

Ilmington Neighbourhood Plan

Response to Examiner's Request for Clarification 2nd October 2019

This note sets out Ilmington Parish Council's response to the request for clarification from Mr Nigel McGurk, the Independent Examiner appointed for this draft Neighbourhood Plan.

Responses directly follow the headings and bullet point comments / questions contained in the letter from Mr Nigel McGurk dated 2nd October 2019, but do not respond to Question 1 European Obligations, which is directed to Stratford on Avon District Council.

2) HG Policies (and DC1)

As worded, whilst Policy DC1 suggests that some development within a site might be at a higher density, it infers that the overall density of a site should be up to 16 dph. Is this a correct interpretation?

- Yes, this is the correct interpretation. This is an average density. Variation within any individual site, in terms of the distribution of new housing across that site, should reflect the overall character of the village, which combines elements of dispersed dwellings at varying densities with clusters in particular locations that are at higher densities. This approach reflects National Planning Policy Guidance (paragraph 28).

Please can you point me to evidence in respect of national and local policy, deliverability, viability and the effective use of land in support of the suggestion that achieving up to a 16dph density is appropriate?

- We refer to:
 - The analysis in figure 10 that demonstrates how density varies across the village and para 6.2.5. of the draft plan, which shows how, against an overall average, this density reflects the existing settlement pattern.
 - National Planning Policy Guidance / National Planning Policy Framework: paragraphs 15 and 122
 - Stratford on Avon Core Strategy Strategic Policy 3 (Below paragraph 1.4.4.) and policy CS9 addressing design and distinctiveness.
 - This proposal also reflects recent local planning policy and development. For example, the most recent major development in Ilmington at Wilkins Way has a density of 15.6dw per Ha. It is a viable development, which has been completed, occupied and is now a reality (see 6.2.4 & 6.2.5 in the draft plan).
- Whilst national planning policy may suggest making the best and most efficient use of land put forward for development, in our view, this should not be at the expense of harming the existing, well established character of the village, particularly given its conservation area and status as an AONB.

The "Mabels Farm" site is located within the setting of the Grade II Listed "Mabels Farmhouse" (located across the road to the south) and within the setting of the Ilmington Conservation Area. Please can you point me to any detailed information to demonstrate that any heritage related matters can be overcome in respect of the deliverability of the allocation?

- Please refer to:
 - Policy HG3, which has a set of policies that specifically deal with this point.
 - The Strategic Environmental Assessment requested by Natural England, Historic England and the Environment Agency. We do not cite successive individual paragraphs because the

Ilmington Neighbourhood Plan

Response to Examiner's Request for Clarification 2nd October 2019

full document contains extensive analysis of the Mabel's proposal, raises no objections, and identifies no impact that cannot be satisfactorily mitigated. This analysis states specifically that Policy HG3 and the Design Principles will "help to ensure that the setting of these historic assets is protected".

- Stratford on Avon District Council Conservation Area review in 1995 which identified Mabel's Farm as an "eyesore". In our view, it has since further deteriorated, however, a visit to the neighbourhood plan area should confirm the 1995 assessment.
- Historic England responded to the pre-submission draft consultation (on 18th June 2018, their reference PL00392122) by concluding that: "...the plan reads overall as a well written, well-considered document which is eminently fit for purpose. We consider that an exemplary approach is taken to the historic environment of the Parish and that the Plan constitutes a very good example of community led planning." The Mabel's Farm proposal remains the same in the current draft Plan. Had Historic England found the allocation at Mabel's Farm to conflict with heritage assets they would have raised this during Reg 14.
- Please also see Site Assessment evidence by Steering Group (Folder (CD_10/File CD_10_1) /Independent Consultant (Folder CD_9) on website:
<https://www.dropbox.com/sh/n7ef1f5wpwv2vwt/AABz0ddkqGpkLuvsuHEo8QQJa?dl=0>
- SDC has not raised this as an issue.

Please can you point me to the evidence that demonstrates at least 20 new dwellings can be provided at Site 1 without any additional congestion in Back Street (as per the Policy requirement)?

- Policy DC7 is designed to provide adequate parking on the development site to avoid congestion in Back Street. It is the parking of vehicles whose occupants access the school in Back Street that is the primary cause of existing congestion.
- This congestion mainly occurs at school pick-up and drop-off times as a side effect of on-street parking. During these times the school promotes an informal one-way system whereby parents are asked to enter Back Street at its southern end and exit by travelling north along Back Street to its junction with Mickleton Road. The parked cars rarely extend as far as the existing entrance into Mabel's Farm. Once the development is complete, commuters from the development would only encounter those drivers in the morning, if at all, as most commuters leaving the development would be travelling north along Back Street to the routes out of the village, i.e. in the same direction as the school traffic. As a consequence of this and the off-street parking policies proposed in this plan, congestion along Back Street should not be exacerbated.
- Accordingly, providing a safe access and sufficient parking for the dwellings and visitors is provided within the Mabel's Farm site allocation, the existing congestion issues experienced around school pick up and drop off times will not be exacerbated. However, points HG.3.3 and HG3.4 could be reworded to ensure this, as noted below.
- Alternative wording could be:
"In order to avoid exacerbating existing parking problems in Back Street, a safe access and sufficient parking for residents and visitors within the development shall be provided (see policy DC.7)"

Ilmington Neighbourhood Plan

Response to Examiner's Request for Clarification 2nd October 2019

Whilst partly referenced in supporting information/Design Guidance, the “balance between built and green areas” appears as a somewhat vague and subjective matter and any such “balance” varies considerably across the settlement. Please can you point me to information to demonstrate that reference to this within Policy HG3 provides for a clear and unambiguous Policy?

- This is:
 - Based on the draft plan's Village Character Appraisal, in particular paragraphs 4.5 and 4.11, which identify the settlement pattern and the value placed on it by the community.
 - Please refer to photographs in appendix 1F that show examples of the balance between green spaces and built up area. These photographs illustrate the analysis that Ilmington is an ancient settlement that evolved over many centuries to create the current pattern and balance between built and green areas.
 - Please see Figure 17 page 49, location of spaces designated as *Local Green Spaces* and also landscape survey map fig 24 of orchards and allotment that also illustrate the pattern.
 - It is appreciated that the manner in which a development assimilates into the natural and built environment will be subjective. However, it is important to ensure that the existing settlement pattern is respected where possible.
 - We suggest rewording the initial paragraph of Policy HG.3 as follows: *“Development of Mabel's Farm should make a positive contribution to the character of the village. In addition to the Design Principles in Section 7 and other policies within this plan, the development should demonstrate how the Village Character Appraisal, and in particular point 4.7, has been taken into account. Development should also:.....”*
 - The above wording is not ambiguous and allows the decision maker to subjectively assess any application against the policy. The wording does not require the development to fully accord with the VCA and 4.7 but to demonstrate how it has been taken into account and it is therefore sufficiently flexible without being overly onerous.
 - SDC has not raised this as an issue.

Please can you point me to detailed information to demonstrate what the flooding issues are at Site 3; and to information to demonstrate that these issues can be overcome, such that the allocation is deliverable; and to information to demonstrate that 3 dwellings is appropriate for a site of just under 1 acre in size in this location ?

- The flooding issues affecting Site 3 are related to surface water flood risk (low and medium) see EA flood risk map – Figure 19. As you will be aware, evidence underpinning any NDP should be proportionate. It is therefore not the role of a neighbourhood plan to prepare/commission a detailed flood risk assessment at an individual site level, as to do so would be disproportionate. However:
 - The policy states *“...development of up to 3 dwellings (subject to alleviating flood risk)”*. The proposal would be required to demonstrate how it would alleviate flood risk at the planning application stage.
 - Only part of this site is identified as subject to flood risk (see Figure 19 page 54 of the plan) and it is felt that 3 dwellings could be adequately accommodated within the part of the site that is not liable to flooding.

Ilmington Neighbourhood Plan

Response to Examiner's Request for Clarification 2nd October 2019

- The draft plan was subject to detailed comment and input from Warwickshire County Council Flood Risk Management experts at pre submission stage. This was incorporated into the plan (see also Annex 1) ref policies INF: 1 & INF: 2.
- The Strategic Environmental Assessment (SEA) requested by Environment Agency, Natural England and Historic England concluded that: “.. [the site] is adjacent to an area of high-risk surface water flooding. On site, there are areas of low and medium risk surface water flooding and therefore development of this site could potentially have a minor negative impact on the water and flooding objective to some extent.” (page 39) but they advise a minor potential adverse impact and recommend measures which have been incorporated into the draft plan (page 48)
- Please also see Site Assessment evidence by Steering Group (Folder (CD_10/File CD_10_1) on website:
<https://www.dropbox.com/sh/n7ef1f5wpwv2vwt/AABz0ddkqGpkLuvsuHEo8QQJa?dl=0>
- SDC has not raised this as an issue.

If there is no 5 year housing land supply and the Reserve site is sustainable, on what planning basis can it reasonably be prevented from coming forward if Site 1 has not been implemented?

- Site 1a is proposed as an extension to site 1. It is therefore logical that Site 1a should only come forward once site 1 has been developed. It would be inappropriate to develop Site 1a in isolation from Site 1. If Site 1a was developed in isolation and the farm was retained, it would result in a working farm being surrounded on virtually 3 sides by residential properties. This is bad planning. Furthermore, local evidence suggests that farming operations are already causing a degree of nuisance to existing residents. To allow a further development of houses directly adjacent to the working farm would exacerbate the impact of the farm on local residents.
- We suggested in the Reg 16 response to SDC's comments that we change the wording in Policy H.G.2 from 'completed' to 'implemented'.

Figure 6 appears confusing. The responses from SoADC are indicative of this. Please can you clarify the need to include this Figure in the Neighbourhood Plan, as the majority of the Evidence Base has not been included? Also, why is the Figure shaded, which has the effect of suggesting that it has some kind of raised status, which it does not?

- It is included because it was felt to be helpful information and additional explanation for the reader. Whilst the NDP is principally a professional tool for decision makers, it is also a community plan which will be read by local residents. It was therefore felt appropriate to show how the various sites for potential development were assessed.
- The inclusion of Figure 6 is not critical and could be removed if necessary to meet the basic conditions. However, we do not consider that its inclusion means the plan would fail to meet the basic conditions. Alternatively, in order to make it less confusing, it could be reformatted as a table with no shading and placed under 6.1.4.1.

HG4. Noting that development plan policies must be considered as a whole, what is the difference between “support” and “support in principle”?

- We agree that the phrase “in principle” was included in error and that it should be deleted.

Ilmington Neighbourhood Plan

Response to Examiner's Request for Clarification 2nd October 2019

Design guidance provides guidance - it does not comprise policy. Unlike say, a District-wide Supplementary Planning Document, the Design Guide is not an adopted planning document that has undergone rigorous examination. The Design Guide is very prescriptive and much of its content appears as though it comprises policy requirements (which it does not). Despite this, Policies HG5, DC1, DC3 and DP1 require all development to accord with the requirements of the Design Guide.

- *HG5. Please can you point me to national and/or local planning policy that would support the requirements of the Design Guide effectively taking on development plan policy status (noting the requirements of the above Policies and the "policy-like" content of the Design Guide).*
- *Please can you point me to evidence to demonstrate that all the requirements of the Design Guide are, in all cases, viable and deliverable. Please point me to information in respect of how the requirements of the Design Guide can be controlled.*
 - The policy 'hook' for the application of the Design Guide is contained within Policy DP.1 (Design Principles) of the NDP.
 - NDPs are encouraged to produce design policies and this is reflected in National Planning Policy Framework paragraph 125.
 - In addition, NPPF Paragraph 126 requires clarity at an early stage through 'design guides and codes'.
 - Stratford on Avon District Council Core Strategy Policy CS. 9 requires that development 'enhances the sense of place, reflecting the character and distinctiveness of the locality'. Design guidance delivers that requirement for a place that has a substantial area in a Conservation Area and within an Area of Outstanding Natural Beauty.
 - We do not consider that this request for evidence is proportionate. Most NDPs have design guides which reflect and explain the character of the existing settlement and encourage new development to have regard to such guides. This is nothing new and is quite common. The guide and policy 'hook' (DP.1) does not require developments to slavishly follow the guide or to stifle new and innovative designs but to have regard to it as a starting point for new development (see introduction to the Design Guide).
 - The Guide builds on the Design Statement in the 1996 Parish Plan. This has been in place for over 20 years and used by developers and decision makers for this period.
 - SDC has not raised this as an issue.

3) DC Policies

DC1. Is there a specific reason why the Policy seek to 'preserve' heritage assets when national policy refers to conservation?

- We are content to replace 'preserve' with 'sustain' consistent with national policy, reference NPPF para 185.

Ilmington Neighbourhood Plan

Response to Examiner's Request for Clarification 2nd October 2019

Is there a specific reason why the Policy repeats the requirements of other policies when the development plan must be considered as a whole?

- This is an overarching policy outlining the key development criteria, which where necessary, are repeated in more detail under other policies. It should not be deleted as it provides the policy 'hook' for the Design Guide and is the only policy which considers density.
- SDC has not raised this as an issue

Parts g) and h) of the Policy appear vague. How will these requirements be judged, who by and on what basis? Please can you point me to specific evidence to indicate how a decision maker can react to a development proposal in these respects?

- We are content to delete g).
- However, we consider that h) should be retained as this covers a significant design principle in the plan. We do not believe that a decision maker would find this vague and SDC has not raised this as an issue. It refers to Section 7 which provides more explanation. All planning applications are treated on their own merits and judged by the decision maker. Such judgements are often a matter of individual interpretation (particularly when it comes to suitable design and fitting with the character of an area).

When will DC1.6 be 'necessary'?

- The phrase 'where necessary' is commonly used in NDP policies. Many Examiners have insisted on this wording being included as without these words all development would be required to demonstrate compliance. Introducing the words 'where necessary' allows the decision maker to make a judgement call as to when it is actually necessary to require certain action/compliance. In other words, not all development (e.g. a rear extension to a house) would be required to demonstrate this point.
- This reflects concerns raised by residents in a response to the pre-submission consultation and is particularly relevant to larger schemes such as that for Mabel's Farm.
- This is consistent with National Planning Policy Framework policy 91b.
- SDC has not raised this as an issue.

DC2. National policy provides for appropriate housing in the countryside. Why does Policy DC2 seek to prevent (i.e. fail to refer to) some forms of housing in the countryside that are supported by national policy?

- We consider it is dealt with in policy DC2. However, the policy should be reworded as below to reflect paragraph 79 of the NPPF.

"Proposals for new dwellings within the built-up area boundary, as defined in Figure 10 will be supported, subject to being in accordance with other policies in this plan. All areas outside the built-up area boundary are classed as countryside. New dwellings within the countryside should be strictly controlled and limited to Rural Exception Sites, replacement dwellings, the subdivision of existing residential dwellings and dwellings for rural workers, the viable reuse of heritage assets, the conversion of existing, disused or redundant buildings, and dwellings of truly outstanding or innovative design."

Ilmington Neighbourhood Plan

Response to Examiner's Request for Clarification 2nd October 2019

DC3. What is a 'modest' development?

- We agree that the words "...modest and.." be deleted from the start of Clause DC.3.2.

DC5. When will it be appropriate/not appropriate to enhance the character of the landscape setting?

- Where the landscape has been compromised by unsuitable development or by something that detracts because it is unsightly. Ilmington is substantially in an ANOB and much of the village is a conservation area. 'Redeveloping eyesores' such as Mabel's Farm could enhance the village and its landscape context.
- The wording of the first part of this policy could be adjusted to read:
"Development proposals must demonstrate how they are appropriate to, and integrate with, the character of the landscape setting whilst conserving and, where appropriate, enhancing the character of the landscape. Where possible, development should always be encouraged to provide betterment."
- SDC has not raised this as an issue.

The words "maintained and safeguarded" result in the second part of DC5 preventing any form of development within a "valued landscape." Is this the intention of the Policy?

- No. This does not mean all development is precluded, but that development should protect and enhance the valued landscape identified as per paragraph 170 of the NPPF.
- SDC has not raised this as an issue.

What are the specific "important vistas and skylines" that must be maintained and safeguarded?

- Important skylines and vistas: please see fig13 and appendix fig2 in the draft plan.
- SDC has not raised this as an issue.

DC6. Please can you point me to evidence to demonstrate deliverability in respect of the requirement for all development to be environmentally sustainable? How might a household extension, an ATM or a new shop sign achieve the requirements of the Policy?

- We are content for the introductory sentence to policy D.C.6 to read *"Where possible, all development should be designed to be environmentally sustainable"*.
- This policy is consistent with Stratford on Avon District Council Core Strategy policy CS.2 B (page 27).

Please can you point me to viability/deliverability information in respect of Policy 6.3/ 6.4? Please can you define 'eco-friendly' construction and indicate how this might be controlled?

- The first line of the policy could be reworded to:
"New buildings will be expected to demonstrate how they contribute to environmental sustainability. This includes..."
- Viability is a material planning consideration and can therefore be taken into account by decision makers if necessary.

Ilmington Neighbourhood Plan

Response to Examiner's Request for Clarification 2nd October 2019

- Suggest the phrase “eco-friendly” in the third bullet point could be changed to “environmentally sustainable”.
- SDC has not raised this as an issue.

DC7. Please can you point me to evidence that demonstrates how the car parking standards can be delivered whilst at the same time meet all design aspirations (for example, how/why provision of say, 22 car parking spaces for 5*4 bed dwellings, or 5 spaces for a single 5 bed dwelling, would not result in a car-dominated development)? Does 7.1 conflict with 7.3 and other design aspirations set out in the Neighbourhood Plan?

- We included garages as part of the parking space allocation. This is a matter for design of the individual development and therefore for the planning permission process. Policy HG3 sets out design policies for hard surfaces including parking. Generally, the larger the house, the more space there is available on site for parking and amenity areas e.g. a double/triple garage with driveway in front for a 4/5 bed house could easily accommodate 4/5 parking spaces without too much impact.

The evidence base for the proposed “parking standards” appears to be derived from the Questionnaire (plus references to Core Strategy policies). Please can you point me to any additional evidence to indicate that the standards have emerged from a robust evidence base?

- Please see response to the next question that also covers this question.

It might be argued that the proposed standards appear “excessive” (taking account of part C of Core Strategy Policy CS.26). Please could you point me to evidence to demonstrate that this is not the case (other than the Questionnaire)?

- The community survey had a substantial (>60%) response from the village and represents a substantive body of evidence on the views of the village population and those who experience the challenge of congestion and as such it is material. DC7 is specifically designed to avoid congestion in Back Street.
- Young adults of driving age are ‘living at home’ with parents much longer than ever before due to affordability issues. Young adults invariably have their own cars. It is quite common for a 4 bedroom house to be occupied by 4 adults who have access to their own cars. Arising from the survey, 25% of households have 3 or more cars and approximately 65% of households have 2 or more cars. 65% of households have 3 or more bedrooms.
- Refer to images of overcrowded parking in Bennett Place on page 43 of the Plan. Bennett Place is a good example of where many young adults are still living at home with their parents. Please refer to the list of comments in the NDP Consultation Survey within the Consultation Statement, pages 108 – 113.
- Parking standards are not a strategic issue and therefore the NDP is perfectly entitled to apply a local standard (see NPPF para 105). The parking standards proposed are not excessive in a village with virtually no public transport options and high car ownership.

Ilmington Neighbourhood Plan

Response to Examiner's Request for Clarification 2nd October 2019

4) Policy HA1

Why is it relevant for all development to demonstrate this? Why will only 'public benefits' be considered in respect of heritage assets and not, for example, the desirability of sustaining and enhancing significance, putting assets to viable uses, economic vitality, contribution to local character etc ?

- "Where necessary" should be added to the beginning of the policy as clearly not all developments will be required to demonstrate compliance. We believe that the phrase "public benefits" cover your further examples: see www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment.

5) Policy LGS1

How/why is reference to special character, significance and value to the local community consistent with managing development within Green Belts?

- Ilmington is not in the Green Belt (GB). However, para 101 of the NPPF makes a comparison between Local Green Spaces (LGS) and GB for development management purposes only. The NPPF expects LGS to be treated as if it were GB for the purposes of development management. There is no expectation or policy requirement that the rationale/justification for LGS designation must relate directly to the rationale/justification for inclusion of land within the GB.

6) INF Policies

Is it clear and unambiguous (and necessary) for the Policy to seek to impose a discharge rate requirement when there is disagreement on relevant bodies in this regard?

- The policy could be reworded so that no specific discharge rate is included. Suggest "Discharge rates should be agreed with the relevant statutory undertaker" or similar. However, we point you to both detailed advice from Warwickshire County Council experts (see Annex 1 and Annex 2) and the Strategic Environmental Assessment. The latter states in relation to flooding that:
 - "It is anticipated that the NDP will result in development within areas at risk of low and medium surface water flooding and adjacent to areas at high risk of surface water flooding. This is likely to exacerbate local surface water flooding issues. However, the implementation of the Infrastructure policies will reduce this impact to one of negligible significance"
- As the Environment Agency were one of the three statutory bodies requesting the SEA and would have commented in detail on it at key stages and in signing off, we consider it is correct to presume that they are content. Furthermore, in commenting on the screening of the SEA, Environment Agency stated that:
 - "We concur with the conclusions of the report. We note policies INF1, NF2 and NE2, and welcome that the three site allocations are located outside the mapped fluvial flood zones, however recommend that given the flooding history within this area, and the issues regarding mains foul drainage infrastructure that the water environment is also included for further consideration within the SEA. This will ensure that the plan complies with Stratford upon Avon Council's requirements to ensure that the EU Water Framework Directive is complied with in its plan-making, and that as such the plan supports the objectives of the Severn River Basin Management Plan. It must be ensured that the plan

Ilmington Neighbourhood Plan

Response to Examiner's Request for Clarification 2nd October 2019

does not result in any detriment to the water environment, particularly through the discharge or treatment of foul effluent affecting water quality."

Is the requirement to provide something "in perpetuity" deliverable?

- We are content to remove the term "in perpetuity".

Please can you point me to evidence to demonstrate that, in all cases, opening up culverts where practicable will contribute to the achievement of sustainable development?

- We are reflecting Warwickshire County Council Flood Risk & Drainage Standing Advice Document Version 3 last revised August 2017, paragraph 11.2, page 17. The sentence could have added at the end "and after taking advice from Warwickshire County Council Flood Risk specialists" to confirm the value of taking this step. Suggest adding the words "Where appropriate..." to the start of the policy.

Please can you point me to evidence in support of the requirement that no SuDS features should be provided in any area of flood risk, as required by INF1.3?

- This reflects Warwickshire County Council Flood Risk & Drainage Standing Advice Document Version 3 last revised August 2017 paragraph 7.3, page 13 and the more detailed Suds guidance referenced. It is, in essence, a practical requirement to maximise the effectiveness of facilities by separating them from areas potentially subject to inundation by direct flooding on the ground in which they are sited.

Please can you point me to evidence in support of all development needing to comply with INF2.1. Please can you define "heavy rainfall" and "subsequent to" (eg, one minute after, one day after etc?)

- This policy addresses a well-documented issue described in the draft plan (pages 54 – 56).
 - Meteorologists classify rainfall according to the rate of precipitation. "heavy" rain is defined as a precipitation rate of between 10 mm and 50 mm per hour (Met Office National Meteorological Library and Archive: Fact Sheet 3, Water in the Atmosphere 2007).
 - "Subsequent to" is intended to define a period of time following an episode of heavy rainfall. The duration of the period between the end of that rain fall and when the pressure thereby caused on the existing sewage system declines back to normal levels is a function of the rate of precipitation, its duration and specifically the nature, location and scale of the development. Accordingly, each development would need to calculate the likely period and consider their proposed solution against these parameters

Why is INF2.2/3 necessary, given the responsibilities of providers?

- We strongly believe that these are necessary conditions for developers. The policy expressly seeks to ensure that sufficient on-site facility is provided to avoid over burdening an existing, wider, local drainage infrastructure that is already struggling to cope at peak times of flow arising from heavy rainfall.
- The drainage difficulties experienced within Ilmington are well documented and described in the correspondence between Severn Trent and Ilmington Parish Council. See Folder CD_12/File 12_7 at <https://www.dropbox.com/sh/n7ef1f5wpwv2vwt/AABz0ddkqGpkLuvsuHEo8QQJa?dl=0>

This catalogue of correspondence demonstrates that the "provider", Severn Trent Water, after accepting the need to provide additional capacity, has consistently avoided doing so.

Ilmington Neighbourhood Plan

Response to Examiner's Request for Clarification 2nd October 2019

- We refer you to the photographic evidence of sewers backing up on page 55 of the Plan, which demonstrates the issue.

Please can you point me to evidence in respect of the deliverability and viability of INF2.4 as it applies to all development; and how this might be controlled?

- This draft policy reflects Warwickshire County Council Flood Risk & Drainage Standing Advice Document Version 3 last revised August 2017 (for example, paragraph 3.3 page 7). The policy translates this advice into a requirement, on the basis that the lack of separation of foul drainage and surface water in parts of the South to North system in Ilmington is already known to be problematic. Deliverability and viability are judgements that individual developers will need to make, but the plan consolidates the advice and good practice referred to in previous sections of this document into necessary policies to ensure that development can take place in Ilmington, without aggravating known existing problems.
- We suggest adding “Where necessary...” to the start of the policy. We appreciate that “new development” includes everything and this policy requirement would not be applicable e.g. to a porch or a fence.
- We consider that draft Policies INF 1 & INF 2 reflect NPPF paragraphs 149 and 163 which state that [the italic emphasis is ours]:
 - **Paragraph 149:** “Plans should take a *proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.*
 - **Paragraph 163:** “When determining any planning applications, local planning authorities should ensure that *flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*
 - a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the *development is appropriately flood resistant and resilient;*
 - c) it *incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
 - d) *any residual risk can be safely managed....*

NE Policies

NE1. Please can you point me to detail in respect of the specific ecological networks that should be retained?

- Refer to figures 21 and 24 in the draft plan.
- Suggest changing ‘networks’ to ‘wildlife corridors’.
- SDC has not raised issues with this policy regarding this wording

Ilmington Neighbourhood Plan

Response to Examiner's Request for Clarification 2nd October 2019

NE3. How will details "be encouraged"?

Who will encourage connectivity and shelter and how; and how will development affecting hedgerows be encouraged to conserve them ?

- The encourager / encouragement is through the pre-planning advice provided by Stratford on Avon District Council in steering potential developers, together with the planning process in considering an application and in imposing conditions for approval, giving due regard to the fact that a significant element of the draft plan area sits within the Area of Outstanding Natural Beauty and/or Conservation area.

- The policy could be reworded to read:

"NE.3.1: Where relevant, details of boundary treatments and landscaping, including any affected existing mature hedgerows, shall accompany planning applications for new development and support traditional style and characteristics as set out in Policy DP.1 Design Principles and the Design Guide in Section 7. This includes:

- *Solid boundary treatments (e.g. fences and walls) should include 13x13cm hedgehog holes at their base, as per the recommendations of the British Hedgehog Preservation Society."*
- *Encouraging connectivity and shelter for ground-dwelling wildlife through the planting and maintenance of features such as native species hedgerows and grassy margins.*

3.2. "Where possible, development should avoid adversely affecting existing mature hedgerows in order to conserve these important natural features. If hedgerow removal is unavoidable, new native hedgerow replacements should be provided as an integral part of the development."

NE4. Please can you point me to detail in respect of precisely where the orchards and remnant orchards to be protected are located ? Please can you define "orchard" and "remnant orchard"?

- Suggest adding "figure 24" to the policy in the draft plan so that it reads: *"The partial or complete loss of orchards, remnant orchards and allotments, shown as such in figure 24, through development proposals will be resisted"*.
- Please note that all orchards in Ilmington are 'traditional orchards' and all of which are 'remnant orchards':
 - *"Traditional orchards are defined as groups of fruit and nut trees planted on vigorous rootstocks at low densities in permanent grassland and managed in a low intensity way" (Natural England); and*
 - *Remnant orchards are traditional orchards that are irregularly managed, and sometimes in a state of neglect or where part of the orchard has been left over after development has taken place.*
 - *These contrast with more intensively managed modern and commercial orchards, none of which currently exist in Ilmington.*

NE6. Most external lighting does not require planning permission. Why is NE6 deliverable and how will it be controlled?

- We agree with regard to existing developments. However, this can be controlled through planning conditions on new development.

Ilmington Neighbourhood Plan

Response to Examiner's Request for Clarification 2nd October 2019

8) ETA Policies

ETA1. What is an 'appropriate scale'?

- Suggest combining ETA 1.1 and 1.2 together, and rewording ETA 1.1 as follows: *"Are of an appropriate scale that does not detract from the character, appearance or green infrastructure of the Neighbourhood Area."*

The other parts of the policy to be re-numbered accordingly.

We consider the judgement as to what is "appropriate" to be within the planning authority's competence to judge.

ETA.2 How would the second part of the Policy be deliverable taking into account that it appears to rely on land in third party ownership?

Suggest changing policy to read:

"All new dwellings should:

- *Incorporate cabling or suitable ducting to support high speed broadband;*
- *Encourage the provision of space to support home-working, with flexible space adaptable to a home office"*

Draft prepared by the Ilmington Neighbourhood Plan Working Group

Reviewed and approved by Ilmington Parish Council 29 October 2019

Ilmington Neighbourhood Plan

Response to Examiner's Request for Clarification 2nd October 2019

Annex 1 Ilmington Neighbourhood Plan: Pre-Submission stage Comments by Warwickshire County Council Flood Risk Management Experts.

Tabulated Warwickshire County Council Flood Risk Management Comments on the Ilmington Neighbourhood Development Plan 2011 - 2031.

C FRM has the following content related comments:

Page	Paragraph No.	Comment
20	HG1.3	Support that this policy has picked up the flood risk issues on site 3.
21	Figure 5	<ul style="list-style-type: none"> - Site 3 (for 3 dwellings) has significant surface water flooding risk and appears to have a watercourse within the site. This should be assessed in a site specific flood risk assessment which should include modelling of the watercourse with SuDS features moved outside areas of risk. - Site 2 has a minor surface water flow path running through it that will need to be managed.
24	Policy HG.3	<p>A bullet point should be included to pick up flood risk that should also be repeated in Policy HG.5 to cover all three allocated sites. Possible wording may be;</p> <ul style="list-style-type: none"> - Adequately consider existing and potential flood risk, utilise above ground SuDS to attenuate to Qbar, and ensure no increase in flood risk <p>Or</p> <ul style="list-style-type: none"> - Development should be in accordance with Warwickshire County Council Flood Risk Management Planning Advice document.
27	Policy HG.5	This policy should include the same wording as Policy HG.3, particularly as both have surface water flow routes that will need management. Site 3 is of particular concern as shown in policy HG.1.
28	Policy DC.1	<p>A point could be added encouraging new developments to open up any existing culverts for greater amenity and biodiversity benefits. Where new culverts are required, the length of new culverts should be kept to a minimum, built in accordance with WCC guidance, and have appropriate approvals.</p> <p>Ensure that any development within the Neighbourhood Area adequately considers flood risk. It should also utilise above ground SuDS to attenuate to Qbar and therefore ensure no increase in flood risk.</p>
32	Policy DC.3	Create new bullet point within this policy to consider flood risk and specifically highlight that discharge rates can be controlled to below 5 l/s.
38	Policy DC.6	The point regarding capturing rainwater could be expanded on to include possible integration to SuDS system.
46	Policy INF.1: a)	This could include the necessity for flood risk assessments in the planning process and the importance of developments not increasing flood risk.
46	Policy INF.1:	We would like to see this point strengthened to require flows to be attenuated to Qbar and include an

Page	Paragraph No.	Comment
	b)	allowance for urban creep. Additionally, it could highlight that through better design, it is possible to control discharge rates to below 5 l/s.
46	Policy INF.1: c)	We would like to see this point strengthened to ensure that above ground SuDS are used as underground storage rarely provides any treatment of flows.
46	Policy INF.1:	A new point could be added that includes the discharge hierarchy (paragraph 080 of the Flood PPG). Infiltration > surface water body > surface water sewer > combined sewer
47	Policy INF.2 c)	Add to point c) that for connections into combined systems, the on-site system should remain separate up to the point of connection.
47	Supporting Documents	The WCC Flood Risk Management Standing Advice should be added to this list.
74	7.6.2	New culverts will need consent from the LLFA and should be kept to the minimum length
	7.6.3	This is a good point, it could possibly include that riparian owners have a responsibility to ensure that the watercourse can convey flow
	7.6.4	It could be mentioned that permeable paving is an option.

Annex 2

Tabulated Warwickshire County Council Flood Risk Management
Comments on the Ilmington Neighbourhood Development Plan 2011 – 2031
Regulation 16

WCC FRM has the following content related comments:

Page	Paragraph No.		Comment
78	Policy DP.1	<i>Design Principles</i>	If this policy referred to Policy INF.1 Flooding within it, then that would remove the need for the individual references to be made to INF.1 in all of the policies mentioned below, as they already state that compliance with DP.1 is mandatory.
24	Policy HG.3	<i>Site 1</i>	Make reference to Policy INF.1 Flooding.
29	Policy HG.5	<i>Sites 2 and 3</i>	Make reference to Policy INF.1 Flooding.
30	Policy DC.1	<i>Development within the Neighbourhood Area</i>	Make reference to Policy INF.1 Flooding.
34	Policy DC.3	<i>Infill within the Built-up Area Boundary</i>	Make reference to Policy INF.1 Flooding.
51	Policy INF.1	<i>Flooding</i>	Currently the last sentence suggests that new development sites should discharge to less than 5 l/s, which might not be the case for all sites (depending on their size). Please amend the last sentence in INF1.2 to say that ' <i>Discharge rates lower than 5 litres per second can be achieved; 5 l/s is not the minimum possible rate</i> '. A well written policy, which has taken our previous comments on board, a strong example for other NDPs.

