of housing development giving rise to such needs during the remainder of the Core Strategy period and identify a strategy for the resolution of those needs. As it currently stands, the Policy does little to create "added value" in the context of the emerging Core Strategy.</p>
6.0 Neighbourhood Amenities	Policy AM2, p.13	<p>Whilst being supportive of the principle of this Policy, there are similar concerns as with Policy AM1 above. Additionally, there are the following Policy-specific concerns:</p> <ul style="list-style-type: none"> • There appears to have been no assessment made of whether the expansion of the existing school and library is physically possible within the identified constraints. This is important because it might act as a constraint to housing delivery or (at the very least) alter the basis of contributions sought from residential developments (pending the introduction of CIL). • Is the inclusion of the 3rd paragraph supporting the review of transport arrangements for secondary school pupils appropriate in a Neighbourhood Plan? • The explanatory text refers to the possibility of future development being expected to contribute towards the ongoing maintenance of this facility. Aside from an apparent mismatch with the Policy itself, the main concern is that any potential contributions liability of new residential development is not quantified.
6.0 Neighbourhood Amenities	Policy AM4, p.14	<p>Formal Local Green Spaces need to meet the criteria in paragraphs 76 and 77 of the NPPF and it is unclear whether this exercise has been undertaken for those proposed. Also, some of the open spaces identified in Policy AM3 might justify being designated as such, as might allotments covered in Policy AM5.</p>

<p>6.0 Neighbourhood Amenities</p>	<p>Policy AM5, p.14-15</p>	<p>The second paragraph of the Policy refers to the provision of new allotments in “appropriate and suitable locations”. Apart from the fact there is no clear strategy for implementing this Policy, the accompanying criteria seem vague and there is an indirect risk this could potentially frustrate or delay housing delivery.</p> <p>The final paragraph refers to “all” new dwellings, but takes no account of the particular circumstances of flats or maisonettes. There does not appear to be any justification or explanation as to where the minimum figure of 80 square metres for gardens associated with all new dwellings comes from. Is this figure reasonable/practical for all dwellings? Could this have implications for plot sizes/size mix of dwellings? Clarification of these points is required.</p>
<p>Potential Omission Policy: Extra Care Housing</p>	<p>Omission Policy</p>	<p>When addressing the issues relating to the Housing section of the Neighbourhood Plan, it is recommended that the Parish Council should also give consideration to whether the Plan should allocate a site for an Extra Care Housing scheme.</p> <p>Following discussions with officers of the Warwickshire County Council in this respect, attention is drawn to land west of Grafton Lane, Welford-on-Avon. This land was, in fact, identified as reserve site “H2b” in the earlier iteration of the Neighbourhood Plan. For the avoidance of doubt, there has been no detailed assessment of the physical suitability of the site for this type of development and therefore it is not the intention to propose a positive recommendation for its allocation in the Plan for this purpose at this stage. However, as the land is in the ownership of the County Council, this may help expedite delivery of an Extra Care Housing scheme along with a package of community benefits, should a need and business case for such a scheme be confirmed. If the Parish Council wishes to consider this option, a draft policy for the site can be provided.</p>