



DECISION STATEMENT

NEIGHBOURHOOD PLAN PROCEEDING TO REFERENDUM

1. Claverdon Neighbourhood Development Plan

- 1.1 I confirm that the Claverdon Neighbourhood Development Plan (CNDP), as revised according to the modifications set out below, complies with the legal requirements and Basic Conditions set out in the Localism Act 2011, and with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Plan can therefore proceed to referendum. A referendum could be held mid-September 2019.
- 1.2 I also declare that I have no personal or prejudicial interest in respect of this decision.

Signed

A handwritten signature in black ink that reads 'JCP Careford'. The signature is written in a cursive style with a horizontal line underneath the name.

John Careford,
Policy Manager (Enterprise, Housing and Planning)

1. Background

- 2.1 The District Council confirms that for the purposes of Regulation 5 (1) of The Regulations Claverdon Parish Council is the "Qualifying Body" for their area.
- 2.2 On 22 January 2014, Claverdon Parish Council requested that, in accordance with section 5(1) of the Neighbourhood Planning (General) Regulations 2012 ("The Regulations"), the Parish of Claverdon be designated as a Neighbourhood Area, for which a Neighbourhood Development Plan will be prepared.
- 2.3 In accordance with Regulation 6 of the Regulations, Stratford-on-Avon District Council placed on their website this application, including a Parish boundary map, for a 6 week period between 6 February and 21 March 2014. In addition, it publicised the application by issuing a press release. Similarly, the relevant application, together with details of where

representations could be sent, and by what date, was advertised within the appropriate Parish via the Parish Council.

- 2.4 The District Council designated the Claverdon Neighbourhood Area by way of approval of The Cabinet on 16 June 2014.
- 2.5 In accordance with Regulation 7 of The Regulations, the decision to designate the Claverdon Neighbourhood Area was advertised on the District Council website together with the name, area covered and map of the area.
- 2.6 The Parish Council consulted on a pre-submission version of their draft Neighbourhood Development Plan between 25 January and 9 March 2018 fulfilling all the obligations set out in Regulation 14 of The Regulations.
- 2.7 The Parish Council submitted their Neighbourhood Development Plan to Stratford-on-Avon District Council on 18 January 2019 in accordance with Regulation 15 of The Regulations.
- 2.8 The District Council publicised the submitted Plan and its supporting documents for 6 weeks between 31 January and 15 March 2019 in accordance with Regulation 16 of The Regulations.
- 2.9 Christopher Collison was appointed by the District Council to independently examine the Plan, and the Examination took place during April and May 2019, with the final Examiner's report being issued on 17 May 2019.
- 2.10 The Examiner concluded he was satisfied that the Claverdon Neighbourhood Development Plan was capable of meeting the legal requirements set out in the Localism Act 2011, including meeting the Basic Conditions, subject to the modifications set out in his report, as set out in the table below.
- 2.11 Schedule 4B s.12 to the Town and Country Planning Act 1990, as inserted by the Localism Act 2011, requires that a Local Authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each recommendation. If the Local Authority is satisfied that, subject to the modifications made, the draft Neighbourhood Development Plan meets the legal requirements and Basic Conditions as set out in legislation, a referendum must be held on the 'making' (adoption) of the Plan by the Local Authority. If the Local Authority is not satisfied that the plan meets the basic conditions and legal requirements then it must refuse the proposal. Should a referendum take place, a majority of residents who turn out to vote must vote in favour of the Neighbourhood Plan (50% plus one vote) before it can be 'made'.
- 2.12 The Basic Conditions are:
 1. Have regard to national policy and guidance issued by the Secretary of State.
 2. Contribute to the achievement of sustainable development.
 3. Be in general conformity with the strategic policies contained in the development plan for the area of the Authority (or any part of that area).
 4. Does not breach, but is otherwise compatible with EU obligations – this includes the SEA Directive of 2001/42/EC and Human Rights requirements.

Examiner's Recommendations and Local Authority's Response (Regulation 18(1))

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
Policy H1 – Development Strategy (p.34, para 94)			
<p>Replace Policy H1 with:</p> <p>"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."</p>	<p>Section 4: Housing (p.8)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner considered the Policy as drafted did not reflect the national Green Belt policy relating to limited infilling in villages, nor did it refer to all of the special circumstances that would support a proposal for an isolated dwelling outside the village boundary.</p> <p>The modifications proposed by the Examiner would rectify those deficiencies and ensure the revised policy would provide a practical framework within which decisions on planning applications could be made with a high degree of predictability, as required by paragraph 17 of the NPPF.</p> <p>Officers agree with the</p>	<p>Entire policy replaced as follows:</p> <p>"The built-up area of Claverdon is defined by the Village Boundary as outlined on Figure 2. New housing development within the Village Boundary will be supported in principle subject to compliance with other policies in this Plan.</p> <p>All areas outside of the Village Boundary are classed as countryside and Green Belt. New housing in the countryside and Green Belt will be limited to dwellings for rural workers, replacement dwellings, reuse of existing buildings provided they are of a permanent and substantial construction and new dwellings in accordance with Policy H2."</p> <p><u>"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</u></p>

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		<p>Examiner on this issue and as such, the policy has been amended as per the Examiner's modification to ensure clarity and accuracy. It is therefore considered that the policy as amended is now in general conformity with Local and National Policy and meets the Basic Conditions test.</p>	<p><u>Belt policy.</u>"</p>
<p>Policy H1 – Development Strategy (p.34, para 94)</p>			
<p>Change the Policy Title to: "Housing Development Strategy".</p>	<p>Section 4: Housing (p.8)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner considered the title of the policy was misleading and should be changed to reflect the policy content, which relates to new housing development.</p> <p>Whilst officers do not consider this to be a 'Basic Conditions' matter, officers are content with the proposed change to ensure accuracy and consistency of approach and agree to the change being made.</p>	<p>Policy title changed to read: "Housing <u>Development</u> Strategy".</p>

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Policy H1 – Development Strategy (p.34, para 94)			
Figure 2: Adjust the Village Boundary to include the residential curtilage associated with Crown Farmhouse approved in respect of planning application reference 13/02493/FUL.	Section 4: Housing (p.9)	<p><i>Modification Agreed.</i></p> <p>The Examiner agreed with SDC's representation [backed-up by officers with additional evidence requested by the Examiner during the Examination of the NDP] that the rear garden of Crown Farmhouse should be included within the village boundary, for consistency and accuracy when using the methodology used by the Parish Council to determine the land that should be included within the settlement.</p> <p>Officers are content that this error has been recognised and will be rectified through the modification recommended by the Examiner to ensure a consistency of approach.</p>	No additional text required. Figure 2 showing the settlement boundary was amended to include part of the lawful residential curtilage of Crown Farmhouse.

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Policy H1 – Development Strategy (p.34, para 94)			
<p>Include text within the "Explanation" that follows the Policy so that the alignment of the Village Boundary is explained.</p>	<p>Section 4: Housing (p.8)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner concluded that, in his opinion, the village boundary within the Plan did not define the built-up area of Claverdon [since it clearly excludes one dwelling with a large garden to the south of the village], but was produced to identify the limits to future development of the settlement over the plan period, to guide 'sustainable solutions'. He concluded it was therefore acceptable in this regard.</p> <p>This assessment is subtly different to the methodology argued by SDC officers. SDC argued the remaining dwelling should be included if it were denoting a 'built-up area boundary' since it would make no logical sense to exclude just one dwelling from the boundary, just</p>	<p>Re-introduce paragraph 4.12 of the pre-submission version of the NDP as follows:</p> <p><u>"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."</u></p>

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		<p>because it had a slightly larger curtilage.</p> <p>However, the Examiner was satisfied that the proposed boundary was denoting a 'village boundary' to identify the limits of future development, as opposed to a 'built-up area boundary' indicating existing built form.</p> <p>The Examiner is entitled to come to a different view to on such matters and SDC officers are satisfied that the modifications to the policy as a whole reflect the acceptability of the village boundary based on his justification.</p> <p>Based on this justification, officers are satisfied that that the policy as amended and revised Figure 2 meets the Basic Conditions test.</p>	

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Policy H2 – Meeting Local Housing Needs (p.37, para 101)			
<p>Replace the first paragraph with:</p> <p>"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:</p> <ul style="list-style-type: none"> • 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 	<p>Section 4: Housing (p.10)</p>	<p><i>Modification Agreed.</i></p> <p>The modifications proposed by the Examiner reflect the comments submitted by SDC through the Regulation 16 consultation.</p> <p>The Examiner agreed the modifications are necessary in order to utilise consistent terminology across Development Plan documents in order to achieve clarity for people reading and using the Plan and ensure conformity with policies within the Core Strategy and NPPF.</p> <p>The Examiner raised concern that the Policy as drafted was not in general conformity with Core Strategy Policy CS.18 or have sufficient regard for paragraph 54 of the NPPF relating to housing development reflecting local</p>	<p>Policy H2 amended to read:</p> <p>"Affordable housing development will be supported on small sites beyond, but reasonably adjacent to, the Village Boundary of Claverdon where the following is demonstrated:</p> <p>a) There is a proven and as yet unmet local need, having regard to the up to date Housing Needs Survey;</p> <p>b) No other suitable and available sites exist within the Village Boundary of Claverdon;</p> <p>and</p> <p>c) Secure arrangements exist to ensure the housing will remain affordable and available to meet the continuing needs of local people.</p> <p><u>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:</u></p> <ul style="list-style-type: none"> • <u>There is a proven and as yet unmet housing need, having regard to an up-to-date Housing Needs Survey.</u> • <u>The content of the scheme, in terms of the</u>

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<p>regulate its future occupancy to ensure the continued availability of the housing to meet the needs of local people.”</p> <p>In the second paragraph delete “land owners” and insert “proposers of schemes”.</p>		<p>needs.</p> <p>The Policy as modified will seek to shape and direct sustainable development in the neighbourhood area and will ensure it has regard to the components of the NPPF concerned with delivering a wide choice of high-quality homes. It will ensure the policy covers the entire Parish (including the edge of Norton Lindsey where rural housing schemes have successfully been developed in the past and ensure correct terminology is used for community-led housing schemes.</p> <p>Officers agree with the Examiner on this issue and as such, the policy has been amended as per the Examiner's modification. It is considered that the policy as amended is now in general conformity with Local and National Policy and meets the Basic Conditions test.</p>	<p><u>type, size and tenure of homes proposed, and their accessibility, reasonably reflect the identified local need.</u></p> <ul style="list-style-type: none"> <u>• 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.</u> <p>Where viability for 100% affordable housing provision cannot be achieved, an element of market housing may be included within a rural exception scheme, to provide sufficient cross-subsidy to facilitate the delivery of affordable homes. In such cases, land owners <u>proposers of schemes</u> will be required to provide additional supporting evidence in the form of an open book development appraisal for the proposal containing inputs assessed and verified by a chartered surveyor.”</p>

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Policy H4 – Use of Garden Land (p.39, para 111)			
<p>Delete "the area" and insert "its surroundings".</p> <p>Delete "satisfactory" and insert "safe".</p> <p>Delete "parking" and insert "will not result in additional on-road parking"</p>	<p>Section 4: Housing (p.12)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner has recommended the replacement or removal of a number of imprecise terms throughout the Plan, as reflected in this Policy. This is to ensure the policy in question provides a practical framework within which decisions on planning applications can be made with a high degree of predictability as required by para 17 of the NPPF.</p> <p>Officers agree with the Examiner on this issue and as such, the policy has been amended as per the Examiner's modification. It is considered that the policy as amended is now in general conformity with Local and National Policy and meets the Basic Conditions test.</p>	<p>Amend Policy H4 to read:</p> <p>"Development on garden land within the defined Village Boundary, as defined on Figure 1, will only be supported if it can be demonstrated that proposals:</p> <ul style="list-style-type: none"> a) Preserve or enhance the character of the area <u>its surroundings</u>; b) Will not introduce a form of development which is at odds with the existing settlement character or pattern; c) Preserve the amenities of neighbouring properties; and d) Provide satisfactory arrangements for access and <u>parking will not result in additional on-road parking.</u>"

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Policy E1 – Protecting and Enhancing Existing Employment Sites (p.40, para 116)			
<p>In part d) replace “; or” with a full stop.</p> <p>Convert part e) to a free-standing paragraph and replace “; and” with a full stop.</p> <p>Convert part f) to a free-standing paragraph and delete the first sentence.</p>	<p>Section 5: Economy and Infrastructure (p.13)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner agreed with the representation submitted by SDC that criterion e) was unrelated to the introductory part of the policy and the first part of criterion f) duplicated criterion b). He therefore recommended minor modifications to ensure the policy in question provided a practical framework within which decisions on planning applications could be made with a high degree of predictability as required by para 17 of the NPPF.</p> <p>Officers agree with the Examiner on this issue and as such, the policy has been amended as per the Examiner's modification. It is considered that the policy as amended is now in general</p>	<p>Amend the latter part of Policy E1 to read:</p> <p>“d) Unacceptable environmental problems are associated with the current use of the site and the proposal will remove them;or</p> <p>e) Limited extensions to existing commercial buildings in the Neighbourhood Area will be supported providing there is no conflict with other policies in this Plan;and</p> <p>f) There is no reasonable prospect of the 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.”</p>

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		conformity with Local and National Policy and meets the Basic Conditions test.	
Policy E2 – Promoting New Employment Opportunities (p.41, para 121)			
<p>Delete the first paragraph.</p> <p>Delete “encouraged within the Neighbourhood Area” and insert “supported”.</p> <p>Delete “have an unacceptable impact due to increased traffic generation” and insert “result in severe traffic impacts”.</p>	<p>Section 5: Economy and Infrastructure (p.15)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner agreed with the representation submitted by SDC that unconditional encouragement of new employment sites in the Green Belt in the first paragraph of the policy did not have regard for National Policy.</p> <p>The Examiner has recommended the replacement or removal of a number of imprecise terms throughout the Plan, as reflected in this Policy. This is to ensure the policy in question provides a practical framework within which decisions on planning applications can be made with a high degree of predictability as required by</p>	<p>Amend Policy E2 to read:</p> <p>“Proposals for new employment sites consistent with other policies in this Plan and which encourage the growth of local employment will be supported.</p> <p>The development of new local employment opportunities will be encouraged within the Neighbourhood Area <u>supported</u> providing that they:</p> <p>a) Do not have a detrimental impact on residential amenity; b) Do not lead to the loss of green infrastructure; c) Do not have an unacceptable impact due to increased traffic generation <u>result in severe traffic impacts</u>; and d) Do not conflict with the purposes of including land within the Green Belt.”</p>

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		<p>para 17 of the NPPF.</p> <p>Officers agree with the Examiner on these issues and as such, the policy has been amended as per the Examiner's modifications. It is considered that the policy as amended is now in general conformity with Local and National Policy and meets the Basic Conditions test.</p>	
Policy E3 – Encouraging Home Based Working (p.43, para 128)			
<p>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."</p> <p>After "conversion)" insert "within the Village Boundary defined on Figure 2".</p> <p>Delete "suitable".</p> <p>Replace part b) with "No on-road parking requirement will be</p>	<p>Section 5: Economy and Infrastructure (p.15)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner agreed with the representation submitted by SDC that the development of live-work units should align with the Core Strategy and promote only sites within the village boundary.</p> <p>The Examiner has recommended the replacement or removal of a number of imprecise terms throughout the Plan, as</p>	<p>Amend Policy E3 to read:</p> <p>"All new dwellings are encouraged to provide space to support home-working, with flexible space adaptable to a home office, and incorporate cabling to support broadband in accordance with Policy E4 <u>Proposals for new dwellings that provide space to support home-working, with flexible space adaptable to a home office will be supported.</u></p> <p>Proposals for small scale live-work development (new build or conversion) <u>within the Village boundary defined on Figure 2</u>, comprising of commercial space and living space will be</p>

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<p>generated;".</p> <p>Delete "Operations" and insert "Work".</p> <p>Delete part d).</p>		<p>reflected in this Policy. This is to ensure the policy in question provides a practical framework within which decisions on planning applications can be made with a high degree of predictability as required by para 17 of the NPPF.</p> <p>Officers agree with the Examiner on these issues and as such, the policy has been amended as per the Examiner's modifications. It is considered that the policy as amended is now in general conformity with Local and National Policy and meets the Basic Conditions test.</p>	<p>supported subject to the following criteria:</p> <p>a) Have suitable independent access to both uses;</p> <p>b) Have an appropriate level of off road parking to serve both uses <u>No on-road parking requirement will be generated;</u></p> <p>c) Operations <u>Work</u> carried out in live-work units will not impact adversely on residential amenity;</p> <p>d) Be in reasonably accessible locations to service facilities by means other than a private vehicle;</p> <p>[N.B. criterion e) and f) not amended].</p>
<p>Policy E4 – High Speed Broadband (p.44, para 132)</p>			
<p>In Policy E4 delete "within the Neighbourhood Area will be expected to" and insert "must, subject to viability considerations,"</p>	<p>Section 5: Economy and Infrastructure (p.16)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner concluded that the term "will be expected to" does not provide the basis for determination of planning applications, since it</p>	<p>Amend Policy E4 to read:</p> <p>"All new residential and commercial development within the Neighbourhood Area will be expected to <u>must, subject to viability considerations</u> include the necessary infrastructure to allow future connectivity to high speed broadband".</p>

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		<p>was necessary to recognise the requirement to consider viability and deliverability, as required by para 173 of the NPPF. The modifications have been recommended in order to generally conform to the strategic policies of the Core Strategy.</p> <p>Officers agree with the Examiner on this issue and as such, the policy has been amended as per the Examiner's modifications. It is considered that the policy as amended is now in general conformity with Local and National Policy and meets the Basic Conditions test.</p>	
Policy E5 – Telecommunications (p.45, para 136)			
In Policy E5 before "The potential" insert "Consideration of".	Section 5: Economy and Infrastructure (p.16)	<p><i>Modification Agreed.</i></p> <p>The Examiner agreed with the representation submitted by SDC that criterion d) as drafted does not flow from introductory sentence of the</p>	<p>Amend criterion d) of Policy E5 to read:</p> <p>"d) <u>Consideration of</u> the potential for sharing existing masts, buildings and other structures. Such evidence and justification for any new site should accompany any application; and"</p>

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		<p>Policy and agreed that this could be simply rectified through the inclusion of "Consideration of" to begin the criterion.</p> <p>Officers agree with the Examiner on this issue and as such, the policy has been amended as per the Examiner's modifications. It is considered that the policy as amended is now in general conformity with Local and National Policy and meets the Basic Conditions test.</p>	
Policy NE1 – Valued Landscapes (p.47, para 144)			
<p>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</p>	<p>Section 6: The Natural Environment (p.18)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner was content that the matter relating to the protection of valued landscapes was satisfactorily evidenced and adequately identified in Figure 3 of the Plan. However, he recommended a modification to clarify vistas related to</p>	<p>Amend Policy NE1 to read:</p> <p>"In order to maintain the distinctive character of the Neighbourhood Area, all new development must have regard to landscape character and historic landscape features.</p> <p>Proposals which have an adverse impact on valued landscapes and views will not be supported.</p>

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supported.”		<p>views that can be seen from locations to which the general public have free and unrestricted access. The Examiner also concluded that the Policy included imprecise terms which did not provide a basis for the determination of planning applications and the policy referred to 'skylines' which were not identified, or defined within the Plan.</p> <p>To overcome these deficiencies, the Examiner proposed a re-worded policy. Officers agree with the Examiner on these issues and the policy has been replaced as per the Examiner's modifications. It is considered that the policy as re-drafted by the Examiner is in general conformity with Local and National Policy and also meets the Basic Conditions test.</p>	<p>Valued landscapes and important skylines and views are shown on Figure 3.</p> <p><u>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.</u></p>

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Policy NE2 – Flooding and Drainage (p.50, para 152)			
<p>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."</p>	<p>Section 6: The Natural Environment (p.23)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner felt the Policy as drafted did not provide a sound basis for the determination of planning applications and included within it a large number of imprecise terms which would not help readers of the Plan understand when technical standards would be applicable, or not. The Examiner also concluded that the meaning of the final paragraph of the policy was unclear, since it was necessary to recognise the need to account for viability and deliverability as required by para 173 of the NPPF.</p> <p>The Examiner also raised concern over the Neighbourhood Plan referencing optional technical standards and requirements relating to the construction</p>	<p>Replace Policy NE2 to read:</p> <p>"New development will be expected to provide and incorporate sustainable drainage systems.</p> <p>Other measures such as the reuse and recycling of water, the use of permeable paving and other measures that help with water efficiency and those which enhance ecology will be encouraged in all development schemes.</p> <p>Proposals which do not satisfactorily address pluvial flooding considerations will not be supported.</p> <p>All proposals for new residential dwellings or new commercial buildings must demonstrate that there are or will be adequate water supply and water treatment facilities in place to serve the whole development.</p> <p>Proposals that would result in an unacceptable risk to the quality of a water body or water bodies will not be supported.</p> <p>Proposals to expedite the improvement and upgrade the existing drainage network in the village will be supported. All developments will be</p>

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		<p>or performance of new dwellings, contrary to the written Ministerial Statement to Parliament of the Secretary of State on 25th March 2015.</p> <p>Finally, the Examiner reasoned it was unnecessary and confusing for the NDP Policy to duplicate strategic policy and variation of terminology from strategic policy which had not been adequately justified.</p> <p>The Examiner proposed a much simplified, precise policy to take account of all the concerns outlined in his report and referenced above.</p> <p>Officers agree with the Examiner on these issues and the policy has been replaced as per the Examiner's modifications. It is considered that the policy as re-drafted by the Examiner is in general conformity with Local and</p>	<p>expected to demonstrate that there are suitable and satisfactory arrangements in place to deal with foul water.</p> <p>New developments must contribute to flood alleviation through provision of sustainable drainage systems, soft landscaping and permeable surfaces where possible.</p> <p>Developments which offer the opportunity to include landscape and biodiversity enhancement in sustainable drainage systems will be encouraged.</p> <p>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, they should be supported by a groundwater risk assessment and arrangements put in place for the whole life management and maintenance.</p> <p>Water efficiency measures that go beyond the current Building Regulations and non-domestic buildings should as a minimum reach 'Good'</p>

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		National Policy and also meets the Basic Conditions test.	BREEAM standards. <u>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.</u>
Policy NE3 – Renewable Energy (p.51, para 157)			
In Policy NE3 replace the text after "supported" with "where there are no significant adverse landscape or other visual impacts."	Section 6: The Natural Environment (p.24)	<i>Modification Agreed.</i> The Examiner was not content that the term "especially when this leads to a positive local benefit to the community" provided a sound basis for the determination of planning applications, and should be removed. The Examiner also agreed with one representation on the Plan that suggested large-scale renewable energy schemes could have a significant detrimental visual	Amend first paragraph of Policy NE3 to read: "Development proposals relating to the production of renewable energy will be supported especially when this leads to a positive local benefit to the community <u>where there are no significant adverse landscape or other visual impacts.</u> "

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		<p>impact on the local landscape.</p> <p>The modifications proposed by the Examiner look to rectify both these matters in order to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency, as required by para 17 of the NPPF.</p> <p>Officers agree with the Examiner on this issue and as such, the policy has been amended as per the Examiner's modifications. It is considered that the policy as amended is now in general conformity with Local and National Policy and meets the Basic Conditions test.</p>	
Policy NE4 – Designated Local Green Spaces (p.57, para 176)			

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<p>Delete "at the following locations" and insert "where development will be ruled out other than in very special circumstances"</p> <p>Delete the second and third paragraphs commencing "The above" and "Development that"</p> <p>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.</p>	<p>Section 6: The Natural Environment (p.24)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner was content with the 6 listed sites to remain in the Plan as LGS. However, the Parish Council acknowledged an error in the evidence for site CLAV6 and during the Examination, clarification was sought by the Examiner in relation to public rights of way at site CLAV5. Modifications have been proposed to rectify these drafting errors, which officers agree with.</p> <p>The Examiner concluded that the latter paragraphs of the policy did not adequately reflect the terms of the designation of Local Green Spaces set out in para 76 of the NPPF and should be removed, with a minor modification/addition to the first paragraph confirming that development will be ruled out, other than in very special circumstances.</p>	<p>Amend Policy NE4 to read:</p> <p>"This Plan designates the following areas of Local Green Space as defined on Figure 4 <u>at the following locations where development will be ruled out other than in very special circumstances:</u></p> <p>[List of 6 no. sites remain the same]</p> <p>The above designations include a range of existing formal sports and recreational spaces along with informal areas of play and open space.</p> <p>Development that would harm the openness or special character of a Local Green Space or its significance and value to the local community will not be supported unless there are very special circumstances which outweigh the harm to the Local Green Space.</p> <p>[Final paragraph has no modifications]</p>

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		Officers agree with the Examiner on these issues and as such, the policy has been amended as per the Examiner's modifications. It is considered that the policy as amended is now in general conformity with Local and National Policy and meets the Basic Conditions test.	
Policy NE5 – Conserving the Natural Environment (p.59 to 60, para 183)			
<p>Replace Policy NE5 with:</p> <p>"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</p>	<p>Section 6: The Natural Environment (p.27)</p>	<p><i>Modification Agreed.</i></p> <p>Whilst accepting the principle of such a policy, the Examiner concluded that the policy was without consequence and the terms "should contribute to", "particularly encouraged", and "are encouraged" did not provide the basis for the determination of planning applications in a consistent manner. Additionally, the Examiner felt that the terms "wherever possible" and "where appropriate" also</p>	<p>Replace Policy NE5 as follows:</p> <p>"Development should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible.</p> <p>Existing ecological networks should be retained, and new ecological habitats and networks are particularly encouraged. Measures to improve landscape quality, scenic beauty and tranquillity and to reduce light pollution are encouraged.</p> <p>Where appropriate, new native hedge and tree planting will be required as part of an integrated landscaping scheme in all new developments.</p>

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tree planting as part of an integrated landscaping scheme unless it is demonstrated this is not practicable or viable."		<p>introduced uncertainty and the term "minimising" was imprecise. The Examiner stated it was necessary to recognise the need to take account of viability and deliverability matters, as required by para 173 of the NPPF.</p> <p>Officers agree with the Examiner on these issues and the policy has been replaced as per the Examiner's modifications. It is considered that the policy as re-drafted by the Examiner is in general conformity with Local and National Policy and also meets the Basic Conditions test.</p>	<p><u>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.</u></p> <p><u>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."</u></p>
Policy BE1 – Principles of Good Design (p.63, para 191)			
<p>After "(VDS)" insert "presented in Appendix 1".</p> <p>Delete "during the conception and evolution of a" and insert</p>	Section 7: The Built Environment (p.28)	<p><i>Modification Agreed.</i></p> <p>The Examiner proposed a number of minor modifications to the policy to</p>	<p>Amend Policy BE1 to read:</p> <p>"All development proposals must demonstrate how the Village Design Statement (VDS) <u>presented in Appendix 1</u> has been taken into</p>

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<p>"in the".</p> <p>Delete "will be expected to" and insert "must".</p> <p>Delete "has been influenced by the need to plan positively to" and insert "will", and delete "and how this will be achieved".</p> <p>Delete "across the Neighbourhood Area".</p> <p>In part a) before "Provision" and insert "Retention and".</p> <p>In part c) delete "and shape".</p>		<p>remove 'vague' or imprecise wording, or phrases that were deemed to require further explanation or considered to be unnecessary. These proposed modifications were required to provide a practical framework within which decisions on planning applications could be made with a high degree of predictability as required by para 17 of the NPPF.</p> <p>Officers agree with the Examiner on these issues and the policy has been replaced as per the Examiner's modifications. It is considered that the policy as re-drafted by the Examiner is in general conformity with Local and National Policy and also meets the Basic Conditions test.</p>	<p>account during the conception and evolution of a design.</p> <p>All development proposals will be expected to <u>must</u> demonstrate how the design has been influenced by the need to plan positively to <u>will</u> reduce crime and the fear of crime and how this will be achieved.</p> <p>The following important design principles should be addressed by all development proposals across the Neighbourhood Area:</p> <p>a) Provision of space between buildings or groups of buildings to preserve views; b) Arrangement of buildings to follow established building lines and road hierarchy; c) Reflecting traditional building form and shape with roof pitches of generally 40° or more with varied ridge and eaves lines and heights; and d) Sensitive siting of PV and solar panels particularly when in close proximity to listed buildings or views into and out of the conservation area.</p> <p>The above criteria should not necessarily discourage the very highest quality modern design".</p>

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Policy BE2 – Heritage Assets (p.64, para 196)			
<p>In the first paragraph after "describes the" insert "harm to the".</p> <p>In the second paragraph replace "preserve" with "conserve", and replace "Area" with "Areas".</p> <p>Delete the final paragraph.</p>	<p>Section 7: The Built Environment (p.29)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner agreed with the representation from SDC in that:</p> <p>The first paragraph promoted a different test of 'harm' to that outlined in the NPPF and that the harm to be assessed should be to the significance of the asset and its setting.</p> <p>In order to be consistent with the NPPF, 'preserve' should be amended to 'conserve'.</p> <p>That any reference to Scheduled Monuments should be removed, since there are none in the neighbourhood area.</p> <p>The Examiner agreed to these modifications so that the policy provides a practical framework within which decisions on planning</p>	<p>Amend first paragraph of Policy BE2 to read:</p> <p>"Proposals which may affect a heritage asset will be required to include an assessment which describes the <u>harm to the</u> significance of the asset and their setting".</p> <p>Amend second paragraph to read:</p> <p>"Development within and adjacent to all heritage assets will be strictly controlled. Development which fails to preserve <u>conserve</u> or enhance the character or appearance of the Conservation Areas will not be supported".</p> <p>Delete the final paragraph:</p> <p>"All proposals must conserve the important physical fabric and settings of listed buildings and Scheduled Ancient Monuments."</p>

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		<p>applications can be made with a high degree of predictability and efficiency as required by para 17 of the NPPF.</p> <p>Officers agree with the Examiner on these issues and the policy has been replaced as per the Examiner's modifications. It is considered that the policy as re-drafted by the Examiner is in general conformity with Local and National Policy and also meets the Basic Conditions test.</p>	
Policy CSL1 – Community Facilities (p.66, para 202)			
<p>Replace "the vicinity" with "no less convenient location for users".</p> <p>Delete "as outlined in Appendix 2" and insert "where they are compatible with neighbouring uses".</p> <p>The list of existing community</p>	<p>Section 8: Community, Sports and Leisure (p.30)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner considered the term "in the vicinity" was imprecise and required amendment, for clarity and consistency of approach.</p> <p>The Examiner noted that Appendix 2 included existing</p>	<p>Amend Policy CSL1 to read:</p> <p>"The loss or partial loss of existing community facilities will be not be supported unless it can be demonstrated that the facility is no longer in active use and has no prospect of being brought back into use or is to be replaced by a new facility of at least an equivalent standard in the vicinity <u>no less convenient location for users.</u></p>

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<p>facilities that the policy applies to should be clearly stated in the "Explanation" that follows the Policy.</p>		<p>community facilities as well as a mix of community aspirations relating to community facilities which are desired. The Policy failed to recognise the distinction between existing and aspirational facilities and the Examiner put forward a modification to the policy in order to promote the enhancement and improvement of existing facilities where they would not cause unacceptable harm to neighbouring uses, thus allowing the deletion of reference to Appendix 2 within the policy itself.</p> <p>The Examiner noted that the Explanatory text below the policy included reference to community facilities not referred to in Appendix 2 and considered there was a lack of clarity regarding the application of the policy. The Examiner recommended that the Explanatory text should list the community facilities</p>	<p>Proposals which enhance and improve existing community facilities will be supported as outlined in Appendix 2 where they are compatible with <u>neighbouring uses.</u>"</p> <p>Explanatory text – paragraph 8.3 amended to read:</p> <p>"Claverdon has a broad demographic profile and has facilities which are extremely well utilised, supported and maintained. These facilities are also used by the population of neighbouring villages as a meeting place for sport and recreation. <u>These include:</u></p> <ul style="list-style-type: none"> • <u>The recreation Ground & Sports Pavilion on Langley Road</u> • <u>Claverdon School on Breach Lane</u> • <u>Ambition Field on Breach Lane</u> • <u>Dorothea Mitchell Hall and tennis courts on Station Road</u> • <u>The Church Centre on Church Road</u> • <u>Ardencote Manor on Lye Green Road</u> • <u>Yarningale Common</u> • <u>Crown Inn & Red Lion Inn, both on A4189"</u>

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		<p>to which the policy relates at the time of the Plan preparation in order to avoid uncertainty and provide a practical framework within which decisions on planning applications can be made with a high degree of predictability.</p> <p>Officers agree with the Examiner on these issues and the policy and associated Explanatory text has been amended as per the Examiner's modifications. It is considered that the policy as re-drafted by the Examiner is in general conformity with Local and National Policy and also meets the Basic Conditions test.</p>	
Policy CSL2 – Sports and Leisure Facilities (p.68, para 208)			
<p>Replace Policy CSL2 with:</p> <p>"Proposals for new leisure and sports facilities and the</p>	<p>Section 8: Community, Sports and Leisure (p.31)</p>	<p><i>Modification Agreed.</i></p> <p>The Examiner concluded that the policy as drafted was</p>	<p>Policy CSL2 replaced as follows:</p> <p>"Existing formal and informal sport and recreational facilities in the Neighbourhood Area</p>

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<p>enhancement or expansion of existing formal and informal sport and recreational facilities will be supported where they are compatible with neighbouring uses.</p> <p>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."</p>		<p>'without consequence', included a number of imprecise terms which would not provide a sound basis for the determination of planning applications and failed to recognise the criteria relating to proposals for the loss of open space and recreational land and buildings, as set out in para 74 of the NPPF. As such, the Examiner proposed a revised policy to take account of these matters.</p> <p>Officers agree with the Examiner on these issues and the policy has been replaced as per the Examiner's modifications. It is considered that the policy as re-drafted by the Examiner is in general conformity with Local and National Policy and also meets the Basic Conditions test.</p>	<p>will be protected, enhanced and expanded where appropriate.</p> <p>New leisure and sports facilities will be supported providing they are compatible with existing neighbouring uses".</p> <p><u>"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.</u></p> <p><u>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."</u></p>

Assessment of the Neighbourhood Plan as a whole, against the three dimensions of sustainable development, as set out in the National Planning Policy Framework (NPPF):

Sustainable Development Role (NPPF)	Neighbourhood Development Plan's Contribution
Economic	<p>The Neighbourhood Plan seeks to support the local economy through the protection and enhancement of existing employment sites and the promotion of new employment sites/opportunities within the neighbourhood area.</p> <p>If implemented these policies will have a positive impact on the local economy, safeguarding jobs and local services.</p>
Social	<p>The Neighbourhood Plan sets a framework that will help to support the achievement of sustainable social development.</p> <p>The Plan promotes the retention and improvement of local community facilities.</p> <p>The Plan supports the protection, enhancement and expansion of existing formal and informal sport and recreational facilities.</p> <p>The Plan supports the provision of new leisure and sports facilities.</p> <p>The Plan looks to safeguard and promote improvements of locally important sites.</p> <p>Policies seek to promote the local distinctiveness of the area, and recognise locally important heritage assets.</p>
Environmental	<p>The Neighbourhood Plan includes a number of policies that support environmental sustainability for the community.</p> <p>The Plan has policies that look to protect heritage assets, natural features, biodiversity, valued landscapes as well as designate areas of Local Green Space.</p> <p>The NDP includes policies to protect the natural environment for future generations which have a positive impact on the environmental sustainability of the plan.</p>

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

- Subject to the modifications above, the Claverdon Neighbourhood Plan meets the Basic Conditions set out in paragraph 2.12 above; and
- The referendum area should be coterminous with the neighbourhood area.

4. Availability of Decision Statement and Examiner's Report (Regulation 18(2))

This Decision Statement and the Examiners Report can be inspected online at:

www.stratford.gov.uk/claverdonnp

And can be viewed in paper form at:

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