

ILMINGTON NEIGHBOURHOOD PLAN 2011-2031

Ilmington Neighbourhood Plan Examination
A Report to Stratford-on-Avon District Council

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1. Summary

- 1 Subject to the recommendations within this Report, made in respect of enabling the Ilmington Neighbourhood Plan to meet the basic conditions, I confirm that:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

- 2 Taking the above into account, I find that the Ilmington Neighbourhood Plan meets the basic conditions¹ and I recommend to Stratford-on-Avon District Council that, subject to modifications, it should proceed to Referendum.

¹ It is confirmed in Chapter 3 of this Report that the Ilmington Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

2. Introduction

The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the Ilmington Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by Ilmington Parish Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. At Referendum, should more than 50% of votes be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Stratford-on-Avon District Council. The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Ilmington Neighbourhood Area.
- 5 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development.”
(Paragraph 29, National Planning Policy Framework)
- 6 As confirmed in paragraph 1.4 on page 2 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Ilmington Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 7 Paragraph 1.7 on page 3 of the Basic Conditions Statement confirms that the Neighbourhood Plan relates only to the designated Ilmington Neighbourhood Area and that there is no other neighbourhood plan in place in the Ilmington Neighbourhood Area.
- 8 The above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2019²) and Planning Practice Guidance (2014).

² A replacement National Planning Policy Framework was published in July 2018 and amended in 2019. Paragraph 214 of the replacement document establishes that the policies of the previous National Planning Policy Framework apply for the purpose of examining plans, where those plans are

Role of the Independent Examiner

- 9 I was appointed by Stratford-on-Avon District Council, with the consent of the Qualifying Body, to conduct the examination of the Ilmington Neighbourhood Plan and to provide this Report.
- 10 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the Local Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 11 I am a chartered town planner and have seven years' direct experience as an Independent Examiner of Neighbourhood Plans and Orders. I also have thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 12 As the Independent Examiner, I must make one of the following recommendations:
 - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 13 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Ilmington Neighbourhood Area to which the Plan relates.
- 14 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

submitted on or before the 24th January 2019. The Ilmington Neighbourhood Plan was submitted to Stratford-on-Avon District Council after this date and consequently, it is appropriate to examine the policies of the Neighbourhood Plan against the most recent version of the National Planning Policy Framework.

Neighbourhood Plan Period

- 15 A neighbourhood plan must specify the period during which it is to have effect.
- 16 The title of the Neighbourhood Plan provides a clear reference to the plan period, 2011-2031 and paragraph 1.9 on page 4 of the Basic Conditions Statement submitted alongside the Neighbourhood Plan states:

"The INDP states that the period it relates to is from 2011 to 2031. The period has been chosen to align with the dates of the District Council's Core Strategy."
- 17 Taking the above into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.

Public Hearing

- 18 According to the legislation, it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 19 However, it is also the case that *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 20 Further to consideration of the information submitted, I determined not hold a public hearing as part of the examination of the Ilmington Neighbourhood Plan.
- 21 However, in order to clarify a number of points in respect of the examination, I wrote to the Qualifying Body and to Stratford-on-Avon District Council and this examination has taken the responses received into account.

3. Basic Conditions and Development Plan Status

Basic Conditions

- 22 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “*basic conditions*.” These were *set out in law*³ following the Localism Act 2011. Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 23 Regulations 23 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28th December 2018, applies to neighbourhood plans:
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations.⁴

³ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

⁴ *ibid* (same as above).

- 24 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
 - has been prepared for an area that has been properly designated for such plan preparation (under Section 61G of the Localism Act);
 - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that:
 - its policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
- 25 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁵
- 26 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

⁵ The Convention rights has the same meaning as in the Human Rights Act 1998.

European Convention on Human Rights (ECHR) Obligations

- 27 I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.
- 28 In the above regard, I also note that information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Various comments have been received in response to active community engagement during the plan-making process. The Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses to comments and to resulting changes to the Neighbourhood Plan.

European Union (EU) Obligations

- 29 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment (SEA). In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*
(Planning Practice Guidance⁶)
- 30 This process is often referred to as “*screening*”⁷. If likely environmental effects are identified, an environmental report must be prepared.
- 31 A screening assessment of the Neighbourhood Plan recommended that its potential impacts on the Cotswolds Area of Outstanding Natural Beauty (AONB) and on heritage assets should be investigated further through a full SEA.

⁶ Planning Guidance, Paragraph 027, Ref: 11-027-20150209,.

⁷ The requirements for a screening assessment are set out in in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 32 The statutory bodies, Historic England, Natural England and the Environment Agency were all consulted on the screening assessment. All three of the bodies agreed with its conclusions.
- 33 A Strategic Environmental Assessment (SEA), supported by a Scoping Report and a Reasonable Alternatives Report, was submitted alongside the Neighbourhood Plan. The SEA found that the Neighbourhood Plan complied with SEA objectives.
- 34 In addition to SEA, a Habitats Regulations assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information⁸. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.
- 35 A Habitats Regulations Assessment screening report formed part of a “*SEA and HRA Screening Document*” published in July 2018. This concluded that a Habitat Regulations assessment was not required. None of the statutory bodies disagreed with this conclusion.
- 36 Further to the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:
- “It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)”* (Planning Practice Guidance⁹).
- 37 In carrying out the work that it has and in reaching the conclusions that it has, Stratford-on-Avon District Council has not raised any concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.

⁸ Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

⁹ *ibid*, Paragraph 031 Reference ID: 11-031-20150209.

- 38 In addition to all of the above, I note that, in April 2018, in the case *People Over Wind & Sweetman v Coillte Teoranta ("People over Wind")*, the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a habitats assessment, an *Appropriate Assessment* of those effects must be undertaken.
- 39 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.
- 40 The changes to regulations allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an Appropriate Assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application. These changes came into force on 28th December 2018.
- 41 I am mindful that Stratford-on-Avon District Council has taken all of the above into account and that it considers the Neighbourhood Plan to be compatible with European obligations.
- 42 Taking this, all of the above and the evidence before me into consideration, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

4. Background Documents and the Ilmington Neighbourhood Area

Background Documents

- 43 In undertaking this examination, I have considered various information in addition to the Ilmington Neighbourhood Plan.
- 44 I draw attention to the fact that a replacement version of the National Planning Policy Framework was published in 2018 and revised in 2019 and it is this replacement document that the Neighbourhood Plan must have regard to.
- 45 Information considered as part of this examination has included (but has not been limited to) the following main documents and information:
- National Planning Policy Framework (referred to in this Report as "*the Framework*") (2019)
 - Planning Practice Guidance (2014, as updated)
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - Stratford-on-Avon Core Strategy 2011-2031 (2016)
 - Basic Conditions Statement
 - Consultation Statement
 - Representations received
 - Habitats Regulations Assessment Screening Opinion
 - Strategic Environmental Report
- 46 In addition, I spent an unaccompanied day visiting the Ilmington Neighbourhood Area.

Ilmington Neighbourhood Area

- 47 The boundary of the Ilmington Neighbourhood Area is identified on Figure 1 provided on page 10 of the Neighbourhood Plan.
- 48 Stratford-on-Avon District Council designated the Ilmington Neighbourhood Area on 26th April 2016.
- 49 This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

5. Public Consultation

Introduction

- 50 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 51 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Ilmington Neighbourhood Plan Consultation

- 52 A Consultation Statement was submitted to Stratford-on-Avon District Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*¹⁰.
- 53 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Ilmington Neighbourhood Area, having regard to Paragraph 29 of the National Planning Policy Framework (referred to in this Report as "*the Framework*").
- 54 Further to establishing a Neighbourhood Plan Steering Group in 2016, a "*Quick Question*" survey was carried out to raise awareness of residents and to understand local concerns relevant to the plan-making process. The survey was supported by flyers and a stand at the Ilmington Show. More than a hundred responses were received.
- 55 In September 2016, evidence gathering workshops were held and attended by around 40 residents. Other, less formal, workshops were also held and the information gathered from the workshops and the questionnaire helped to inform the emerging plan.

¹⁰ Neighbourhood Planning (General) Regulations 2012.

- 56 A Call for Sites event was held during December 2016 and January 2017. The sites were assessed in workshops in March 2017. Also during the first part of 2017, the '*Ilmington Survey*' was carried out. This involved the delivery of a survey to all households. Around 60% of surveys were returned.
- 57 Two more workshops were held during March 2017 and these were attended by 77 residents. Further consultation workshops took place during September 2017 and letters were sent to landowners in respect of the Call for Sites and proposed Local Green Space.
- 58 The pre-submission draft plan was consulted upon during May and June 2018. This was supported by the delivery of a '*Steering Group Statement*' delivered to all households. There were 45 responses and these were duly considered and helped to inform changes to the plan.
- 59 As well as a dedicated page on the Parish Council website, public consultation was publicised via flyers, village noticeboards, information in the '*Six Parishes Magazine*' the town's newsletter and via social media.
- 60 The Consultation Statement provides ample evidence to demonstrate that public consultation formed a fundamental part of the plan-making process. Consultation was comprehensive, very well-publicised and matters raised were duly considered.
- 61 Taking all of the above into account, I am satisfied that the consultation process was robust and that it complied with the neighbourhood planning regulations referred to above.

6. The Neighbourhood Plan – Introductory Section

62 The basic conditions are referred to earlier in this Report and for precision, I recommend:

- **Page 8, Para 2.4, add “The Plan is *in general conformity with the Core...*”**

63 The last part of Paragraph 2.5 is only representative of the time at which it was written and I recommend:

- **Page 8, change last sentence of Para 2.5 to “*As at 1st January 2020, 24 dwellings have been built or received planning permission in the Neighbourhood Area.*”**
- **Para 2.6, delete “(NPPF 2018)”**
- **Delete Paras 2.11 and 2.12, which do not reflect the requirements of the basic conditions, set out earlier in this Report**
- **Para 3.2.1, line 2, change to “...Council *which considers the core area to be one of...*”**
- **The wrong photograph is included on page 18 of the Neighbourhood Plan and should be changed, as per representations.**

64 The “*Reference Documents*” bullet points which follow each Policy of the Neighbourhood Plan may have provided useful references during the consultation process, but appear in the Neighbourhood Plan as somewhat subjective and limited references, likely to be overtaken by events as time moves on and which to some degree, detract from the clarity of the Policy section's Policies and supporting text. I recommend:

- **Delete “Reference Documents” section below each Policy in the Policy section of the Neighbourhood Plan and list the reference documents in an Appendix to the Neighbourhood Plan**

7. The Neighbourhood Plan – Neighbourhood Plan Policies

Future Housing and Growth

Policy HG.1: Housing Allocations

65 There is no requirement for a Neighbourhood Plan to allocate land for development. However, neighbourhood planning provides communities with powers to shape, direct and help to deliver sustainable development, including through the allocation of land for new homes.

66 Policy HG.1 of the Neighbourhood Plan seeks to allocate three sites for residential development, at Mabel's Farm, Featherbed Lane and Armscote Road. Together, these sites would contribute around 26 dwellings towards the provision of new housing in Stratford-on-Avon and as such, Policy HG.1 has regard to the national policy of objective of:

"...significantly boosting the supply of homes..."
(Para 59, the Framework)

67 Further Policies in the Neighbourhood Plan consider the delivery of these sites in more detail. In this regard, I note that the policies of the development plan should be considered as a whole. Given this, there is no need for cumbersome cross referencing between policies, which can detract from their precision and this is a factor taken into account in the recommendations below.

68 I recommend:

- **Policy HG.1.1, delete "in accordance...DC.1"**
- **Policy HG1.2, delete (subject to...access)."**

Policy HG.2: Strategic Reserve Site

- 69 In seeking to ensure that the Neighbourhood Plan provides for the Neighbourhood Area's sustainable development needs, Policy HG.2 allocates a reserve site, to be brought forward if there is an identified shortfall in housing delivery.
- 70 This comprises positive planning and contributes to the achievement of sustainable development.
- 71 As set out, the Policy would prevent Policy HG.2 from coming forward unless Site 1 has been "completed." This makes little sense, as the purpose of Policy HG.2 is to provide for a residential development site to be brought forward if there is an identified shortfall in housing delivery. Development at Site 1 might commence but not be completed for any number of reasons.
- 72 Consequently, as worded, Policy HG.2 appears unclear and confusing, as it could serve to prevent development coming forward at a time when there is an identified shortfall in housing delivery, despite provision for any such shortfall comprising the purpose of the Policy.
- 73 This would be contrary to planning guidance, which requires planning policies to be clear and unambiguous¹¹:
- "A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared."*
- 74 Figure 6 of the Neighbourhood Plan appears in a coloured box under the title "Site Assessment Criteria" and as presented, it could be confused as containing Policy requirements. However, the information provided simply refers back to how sites were assessed during the plan-making process. This is information provided in detail in the Neighbourhood Plan's evidence base and it is unnecessary and in this case, detracts from the clarity of the Policy section, for it to be repeated in the Neighbourhood Plan itself.

¹¹ Planning Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

75 Taking the above into account, I recommend:

- **Policy HG.2, end Policy on line 3, “...in Stratford-on-Avon District.”
Delete rest of Policy (“and if the...HG.3”)**
- **Delete Figure 6 on page 22 and reference to Figure 6 on line 5 on
page 22**

Policy HG.3: Site 1

- 76 Policy HG.3 sets out detailed requirements in respect of the delivery of Site 1, allocated in Policy HG.1.
- 77 In general terms, the Policy provides for clarity and seeks to ensure that the largest allocation in the Neighbourhood Area is delivered in a sustainable manner.
- 78 Site 1 is located opposite Mabel's Farmhouse, a Grade II Listed Building and is also within the setting of Ilmington Conservation Area. National policy requires heritage assets to be conserved in a manner appropriate to their significance and I make a recommendation in this regard below.
- 79 I recommend:
- **Policy HG.3.2, change to *"The design should respect and reflect heritage assets and will be expected to conserve and where possible, enhance the character of the setting of both Mabel's Farmhouse and Ilmington Conservation Area."***
 - **Policy HG3.9, change to "Incorporate 35% affordable housing on-site." (delete rest of sentence)**

Policy HG.4: Relocation of Mabel's Farm

- 80 Policy HG.4 appears vague and ambiguous. It does not allocate a site for development but states that a form of development "*will be supported in principle*" subject to it meeting development plan requirements.
- 81 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise¹². Thus, any application for development that meets development plan requirements should be determined favourably, regardless of whether or not it is "*supported in principle.*"
- 82 The supporting text to Policy HG.4 includes a diagram of a possible location for the possible relocation of Mabel's Farm. However, this is potentially misleading, as the Neighbourhood Plan does not allocate any such site.
- 83 Whilst Policy HG.4 does not meet the basic conditions, I am mindful that plan-makers support the relocation of Mabel's Farm. Taking this into account, I recommend:
- **Delete Policy HG.4**
 - **Delete title "Explanation" but retain Paras 6.1.17 and 6.1.18. These Paras would then simply follow on from the preceding Paras supporting Policy HG.3**
 - **NB retain Figure 9, which is (further to deletion of Policy HG.4) now simply included for information purposes**

¹² Reference: Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

Policy HG.5: Sites 2 and 3

84 Policy HG.5 simply cross-references other development plan policies. It is unnecessary and detracts from the concise nature of the Neighbourhood Plan.

85 The box entitled "*Community Infrastructure Levy*" sets out general information. However, its presentation leads it to appear as though it has some Policy-type status over and above that of supporting text, which is not the case.

86 I recommend:

- **Delete Policy HG.5**
- **Delete box on page 29 and replace text within a new Para 6.1.19, to follow on directly from Para 6.1.18**

Development Criteria

Policy DC.1: Development within the Neighbourhood Area

- 87 The Neighbourhood Plan includes two design Policies, Policy DC.1 and DP.1, that appear repetitious as they generally seek to achieve similar aims. This detracts from the clarity and concise nature of the Neighbourhood Plan.
- 88 Notwithstanding this, the two Policies also contradict one another and this appears confusing. For example, Policy DC.1 states that the rural area should be "*conserved*," whilst Policy DP.1 requires it to be "*preserved*." These are two different things.
- 89 In addition, Policy DC.1 simply sets out "*in principle*" support subject to other policies. This appears vague and as noted earlier in this Report, planning is, in any case, development plan-led. Also, many of the criteria of Policy DC.1 refer to, or are covered in more detail by, other Policies in the Neighbourhood Plan.
- 90 Further to the above, Policy DC.1.4 seeks to set out a general density limit on new development of 16 dwellings per hectare and recommends that development should be in the range of 10 to 16 dwellings per hectare.
- 91 In modern-day terms, this comprises an extremely low density for residential development. It is the result of taking a village-wide analysis. By its very nature, the analysis includes development that has occurred over many Centuries and incorporates very different forms of building, open space and undeveloped land, without robust evidence to demonstrate why such a broad analysis is directly relevant to all new build housing, or is fully justified, having regard to viability.
- 92 National planning policy requires the:
- "...effective use of land in meeting the need for homes..."* (Paragraph 117, the Framework)

- 93 In order to achieve this, Chapter 11 of the Framework, "*Making effective use of land*," goes on to require planning policies to take account of, amongst other things:

"...the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it...local market conditions and viability..."

(Para 122, the Framework)

- 94 Policy DC.1 is not supported by substantive evidence to demonstrate that it would make effective use of land or be justified through the provision of viability information and further, there is no substantive evidence to demonstrate that residential densities greater than 16 dwellings per hectare would necessary fail to maintain prevailing character and setting.
- 95 Notwithstanding the above, it is noted that, in any case, the Neighbourhood Plan and the Stratford-on-Avon Core Strategy (referred to in this Report as "*Core Strategy*") include Policies to ensure that development does not appear harmful or out of keeping with its setting.
- 96 In making the recommendation below, I note that the final criterion of Policy DC.1 can be incorporated into Policy DP.1 and this is a factor that is taken into consideration later in this Report.

- 97 I recommend:

- **Delete Policy DC.1 and supporting text on pages 30, 31 and 32**

- 98 Whilst I note that the Qualifying Council would like to significantly revise Policy DC.1, further to submission of the Neighbourhood Plan, the examination process does not provide for this. However, a made Neighbourhood Plan can be revised, subject to following the statutory process.

Policy DC.2: Built-up Area Boundary

- 99 In general terms, taking into account earlier comments in this Report with respect to the need for the development plan to be considered as a whole, Policy DC.2 is supportive of residential development within the Built-Up Area of Ilmington. Consequently, subject to the recommendations below, this part of the Policy meets the basic conditions.
- 100 The Policy goes on to seek to limit new residential development in the countryside. To some extent, Policy DC.2 has regard to Paragraph 79 of the Framework, which seeks to prevent the inappropriate development of isolated homes in the countryside.
- 101 However, the restrictive nature of the Policy, which appears to prevent some forms of new housing in the countryside deemed appropriate by national policy, is unjustified; and the Policy's incorrect interpretation of the national policy approach to new housing where the design is of exceptional quality, results in unnecessary confusion.
- 102 I recommend:
- **Policy DC.2, change first sentence to "...in Figure 11 will be supported." (delete rest of sentence)**
 - **Policy DC.2, change from line 5, "...dwellings and dwellings that are essential for rural workers, development that would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets, the re-use of redundant or disused buildings which enhances immediate setting, the subdivision of an existing dwelling, or a new dwelling, the design of which is of exceptional quality."**
- 103 I note that the Parish Council would like to revise the BUAB to take into account circumstances that have changed since submission of the Neighbourhood Plan. However, planning and development is dynamic and one of the reasons many plans have moved away from a boundary-led approach, is that circumstances change over time and it is not possible for every built-up area boundary in a development plan to be altered every time that there is a change on the edge of the built-up area.

Policy DC.3: Infill within the Built-up Area Boundary

104 Policy DC.3 adds detail to the preceding Policy in the Neighbourhood Plan. It supports appropriate infill development and in this way, contributes to the achievement of sustainable development.

105 As presented, the Policy includes a vague reference to "*supported in principle,*" as well as cross-references to other Policies in the Neighbourhood Plan.

106 I recommend:

- **Change first sentence of Policy DC.3 to "*Limited infilling within the Built-up Area Boundary will be supported where development:*"**
- **Delete Policy DC3.3 and delete "with regard to Policy DC.7 of this Plan" from Policy DC3.5**

Policy DC.4: Pedestrian Access to Amenities

107 Chapter 9 of the Framework, "*Promoting sustainable transport,*" requires the provision of safe and suitable access to development sites and goes on to require applications for development to:

"...give priority first to pedestrian and cycle movements...create places that are safe secure and attractive..."

(Para 110, the Framework)

108 Policy DC.4 seeks to ensure that new housing development provides safe connections to amenities and the existing pavement network.

109 Policy DC.4 meets the basic conditions.

Policy DC.5: Valued Landscapes, Vistas and Skylines

- 110 In general terms, Policy DC.5 seeks to ensure that development respects and where possible enhances local character. This is in general conformity with Core Strategy Policy CS.5, "*Landscape*," which, amongst other things, requires development proposals to have regard to local distinctiveness and historic character.
- 111 The first part of the Policy requires all development proposals to provide information, regardless of relevance. However, the majority of planning applications within the Neighbourhood Area will be for minor development. Minor development takes all kinds of forms and can include, for example, proposals for household extensions, shop signs or ATMs.
- 112 Paragraph 44 of the Framework states that:
- "Local Planning Authorities should only request supporting information that is relevant, necessary and material to the application in question."*
- 113 The requirements of Policy DC.5 may not be material to all forms of development and this is a factor taken into account in the recommendations below.
- 114 The second part of the Policy refers to "*valued landscapes*" and "*views*." These are identified on an indicative Figure provided on page 40 of the Neighbourhood Plan and are also described in the supporting text. There is evidence to demonstrate that the views identified are important and attractive views that are held dear by the local community.
- 115 Given this, it is appropriate for the Policy to take these landscapes and views into account. However, as worded, Policy DC.5 requires all identified landscapes, as well as unidentified "*important vistas and skylines*" to be "*maintained and safeguarded*."
- 116 Such an approach suggests that no development would be permitted in any of the identified areas – as development necessarily comprises change, in conflict with a requirement to maintain and safeguard. In the absence of any information, it is not clear how such an approach would contribute to the achievement of sustainable development, or on what national or local strategic policy basis the Neighbourhood Plan seeks to prevent any form of development taking place in these locations.

117 In respect of the unidentified areas, the Policy provides a vague reference to heritage assets, rising land, village approaches and settlement boundaries – but together, these could amount to large swathes of the Neighbourhood Area and no substantive information has been provided in justification of all such areas being “*maintained and safeguarded.*”

118 Taking into account the general aims of the Policy, I recommend:

- **Policy DC.5, change first sentence to “*Development proposals impacting on landscape setting must demonstrate...*”**
- **Policy DC.5, change second sentence to “*Development proposals should ensure that they respect all valued landscapes, as shown in Figure 13, as well as important vistas and skylines, particularly where they relate to heritage...*”**

Policy DC.6: Environmental Sustainability

- 119 In seeking to promote environmental sustainability, the wording of Policy DC.6 runs the risk of the Policy failing to contribute to the achievement of sustainable development.
- 120 Policy DC.6.1, as set out, supports any form of development so long as it includes grey water and rainwater recycling. This could result in support for inappropriate forms of development.
- 121 Policy DC.6.2 goes on to support the development of any form of renewable technology, anywhere, so long as such development is situated so as to minimise harm. Such an approach would fail to prevent development taking place where the harm arising outweighs any benefits and consequently, it fails to provide for sustainable development.
- 122 Policy DC.6.3 includes vague requirements for “*resource efficient design...eco-friendly*” construction, without reference to who might judge these requirements and on what basis, or to what would happen if new buildings were considered not to meet these requirements.
- 123 Similarly, the requirement in Policy DC.6.4 for buildings to be “*energy efficient*” provides no indication of how this will be judged, who by and on what basis, and consequently, appears as an ambiguous requirement.
- 124 I recommend:
- ***Change wording of Policy DC.6 to “Development should, where possible and appropriate, incorporate the recycling of grey water and captured rainwater, and integration with SuDS systems. Renewable energy development requiring planning permission will be supported, subject to it conserving heritage assets in a manner appropriate to their significance; and to it conserving and enhancing the AONB. Resource efficient design, including the use of local materials, energy efficient technologies and sustainable construction techniques, will be supported. All development in the Neighbourhood Area should respect local character and residential amenity.”***

Policy DC.7: Local Parking Standards and Traffic Management

125 Policy DC.7 sets local car parking standards. The Neighbourhood Plan identifies on-street parking as a significant local issue and seeks to address this, in part, by ensuring that new residential development provides plentiful off-street parking.

126 Evidence is provided to demonstrate that the Policy takes into account various factors, including local ownership levels and availability of public transport, having regard to Paragraph 105 of the Framework.

127 The Policy refers to draft Supplementary Planning Documents. Emerging documents are subject to change and it is inappropriate for a made Neighbourhood Plan Policy to be reliant upon them. I note earlier in this Report that Stratford-on-Avon Council's Development Requirements SPD has been adopted. This is therefore a document that already informs the development plan. It is not a document that has been produced by the Qualifying Body and it does not form part of the Neighbourhood Plan. Reference in Policy DC.7 is unnecessary.

128 For clarity, I recommend:

- **Policy DC.7 delete DC.7.4 and DC.7.5 and replace with "*Cycle storage facilities should be provided within the curtilage of each dwelling and the provision of electric vehicle charging points will be supported.*"**
- **The Stratford-on-Avon Development Requirements SPD (Supplementary Planning Document) has been adopted since the publication of the Submission version of the Neighbourhood Plan and the word "*Draft*" should be removed from the reference to the document on page 42 of the Neighbourhood Plan**

Heritage and Archaeological Assets

Policy HA.1: Heritage and Archaeological Assets

129 Chapter 16 of the Framework, "*Conserving and enhancing the historic environment*," recognises that the nation's heritage assets comprise an irreplaceable resource. Paragraph 184 of the Framework requires all heritage assets to:

"...be conserved in a manner appropriate to their significance..."

130 Generally, Policy HA.1 seeks to ensure that development conserves or enhances the Neighbourhood Area's heritage assets, having regard to national policy.

131 As presented, the first part of Policy HA.1 requires all proposals for development to demonstrate how they will conserve or enhance the Neighbourhood Area's historic environment. However, there is no substantive evidence to demonstrate that all development proposals will necessarily have any impact at all on heritage assets and consequently, as set out, Policy HA.1 does not have regard to Paragraph 44 of the Framework, which states that:

"Local Planning Authorities should only request supporting information that is relevant, necessary and material to the application in question."

132 The second part of the Policy attempts to describe how an application for development affecting a heritage asset will be considered. As presented, the explanation runs the risk of misinterpreting national policy and this is a matter addressed below.

133 Taking all of the above into account, I recommend:

- **Policy HA.1, change to "*Development should conserve heritage assets in a manner appropriate to their significance. The enhancement of heritage assets will be supported.*" Delete rest of Policy**
- **Change title of Policy HA.1 to "*Heritage Assets*"**

Local Green Space

Policy LGS.1: Local Green Space

- 134 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 99 of the Framework states that:

“The designation of land as a Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.”

- 135 The Framework requires policies for the managing of development within a Local Green Space to be consistent with those for Green Belts (Paragraph 101, the Framework). A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.
- 136 Given the importance of the designation, it is appropriate that areas of Local Green Space are clearly identified in the Neighbourhood Plan itself. The Figures identifying each Local Green Space are small and provided on a poor quality map base. This makes the detailed identification of boundaries difficult and I make a recommendation in this regard, below.
- 137 The designation of land for Local Green Space must meet the tests set out in Paragraph 100 of the Framework.
- 138 These are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.
- 139 The Neighbourhood Plan seeks to designate ten areas of land as Local Green Space. Supporting evidence is provided to demonstrate that each proposed Local Green Space meets the relevant national policy tests and is therefore appropriate for designation. I also note earlier in this Report that the Neighbourhood Plan has emerged through robust public consultation.

- 140 An objection in respect of LGS3, refers to their being no public access to the land, limited views of it and it being of no special ecological value. However, the site has been identified by and supported by the local community as being demonstrably special for a number of reasons.
- 141 There is no need for a Local Green Space to be publicly accessible – either before or after designation - and the site has emerged with public support, through a robust consultation process. I also note that, in support of its designation, the site, which can be seen from the surrounding area, forms part of the setting of the Grade II Listed Middle Meadow and includes remnant orchard trees, which are of particular interest to the local community, as denoted by the inclusion of Policy NE.4 in the Neighbourhood Plan.
- 142 There has also been an objection to the inclusion of LGS9 on the basis that it isn't "*demonstrably special.*" However, the parcels of land which form the site enhance their surroundings and their qualities have been found to be special by the local community through a robust consultation process. No substantive evidence has been submitted to the contrary.
- 143 Figure 17 in the Neighbourhood Plan provides an indication of the general location of each Local Green Space. However, the scale and nature of Figure 17 is such that it is not possible to identify the precise boundaries of each Local Green Space provided in the Neighbourhood Plan. Consequently, the Figure provided is insufficient for such an important land use policy designation and this is a matter addressed in the recommendations below.
- 144 National Policy requires that policies for managing development within a Local Green Space should be consistent with those for Green Belts and the recommendations below take this into account. No substantive evidence has been presented to demonstrate that Policy LGS.1's requirements in respect of the "*special character, significance and value to the local community*" of the areas of Local Green Space are consistent with management development in Green Belts.
- 145 The box marked "*Project*" on page 50 of the Neighbourhood Plan appears entirely out of context. There is nothing to demonstrate that the "*Project*" envisaged is something that will take place and without context or supporting information, it is not clear why the Neighbourhood Plan identifies what appears as something that might or might not occur within its Policy section.

146 Taking all of the above into account, I recommend:

- **Change first sentence of Policy LGS.1 to “...as defined on Figure 17 and subsequent plans, at the following...”**
- **Delete last sentence of Policy LGS.1 and replace with “*The management of development within areas of Local Green Space will be consistent with that for development within Green Belts.*”**
- **Provide additional plans following Figure 17, clearly identifying the precise boundaries of each area of Local Green Space**
- **Delete “PROJECT” box on page 50. Instead, a Projects section can be included in an Appendix to the Neighbourhood Plan**

Infrastructure

Policy INF.1: Flooding

147 National planning policy seeks to prevent inappropriate development in areas at risk from flooding by directing development away from areas at highest risk and where development is necessary in such areas:

"...the development should be made safe for its lifetime without increasing flood risk elsewhere."

(Paragraph 155, the Framework)

148 Policy INF.1 seeks to achieve this and has regard to national policy. The Policy is supported by the Environment Agency and subject to the recommendations below, by Severn Trent Water and Warwickshire County Council.

149 Part of the Policy is reliant upon other policies not part of the development plan and not within the control of the Neighbourhood Plan and this is a matter addressed below.

150 I recommend:

- **Policy INF.1.2, delete last sentence ("Discharge...per second.")**
- **Policy INF.1.4, delete "in accordance with...2017."**
- **Policy INF.1.5, delete "in accordance with...2017."**
- **Policy INF.1.9, change to "...should minimise the length of such." (delete rest of sentence)**

Policy INF.2: Foul Water Drainage Mitigation

- 151 Policy INF.2 seeks to ensure that foul water drainage is dealt with in a manner that contributes to the achievement of sustainable development.
- 152 Demonstrating adequate means of foul drainage, as required by the Policy, may not be relevant to all new development and consequently, Policy INF.2 fails to have regard to Paragraph 44 of the Framework, referred to earlier in this Report.
- 153 As set out, Policy INF.2.2 fails to take into account the fact that developers have the right to connect to the public foul water sewer as a matter of law¹³ and this is taken into account in the recommendations below.
- 154 It is not clear, in the absence of any substantive information, why connections into combined systems must remain separate on site up to the point of connection.
- 155 I recommend:
- **Policy INF.2.1, change first sentence to “*Development requiring foul drainage must demonstrate adequate means...*”**
 - **Delete Policy INF.2.2 and INF.2.5**

¹³ Reference: Section 94, the Water Industry Act (1991).

Natural Environment

Policy NE.1: Biodiversity, Wildlife, Habitat Conservation and Protection

156 Paragraph 170 of the Framework states that:

"...planning policies and decisions should contribute to and enhance the natural and local environment..."

157 In general terms, Policy NE.1 seeks to achieve this.

158 In the absence of any information, it is not clear how Policy NE.1.1 will *"encourage"* the retention of existing and creation of new habitats; nor how Policy NE.1.2 will encourage measures to improve landscape quality, scenic beauty and tranquility.

159 I recommend:

- **Policy NE.1.1 delete "and encouraged"**
- **Policy NE.1.2, change to "The improvement of landscape quality, scenic beauty and tranquility will be supported."**

Policy NE.2: Aquatic Habitats

160 Policy NE.2 seeks to protect and enhance aquatic habitats. This has regard to Chapter 15 of the Framework, "*Conserving and enhancing the natural environment*," which requires planning policies to enhance the natural and local environment by:

"...minimising impacts on and providing net gains for biodiversity..."
(Para 170, the Framework)

161 As worded, the Policy includes the phrase "*with an emphasis on encouraging*" which, in the absence of any clear guidance appears vague and fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework. Further, it is not clear, in the absence of any detailed information, how the creation of sustainable habitats might be prioritised ahead of visual considerations, or why this should, in all circumstances, be the case.

162 Similarly to an earlier reference, Page 61 includes a box entitled "*Project*" which appears out of context and is unsupported by any information demonstrating that the "*Project*" indicated will be delivered, who by, or on what basis. Its inclusion detracts from the clear and precise nature of the Neighbourhood Plan.

163 I recommend:

- **Policy NE.2.1, change to "*...enhance the natural environment by encouraging biodiversity.*" (delete rest of sentence)**
- **Delete "*Project*" box on page 61**

Policy NE.3: Boundary Treatments and Landscaping

164 Planning application requirements are set by statute and the Local Planning Authority, which in this case is Stratford-on-Avon District Council. The Neighbourhood Plan cannot set planning application requirements, nor impose requirements upon the Local Planning Authority, as is proposed in the first part of Policy NE.3.

165 Whilst, in the absence of substantive evidence, it is not clear how Policy NE.3 will “encourage” various things, the Policy effectively goes on to support features that will minimise impacts on and encourage net gains in biodiversity, having regard to Paragraph 170 of the Framework. Subject to the changes of wording recommended below, this part of the Policy meets the basic conditions.

166 I recommend:

- ***Change Policy NE.3 to “Development should conserve mature hedgerows. Where hedgerow removal is necessary and unavoidable, new native hedgerow replacements should be provided as an integral part of the development. The planting and maintenance of features, such as native species trees, hedgerows and grassy margins, to provide connectivity and shelter for ground-dwelling and other wildlife, will be supported as will the provision of hedgehog holes at the base of solid boundary treatments.”***

Policy NE.4: Allotments and Orchards

- 167 Allotments and orchards provide important semi-natural features in the Neighbourhood Area and their protection, as per the overall aims of Policy NE.4, has regard to national policy's aim for planning policies to contribute to and enhance the natural and local environment.
- 168 Stratford-on-Avon District Council has suggested an alteration to the Policy in order to provide for flexibility and this is taken into account below.
- 169 For clarity, having regard to the requirements of national guidance referred to on page 18 of this Report, I recommend:
- ***Change Policy NE.4 to "Development that would result in the loss or partial loss of orchards or remnant orchards will not be supported. Development that would result in the loss or partial loss of allotments should demonstrate that any loss would be replaced by equivalent or better replacement in terms of quantity and quality in a suitable location."***

Policy NE.5: Tranquility

170 Core Strategy Policy CS.11, "*Cotswolds Area of Outstanding Natural Beauty*," recognises the importance of and seeks to protect, tranquility.

171 Policy NE.5 requires development to respect tranquility and is in general conformity with the Core Strategy.

172 For clarity, I recommend:

- **Policy NE.5, change to "...tranquility of the environment *will not be supported.*"**

Policy NE.6: Dark Skies

173 The dark skies characteristic of the Neighbourhood Area are greatly valued by the local community. The Neighbourhood Plan seeks to ensure that development respects the dark sky environment, having regard to Paragraph 125 of the Framework, which states that:

“Neighbourhood Plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.”

174 Policy NE.6 goes on to seek to impose criteria that go beyond the planning powers of a Neighbourhood Plan. Most forms of lighting, including many forms of external lighting, do not require planning permission and whilst plan-makers would like to see the introduction of new planning application requirements for all development, along with planning conditions imposed upon planning permissions, no substantive information has been presented in support of what would involve a change to statute and the imposition of requirements upon the Local Planning Authority.

175 The Design Guidance in the Neighbourhood Plan is precisely that. It does not comprise a Policy and it provides developers with helpful guidance. There is no substantive information to justify a Policy in the Neighbourhood Plan raising the status of the Design Guidance, or any part of it, to that of a Policy requirement.

176 I recommend:

- **Policy NE.6.1, change to “*Development must respect the Neighbourhood Area’s dark skies.*” Delete rest of Policy NE.6.1**
- **Delete Policy NE.6.3**
- **Delete Policy NE.6.4. Move this sentence of text to a new Para 6.6.34 and change to “*The Parish Council will seek to encourage applicants to assess whether developments could take place without external lighting.*”**

Economy, Tourism and Local Amenities

Policy ETA.1: Encouraging Local Employment

177 To meet the national policy aim of supporting a prosperous local economy, Paragraph 83 of the Framework states that planning policies should enable:

"...the sustainable growth and expansion of all types of businesses in rural areas..."

178 In general terms, Policy ETA.1 seeks to sustain existing and encourage new employment and in this respect, the aims of the Policy meet the basic conditions.

179 As worded, the Policy supports any form of development, so long as it involves sustaining or creating local employment. This could give rise to support for unforeseen and inappropriate forms of development and result in the Neighbourhood Plan failing to contribute to sustainable development.

180 By way of contrast, the Policy then goes on to set out unduly restrictive criteria, such that development would be refused were there to be any harm to local character, green infrastructure or residential amenity. Such an approach fails to provide for the balanced consideration of a development proposal, whereby the benefits arising can be considered against any harm, and places a barrier in the way of sustainable development.

181 Further, the criteria set out also present vague requirements in respect of *"appropriate scale"* and *"unacceptable impact due to traffic generation."* These are subjective matters, unsupported by sufficient detail:

"...so it is evident how a decision maker should react to development proposals..."

(Paragraph 16, the Framework)

182 Taking all of the above into account, I recommend:

- **Change Policy ETA.1 to *“The growth and expansion of existing businesses and the creation of new businesses will be supported, subject to it being demonstrated that any such development respects local character, residential amenity and highway safety.”***
(Delete rest of Policy)

Policy ETA.2: Home-Working and Internet Connectivity

“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks...and full-fibre broadband connections...”

(Paragraph 112, the Framework)

183 Policy ETA.2 provides a positive planning policy framework for the provision of broadband to new homes, having regard to national policy. The Policy also supports provision for home-working, having regard to the national policy requirement for planning policies to help sustain all types of business in rural areas.

184 The second bullet point of Policy ETA.2 requires that all new dwellings provide connectivity to the roadside but is not supported by evidence in respect of deliverability and viability, with specific regard to third party land requirements.

185 I recommend:

- **Delete the second bullet point of Policy ETA.2**

Policy ETA.3: Rural Tourism

186 National policy's support for a prosperous rural economy is referred to earlier in this report and Paragraph 83 of the Framework also goes on to support:

"...sustainable rural tourism and leisure developments which respect the character of the countryside..."

187 Policy ETA.3 supports rural tourism and has regard to national policy.

188 For clarity, I recommend:

- **Change Policy ETA.3 to *"...breakfast, will be supported, providing that they have regard to local character, residential amenity and highway safety."***

Policy ETA.4: Sustaining Local Amenities

“Planning policies and decisions should enable...the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”

(Paragraph 83, the Framework)

- 189 Policy ETA.4 seeks to protect and where possible, improve local amenities. The Policy meets the basic conditions.

Policy ETA.5: Safe Walking and Cycling

- 190 Chapter 9 of the Framework, "*Promoting sustainable transport,*" requires the planning system to take opportunities to promote walking and cycling.
- 191 Generally, Policy ETA.5 aspires to promote walking and cycling and in this regard, meets the basic conditions.
- 192 The first sentence of the Policy appears vague. The phrase "*As appropriate*" is unsupported by any indication as to when it will or will not be appropriate for development to demonstrate how walking and cycling opportunities have been prioritised. Further, there is no indication of what form prioritisation might take, how it might be judged, or on what basis. Consequently, the first part of Policy ETA.5 appears ambiguous and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework.
- 193 In respect of the second part of the Policy, it is not clear, in the absence of any information, why it is relevant for all development proposals to encourage walking and cycling opportunities and this part of the Policy fails to have regard to Paragraph 56 of the Framework, which requires planning obligations to be necessary, directly related to development, and fairly and reasonably related in scale and kind to development.
- 194 I recommend:
- ***Policy ETA.5, change to "Development should provide for safe access to existing walking and/or cycling routes. The improvement of existing and/or the provision of new walking and/or cycling opportunities will be supported. Development which harms existing walking and/or cycling routes will not be supported."***

Design and Layout

Policy DP.1: Design Principles

195 National planning policy recognises that:

“Good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities.”

(Paragraph 124, the Framework)

196 Core Strategy Policy CS.9, *“Design and Distinctiveness,”* requires development to be of the highest design quality, taking into account the intrinsic and special value of its landscapes and townscapes.

197 In general terms, Policy DP.1 aims to ensure that development respects and seeks to enhance the Neighbourhood Area's highly valued, distinctive character. In this way, the Policy has regard to the Framework and is in general conformity with the Core Strategy.

198 The Policy refers to the Ilmington Design Guide. Guidance is precisely that. The Ilmington Design Guide does not comprise a Neighbourhood Plan Policy.

199 Whilst it provides useful guidance, unlike say the Stratford-on-Avon Development Requirements SPD (Supplementary Planning Document), the Ilmington Design Guide is not an adopted planning document. Rather, it provides guidance based on the local community's consideration of design matters.

200 Notwithstanding its helpful and informative nature, parts of the Ilmington Design Guidance appear to exceed its status. For example, the *“Purpose”* of the document states that *“compliance is expected.”* This fails to properly set out the *guidance* status of the document and is a matter addressed in the recommendations below.

201 Given the relevance and significant material planning status of the Stratford-on-Avon Development Requirements SPD referred to above, it would, in the context of this specific Policy, be helpful if there was reference to this District-wide document within the supporting text to Policy DP.1.

- 202 Policy DP.1 is a Neighbourhood Area-wide Policy. The reference to heritage assets appears out of context with a Neighbourhood Area-wide approach and in any case, the reference is unnecessary as heritage assets are protected by national and District-wide planning policy, as well as by another Policy in the Neighbourhood Plan (Policy HA.1), which together require heritage assets to be conserved in a manner appropriate to their significance, as opposed to the reference in Policy DP.1 which simply refers to "*taking full account*" of them.
- 203 Policy DP.1 goes on to set out "*key guiding design principles.*" Whilst it is noted, having regard to Policy DC.1 as submitted, that plan-makers seek to conserve the distinctive rural character of the Neighbourhood Area, this differs from simply "*preserving*" rural character and "*avoiding*" urbanisation. The Neighbourhood Plan supports development within Ilmington and land is allocated on the edge of the village for development. A degree of urbanisation is therefore inevitable and cannot be avoided.
- 204 Preservation can equate to no change. It is different to say, conservation. It is not clear, in the absence of any information, how the Neighbourhood Plan can prevent any change to views into, out of and within the village at the same time as promoting sustainable development within and around it.
- 205 Similarly, no evidence is provided in respect of what the "*important balance between open and built areas*" comprises and it is therefore difficult to understand how a decision maker might react to a development proposal in this regard; or to how support for development within the Built-up Area Boundary, as per Neighbourhood Plan Policy DC.2, would not result in any compromise in respect of "*the open character of the village.*" This is not a matter tackled by, for example, the Ilmington Design Guide.
- 206 I note earlier in this Report that Policy DP.1 can take into account the "*security by design*" element of Policy DC.1 and this forms part of the recommendations below.

207 Taking all of the above into account, I recommend:

- **Policy DP.1, change to “All new development must be of high quality design. It should respect and enhance the rural character and local distinctiveness of Ilmington, having regard to the Ilmington Design Guide. Whilst innovative design will be supported, all new development should appear sympathetic to its surroundings, making use of local building materials and reflecting local building styles. Development should take account of security by design measures, such that crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.” Delete rest of Policy**
- **Insert new Para 7.1.4 “At the District-wide level, good design is further supported by the adopted Stratford-on-Avon Development Requirements SPD (Supplementary Planning Document) (2019) provides additional guidance on the interpretation and implementation of policies.”**
- **Page 80, replace fourth para of text with a new single sentence “Ilmington Parish Council encourages applicants to have regard to the following design principles.”**

8. The Neighbourhood Plan: Other Matters

208 The recommendations made in this Report will also have a subsequent impact on Contents, including Policy, paragraph and page numbering.

209 I recommend:

- **Update the Contents and where necessary, Policy, paragraph and page numbering, to take into account the recommendations contained in this Report**

9. Referendum

210 I recommend to Stratford-on-Avon District Council that, subject to the recommended modifications, **the Ilmington Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

- 211 I am required to consider whether the Referendum Area should be extended beyond the Ilmington Neighbourhood Area.
- 212 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.
- 213 Consequently, I recommend that the Plan should proceed to a Referendum based on the Ilmington Neighbourhood Area approved by Stratford-on-Avon District Council on the 26th April 2016.

Nigel McGurk, February 2020
Erimax – Land, Planning and Communities



EST. 2011