

Ettington and Fulready 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
Introduction	p.4 para 1.2	"...and at a pace and direction that the local community..." insert "... occurs at a pace..."
Neighbourhood Planning	p.6 para 2.2	Reorder paragraph "After independent scrutiny, once approved under a local referendum, this Neighbourhood Development Plan will be adopted by Stratford-on-Avon District Council (SDC) as part of the Development Plan to be used when determining planning applications within the Neighbourhood Area".
Neighbourhood Planning	p.6 para 2.10	Replace 'contiguous' with 'consistent 'as contiguous is generally understood to mean adjacent
Evolution - History	p.8,9 & 10	History relates only to Ettington, Fulready is not mentioned.
Future	p.10 para 3.10	The Core Strategy does not 'require' Ettington to provide 59 dwellings, as the figure for LSV's in the Core Strategy is not a 'target', it is more of an indicative guide. Suggest adding the Core Strategy Plan Period 2011-2031.
	p.11 para 3.11	Should the aspiration of eliminating through traffic be listed as a project in an appendix to the NDP?
	p.12 para 3.16	The issues listed here are not relevant to a neighbourhood plan.
	p.12 -photo	- Could this be replaced by a photo of the community centre, as it would seem to be more relevant to this section?
Section 4- Village Character Appraisal	p.13 para 4.4	should 'stragging' read 'straddling'?
	p.14 Para 4.13	What are 'significant' changes of use? Unsure how this can be measured...recommend removal of this word. Should 'ecology' on line 3 read 'economy'?
Section 5- Vision Statement	p.15 para 5.2	Bullet point 6 should "...adapt to and" be inserted before "...mitigate climate change..."
	Strategic objectives	Again Vision statement and Objectives only relate to Ettington/one village Suggest infrastructure objective is extended to include topics dealt with in Policies IN2 and IN3.
Section 6 - Housing	p.16 para 6.4	It is not correct to state that 59 dwellings will be 'expected to be provided...' the figure 59 dwellings is more of an indicative guide
	p.16 para 6.5	replace 'below' with 'on the following page'
	p.17 para 6.9	Have other criteria as set out in Annexe 3 of the previous Local Plan been considered?
	p.18 Figure 2- Village	The boundary as drawn at Fig.2 includes several areas of land around the edge of the village

	boundary	that would not meet the criteria of Annexe 3 of the Local Plan used by SDC to create built-up area or village boundaries. By including these parcels of land within the village boundary, it indicates that the future development of these parcels of land for housing will be acceptable in principle, through policy H1 of the NDP. Three of these sites are quite large and are made up of paddocks, manege and stables or modern agricultural sheds. None of these sites would be deemed to be appropriate to be included with a village boundary utilising the Annexe 3 criteria. The PC need to be sure that the village boundary as drawn is correct given the implication that these sites are acceptable for being developed for housing over the plan period.
	p.16 Policy H1	Include additional wording in second sentence to improve clarity
	p.18 Policy H2	The identification of these 2 sites rather than other sites that may be available and suitable will need to be fully justified. Delete the word 'robust' as it is unnecessary. The word 'appropriate' may be a suitable replacement. Consider deleting the final paragraph of the policy as it is superfluous?
	p.19 para 6.11	delete 'local or district' on line 4 as it is unnecessary. Add to the final sentence '...or the circumstances outlined in Core Strategy Policy CS.16'. Redraft second sentence to improve clarity.
	p. 19 Policy H3	There are no new housing allocations proposed and although 2 reserve sites are identified neither are of sufficient size to require affordable housing and therefore there is little prospect of affordable housing schemes coming forward over and above existing commitments. Substitute 'promoters' for 'land owners'.
	p.20 para 6.15	This should this be part of Policy H2 rather than in the explanation? It would be preferable if the criteria were aligned to the District Council's standard criteria.
	p.20 para 6.18	It would be helpful to state how many affordable houses will be met through this particular application.
	p.22 para 6.21	Re-draft para. 6.21 to explain the approach to determining optimum stock mix better.
	p.21. Policy H4	Should '5' read '6' in the first line in order to comply with CS.18? Concern that the percentages as listed for market housing are going to be achievable as written. For example, the Core Strategy gives a range of 5% to 10% for 1-bed units, whereby the NDP policy asks for 'at least' 10%...A scheme conforming to the mix in the NDP may well be not in conformity with the Core Strategy. The same can be said for the affordable housing percentages – it will be difficult for schemes to achieve exact figures, which is why Policy CS.19 of the Core Strategy is written as a range.
	p.22 para 6.21	given the explanation above, developers may well find themselves not complying with the NDP but be in compliance with the Core Strategy- this could lead to a compliance issue. Redraft paragraph to explain the approach to determining optimum stock mix better.
	p.23 Policy H5	This is a very prescriptive policy and more of a design code than design principles. Has a character assessment been carried out?
		criterion a) If in-fill development takes place which follows an established building line, it will inevitably reduce the space between existing buildings. How will 'significant' reduction be

		assessed? And when will it be unacceptable? Reduction of existing spaces between buildings is not necessarily harmful and does not always lead to terracing. Consider this may need re-wording and quantifying.
		Add 'Development should achieve a...' at the start of criterion b)
		Criterion f) and g) are very prescriptive in terms of materials to be used and not born out by evidence in the photographs
		In criterion h) why does it need to be a working chimney? A 'dummy' chimney could still achieve the required aesthetic.
		Criterion j) may be difficult to control as some dormers are permitted development.
		Street lighting as listed in criterion k) is the responsibility of WCC as statutory undertaker and as such cannot be controlled through NDP policy. As such, it is recommended 'Street and other' be deleted from the policy and be replaced with 'External'.
7.0 Local Economy	Policy LE1 p. 24	Not sure how criterion a) There is a sufficient supply of sites for a range of employment uses to meet both immediate and longer term requirements over the Plan period; can be assessed in a meaningful way at individual Parish level.
		At the end of criterion a) replace 'and' with 'or'.
		Criterion b) after 'employment needs' add 'or where there is no reasonable prospect of the site being used for employment uses'
		Below criterion d) add new paragraph as follows: 'Where there is no reasonable prospect of a site being used for the allocated employment use, planning applications for alternative uses will be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities'.
	Policy LE2 p.25	Criterion d) amend to 'do not conflict with National and District policy'
	Policy LE3 p. 26	Change policy title to read: 'Home Working and Live-Work Units' and provide sub-headings for each part of the policy. For 'home working' section of the policy: add 'where appropriate' between 'and' and 'incorporate' on 2 nd line. Delete '...in accordance with Policy ECON3' since there is no such policy in this NDP.
		Insert criterion g) Operations carried out in live- work units will not adversely impact on neighbouring residential amenity
	Policy LE4 p.27	insert 'currently' between 'premises' and 'associated' in the second paragraph. Criterion a) should reflect criterion b) of Policy LE1, for consistency of approach.
8.0 Local Amenities	Para 8.4 p.28	Replace the sentence with 'Designating Local Green Spaces and protecting public rights of way is of paramount importance'.
	Policy LA1 p.28	Core Strategy Policy CS.25 also refers to assessing whether facility could be used for an alternative use that would benefit the community – this could usefully be included here.
	Policy LA2	Proposed LGSs will need to be justified against NPPF/PPG criteria and the assessment should accompany the NDP as an appendix or supporting document when submitted.
		Delete 'below at the following locations:' from the first paragraph. The following comments are made without the benefit of the associated evidence base which should set out clearly the

		<p>significance of each area of land to the local community:</p> <p>Paragraph 77 of the NPPF set out very clear assessment criteria for LGS designation. Of the 11 sites listed in the policy, it is considered that sites 3 and 7 in Ettington and sites 1 to 4 in Fulready do not meet the relevant assessment criteria and should be removed from the policy. All 6 of these sites have similarities in that they are large tracts of land that are in private ownership and have no public access. Given their agricultural nature, they are not considered to be of any particular beauty, have historic significance, have recreational value or be rich in wildlife. As such, it is not considered that any of these sites would be classified as 'demonstrably special' to the local community, would not comply with para 77 of the NPPF and therefore they are not suitable for designation.</p> <p>Sites 1, 2 and 5 in Ettington can be classified as important open spaces within the community given their high recreational value. As such, these sites would be classified as having particular local significance and would be appropriate for designation as LGS. Site 4 in Ettington includes two areas of open space at a road junction. They are certainly local in character and help provide a pleasant open aspect at this juncture. The 'significance' of the space is not entirely clear, but on balance may be suitable for designation as LGS. Site 6 in Ettington is an area of open space within a modern development. It does create an important open space in this locality, providing amenity and recreational value. It would be suitable for designation as LGS.</p> <p>Remove sites 3 and 7 from the Ettington section of the policy and re-number the remaining sites. Remove the heading 'Fulready' and the 4 associated sites from the policy.</p> <p>Final paragraph – it is not the role of LGS designation to ensure a suitable quantum and quality of recreational and amenity space, this is the role of general open space designation. This reference should be removed from the policy.</p>
	Para 8.10 p.30	States that none of the areas of designated LGS represent large tracts of land. As set out above, it is considered sites 3 and 7 in Ettington and sites 1, 2 and 4 in Fulready are large tracts of land.
	Figure 3a p.30	amend map by removing sites 3 and 7 and re-numbering the remaining sites.
	Figure 3b	Delete map
	Policy LA3 p.31	add 'and achievable' to the end of the first paragraph. Replace 'at least an equivalent' in the second paragraph with 'a facility of equivalent scale and quality'.
	Policy LA4 p.32	Add 'and where possible' between 'protected' and 'enhanced'. PROW are protected by law and administered by WCC
	Policy LA5 p.33	This policy is exactly the same wording as Policy AM5 from the submission version of the Bidford-on-Avon NDP which was independently examined late last year. In her report, the examiner criticised the wording of the final paragraph of the policy for not exploring the rationale for house size and garden depth and setting such a 'high bar'. The examiner provided

		revised wording to provide greater flexibility in the policy to encourage this provision rather than thwart development. The revised paragraph (which now sits within the version of the NDP which passed referendum earlier this year and is to be adopted on 17 July 2017) is set out below. It is advised the final paragraph is replaced, accordingly: 'Residential developments are encouraged to provide shared space or private gardens which are suitable for and encourage and enable residents the opportunity to grow their own food'.
	Para 8.23 p.34	States the owners have been consulted...have they agreed to this proposed use of their land? Without this evidence, there is no prospect of deliverability of the relevant part of policy LA5.
9.0 Natural Environment	Para 9.2 p.36	Delete 'rather than a small town' as it is unnecessary
	Para 9.4 p.36	It is not clear what the paragraph refers to. There is nothing within the Plan to suggest or indicate there are noisy activities such as motor sport activities or airfields in the neighbourhood area. There is no associated policies in relation to such matters. It is recommended the paragraph is removed.
	Policy NE1 p.37	The policy refers to 'important landmarks' and 'historic landscape features'. Are these listed anywhere? If they are of particular importance, it would be useful to have them mapped.
10.0 Built Environment	Policy BE1 p. 43	criterion d) replace 'and' with 'or' and insert 'native' between 'quality' and 'landscaping'. Replace 'be resisted' with 'not be supported' in the final paragraph.
	Para 10.6 p.44	Amend first sentence as follows: 'For the purposes of this Plan, brownfield land is previously developed land is land which is, or was occupied by a permanent structure no longer in active use. The final change re: active use is not part of explanation in glossary to the NPPF. The second sentence needs to be amended as it states authorised curtilage 'specifically excludes any residential land'. The NPPF does not state this and is therefore incorrect and should be removed/amended accordingly
	Policy BE3 p.45	Insert 'and re-use' between 'restoration' and 'of' on line 4 of first paragraph.
	Para 10.7 p.45	add 'within the neighbourhood area' at the end of the sentence.
	Para 10.8 p.46	doesn't read or flow very well.
	Para 10.9 p.46	it would make more sense for this paragraph to be within policy BE2, not BE3.
	Para 10.10	refers to remaining ridge and furrow landscape being conserved in the explanation...it is not clear how can this be achieved when the land in question does not have a statutory protection and it is not mentioned in the policy.
	Policy IN1 p.48	Remove '(excluding garages but including car ports)' from second paragraph. The final paragraph is too onerous (i.e. 'must develop') since it will involve land outside the applicant's control and only large scale development could achieve such improvements through associated S106 agreements. The scale of development that will more than likely come forward through this Plan will not be large enough to achieve such high aspirations. Possible alternative wording could be: 'Where appropriate new developments should take any available opportunities to provide new, or enhance existing, accessible and safe pedestrian and cycle routes from the development to the village centre and the school'.
	Policy IN2 p.50	Whilst the use of sustainable design standards for buildings is welcomed, the use of BREEAM standards for residential use are queried. Under the Housing Standards Review, the

		Government abolished the use of sustainable standards for residential use in planning policies, other than those applied under Building Regulations. The Core Strategy Policy CS. 2 ` Climate Change and Sustainable Construction requires all non – residential development to comply with the BREEAM `Good` Standards until such time as it is superseded by Building Regulations. Developers are encouraged to exceed these standards where it is viable to do so. If the NDP has the evidence to require that Excellent BREEAM for non-residential , then that is to be supported. In paragraph 3, it refers to 40 sq.m...it is not clear where this figure has come from or what reasoning or evidence there is to justify it.
	Para 11.12 p.50	reference to 40 sq.m. Will need to be amended in accordance with associated policy
	Policy IN3 p. 51	Supportive of policy although it does repeat what is included in Core Strategy Policy CS.4 Water Environment and Flood Risk

Development management related comments

Section	Reference/page	Comment
Policy H1: Housing Growth		Policy H1 needs to take consideration of the Strategic Development Strategy, as set out in the Core Strategy 2011-31. This is to ensure that the Policy is in conformity of the Strategic Policies of the Core Strategy, namely AS.10: Countryside and Villages. Inclusion of some additional wording in second sentence to improve clarity
Policy H2: Safeguarded Land		The Policy lists a number of sites that have been safeguarding for future housing requirements. To ensure the Plan can meet the basic conditions, as set out in National Policy, housing site allocations need to demonstrate robust evidence. This includes, but not necessarily limited to: <ul style="list-style-type: none"> • Site assessments, • Evidence that the sites are in general conformity of the Strategic Development as set out in the Core Strategy, • LVIA's, • Reasonable Alternatives (Possibly with a Sustainability Appraisal), and; • an SEA Screening Statement, with the probability of an SEA Statement, as set out in the European Directive 2001/42/EC. Presently, it is unclear which sites are H2a and H2b. A clear site location plan is needed for the safe determination of applications in the future. The NDP states: 'H2a: Land of east Hockley Lane for up to 5 dwellings. H2b: Land south of Banbury Road for up to 8 dwellings.'

		<p>However, in accordance with national policy, sites should not be subject to such scale of development obligations and policy burdens that their ability to be developed, is viably threatened (NPPF, 173). This needs to be considered when imposing an upward limit. Sufficient and robust evidence must be able to demonstrate as to why this limit has been imposed. It may be reasonable to caveat the Policy with the inclusion, of an independent viability study, through an open book approach, where it is clearly demonstrated that the upward limit cannot be reasonably accomplished.</p> <p>Policy H1 also states: 'The above sites will only be released during the plan period if it can be demonstrated through the submission of robust evidence that there is an identified housing need for their early release.'</p> <p>Further consideration is needed in relation to the Written Ministerial Statement, 2016. If, in the future the Council cannot demonstrate a 5 year housing land supply (5yhls), yet can demonstrate over 3 years of supply, NDPs will not be considered out-of-date, and as such, their housing policies will apply.</p> <p>In light of this, I'm not sure how the Policy would interact. The Policy states 'that there is an identified housing need for early release.' Conversely, If the Council cannot demonstrate a 5yhls, then obviously there is a need. Also, if the sites are safeguarded for future development, does this therefore imply that the sites would be released as in accordance of Para 14, of the NPPF?</p>
Policy H3: Local Needs Housing		<p>As detailed in Policy H2, if the land is safeguarded and available for future development, then theoretically, there will always be 'other suitable and available sites.' Therefore, the policy can never really be implemented and thus goes against the Rural Exception Sites Policy, as defined by National Policy.</p> <p>In the supporting text, for clarity and without doubt, it maybe plausible to consider what the definition of: 'available and suitable, is?' This is to ensure the development accords to national policy and help supports Rural Exception Sites. It may also be worth mentioning how the policy will correspond to Policy H1 and the Core Strategy (Policy CS.18)</p>
	Paragraphs 6.15 and 6.16	<p>Consideration needs to be taken on how the Council decides and allocates affordable housing to Local People. Furthermore, this is very defined wording for supporting text when it could be argued that is not an actually a Policy.</p> <p>The Council's housing register and criteria needs to be measured before delegating housing to local people. The Parish Council may want to consider incorporating a phrase, along the lines of, <i>The Parish Council will work closely with Stratford-on-Avon District Council to help ensure</i></p>

		<i>local housing is available to local people, where applicable.</i>
Policy H4: Housing Mix		<p>The Policy needs to consider the viability and delivery of the development sites, as mentioned above.</p> <p>The housing mix also needs due consideration to Policy CS.18. This is to ensure it is in basic conformity with the Strategic Policies of the Core Strategy and can also meet the Basic Conditions for NDP requirements, unless sufficient evidence can demonstrate otherwise.</p>
Policy H5: Housing Design		<p>Para 6.24 states: <i>'The above design principles are not intended to impose architectural styles which stifle innovative design, originality or initiative.'</i></p> <p>Consequently, it may be worth incorporating some further flexible text in the actual policy highlighting how innovative design will be considered, where appropriately demonstrated.</p> <p>Part d) states: <i>'A variety of roof heights will be encouraged.'</i> The wording is very flexible and could possibly go against the character and the usual design quality of the area. It may be wise to incorporate a caveat at the end of the text.</p> <p>The Parish Council may want to consider utilising Policy CS.9 of the Core Strategy, and how the two Plans can complement each other.</p>
LE4: Rural Tourism		<p>It is worth considering adding an additional point to the policy, i.e.</p> <p><i>'If there is an identified need in the future for a new leisure and/or tourism based service(s) and facility for the area.'</i></p> <p>This is to ensure, that if in the future a need for additional services or facilities for tourism is required in the area, the Plan does not stifle future development.</p>
LA2: Designated Local Green Space		<p>The Plan needs to make sure that allocating local green space corresponds to national policy and is capable of enduring beyond the end of the Plan period (NPPF, 76 – 78).</p> <p>An appeal against the Blackwell NDP, specified: it is essential, when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full. (Sufficient evidence is needed for all allocations)</p> <p>It may be plausible, to include the list of designated green space as Community Aspirations, if sufficient evidence cannot be demonstrated.</p> <p>Also, it is worth incorporating Policy CS.7 into the supporting text to demonstrate how the two policies can complement each other, and to help the robustness of the Plan.</p>
CIL Funding		The Parish Council may want to make a list of priority community actions and aspirations so

		CIL funding can be readily and easily distributed to community facilities and services, as identified.
LA3: Sports and Recreation		The Viability of existing facilities needs to be considered when implementing this policy. Otherwise, if the facility is not viable, it can become derelict and run-down and with no alternative option.
LA5: Allotments and Growing Space		The last paragraph of the Policy needs to consider the block design and character of the existing area. Furthermore, the economic viability of development will also have to be considered in regard against existing market conditions. Consequently, the Policy is not flexible enough. As worded, the Policy would apply to all new future developments within the NDP area. This could be argued that this would stifle future development and therefore would go against national policy/criteria.
NE2: Green Infrastructure		The Parish Council may want to consider highlighting Policy CS.7 and how the two Plans can complement each other.
BE2 B)		replace 'remediate' with 'remediation'
BE3: Designated Heritage Assets.		The Policy has to ensure that is in general conformity of the Strategic Policies of the Core Strategy. From this, Policy BE3 wants to consider how it works with Policy CS.8, Part B of the Core Strategy.
IN1: Parking and Highway Safety		<p>The Policy could be in contradiction of the Policy CS.26 and the Warwickshire LTP. As worded, the Policy does not take into consideration, and provide flexibility, for sustainable modes of transport and alternative measures for parking. The Developer could demonstrate that the scheme is sufficient without necessary parking due to local services and shifts in the form of sustainable modes of transport, as encouraged by the Council.</p> <p>The Policy needs to include adequate wording and or phrasing, i.e. '<i>unless sufficiently demonstrated otherwise.</i>' This is to ensure the Policy provides enough flexibility for future development schemes, where applicable.</p> <p>The last paragraph needs to consider, how development could interact with existing pedestrian and cycle routes. Thus, all new developments do not need to develop suitable pedestrian and cycle routes for the village.</p>