

Beaudesert & Henley-in-Arden Neighbourhood Development Plan

Pre-submission Neighbourhood Plan Regulation 14 Consultation (Neighbourhood Planning (General) Regulations, 2012)

Appendix 1 – Significant comments from Stratford-on-Avon District Council

Suggested new text underlined deleted text ~~struck through~~ [where applicable].

Page number	Section	Comment
General comment	Policies Section	The Plan does not present any proposals to rectify the shortages of certain types of open space noted in AS.4 of the Core Strategy. This will act as a constraint to residential development, so needs to be addressed.
General comment	Maps	A policies/proposals map appears to be missing. A map showing the constraints/designations and policies of the Plan for the entire Neighbourhood Area should be provided. This should also make clear the extent of the designated Neighbourhood Area.
Page 11	Section 9 – Core Strategy	<p>The relationship of the Plan to specific policies in the Core Strategy is not clearly explained. Section 9 does not include substantive content in this respect.</p> <p>This omission may present difficulties in terms of demonstrating statutory 'basic conditions' compliance unless this issue is addressed.</p> <p>It is recommended that each policy is accompanied by a list of the relevant Core Strategy policies and sections of the NPPF to show the relationship of the NDP policies to existing local and national planning policy.</p>
Page 12	Section 10 – Vision Statement: Cultural Landscape	Is this heading utilising the correct or most appropriate terminology? Most of the features identified are heritage assets, with the exception of the Green Belt.
Page 12	Section 10 – Vision Statement: Traffic and Transport	It is considered that this section should make it clear that these are not policies, since they are aspirations only and will therefore not be assessed during the Independent Examination of the Plan.
Page 12	Section 10 – Vision Statement: Sustainable Residential Development	There is a concern that the Plan as presently drafted does not appear to adequately address the issue of how locally-identified housing needs will be addressed (please see general comment on 'Housing' below). It is recommended that the text in the section on 'Sustainable Residential Development' be revised to explain how the Plan could more effectively address identified local housing need.
Pages 12 and 13	Vision Statement	<p>Where is the vision statement underpinning the 'Built Environment' topic area/policies?</p> <p>How do these objectives align themselves with the 5 chosen topic areas within the Plan? Should they be listed under the topic area headings, to create a better understanding of the relevance of each objective and the continuity of the thoughts and ideas throughout the document?</p>

Page number	Section	Comment
Page 14	Housing – General	<p>Recent data from the 2020 Housing Needs Survey shows a significant level of housing need, with 19 households with a defined local connection looking for alternative accommodation in Beaudesert and Henley-in-Arden, and 107 households with an address within Henley-in-Arden parish registered on the District Council’s housing waiting list. It is recognised that the town is subject to significant Green Belt and other constraints. Nevertheless, there is scope for the local community to promote Local Need housing schemes to address the identified local housing need, and the Plan provides an ideal platform for achieving and demonstrating consensus within the local community as to where such scheme(s) might be located.</p> <p>It is not clear why there is no policy within the Plan for ‘rural exception’, social or affordable housing, to take account of potential future local need. Other Neighbourhood Plans within the Green Belt have embraced this opportunity.</p> <p>Paragraph 6.4.16 of the Henley-in-Arden Area Strategy within the Core Strategy relating to housing distribution and Reserve Sites has also not been addressed in the Plan.</p> <p>The above situation could be addressed by modifying the Plan prior to submission stage. However, it is strongly recommended that this is only done following close consultation with this Authority and, where appropriate, the Rural Housing Enabler.</p>
Page 14	Housing – preamble: Green Belt and Rural Setting	<p>Fifth paragraph – Green Belt policy also affords protection against new employment sites, which should be acknowledged. Additionally, this paragraph appears to contradict the second paragraph of this section (‘some’ vs ‘significant’ protection). ‘Significant protection’ is more accurate.</p> <p>The sentence “Residents are keen to preserve the railway line as the natural boundary...” A small section of the BUAB includes a parcel of land to the west of the railway line. Is there a conflict here?</p>
Page 14	Housing – preamble: Scale of Residential Development	<p>First paragraph – fails to inform the reader about national policy restrictions in relation to Green Belt. It is considered this should be made clear, for clarification and consistency of approach.</p>
Page 14	Housing – preamble: Social & Affordable Housing	<p>There appears to be a disconnect between Policy H1 and its relationship to the preamble, especially the section headed ‘Social & Affordable Housing’.</p> <p>The explanatory text at Section 11.6 includes the statement that “<i>Any such housing should be prioritised for local needs and for those with an existing connection to the joint parishes.</i>” There therefore appears to be a clear local preference for the allocation of all new affordable homes to people with a qualifying local connection in the first instance. However, this Section itself does not amount to a policy. Indeed, it does not appear to relate to any specific policy within the Plan. In the absence of a specific policy on this matter, the Priority Nominations arrangements outlined in the Development Requirements SPD will apply. This could, in certain circumstances, result in homeless households without a local connection to Beaudesert and Henley-in-Arden being nominated to tenancies of new affordable homes in preference to people with a local connection. It would be useful for the Joint Parish Council to confirm if they are content with this ‘default’ approach. If not, a new policy (or policy criterion) should be included to give</p>

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		effect to the principle included in Section 11.6, so as to take precedence over the arrangements described in the SPD.
Page 14	Policy H1 –Housing Growth	<p>The basis on which the Built-up Area Boundary [BUAB] has been defined requires clarification.</p> <p>The Policy refers throughout to the 'Town Boundary' whereas associated Figure 2 refers to a 'Development Boundary' and the Core Strategy refers to the 'Built-up Area Boundary'. There needs to be some consistency of terminology. Would 'settlement boundary' be more appropriate, if 'built-up area boundary' is not deemed acceptable? The terms 'Town boundary' and 'Development boundary' may mean different things to different parties/organisations.</p> <p>Second paragraph: The wording of this paragraph in relation to appropriate development in the Green Belt should be brought in line with wording in the 2019 NPPF and Core Strategy. It is unclear whether or not the second paragraph of the Policy applies only inside the BUAB/settlement boundary or throughout the Plan area. If only within the settlement, there does not appear to be reasoned justification for an arbitrary limit of 10 dwellings unless 'very special circumstances' exist. This will, in practice, place an artificial limitation on affordable housing supply (see further below). Where is the evidence to support this figure? Shouldn't this be dictated by the site size and efficient use of land? Would this mean that any new apartments or conversion to apartments over 10 would be resisted? This appears to be a very restrictive policy.</p> <p>Furthermore, the District Council is the determining authority, not the Parish Council, so the reference to the JPC here is inappropriate.</p> <p>Third paragraph, last phrase – it is presumed it means land outside the BUAB and within the Green Belt. That being the case, there is no provision in the Core Strategy to revise Green Belt boundaries to accommodate market-led housing schemes, and housing to meet a local need is already provided for in Core Strategy Policy CS.10 so very special circumstances wouldn't need to be applied. Clarification is critical as this is a significant issue.</p> <p>The reference in the third paragraph to development on land south of the A4189 Warwick Road seems inappropriate as all the land immediately to the south of Warwick Road within the Neighbourhood Area is located within Flood Zones 2 or 3 (the vast majority being within Flood Zone 3), wherein residential development would normally be unacceptable.</p>

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Page 14	Policy H1 - Explanation	<p>It is appreciated that the town is surrounded by Green Belt and sensitive countryside, and that its strategic housing requirement <i>may</i> already have been met (although this point is not clear in the Plan). Nevertheless, and notwithstanding references in the section headed 'Social and Affordable Housing', it is not clear that the Plan "<i>supports the creation of appropriate numbers of social and affordable housing</i>".</p> <p>Indeed, it appears that there is little realistic prospect of new affordable housing being secured on sites within the settlement boundary, especially if (a) schemes of more than 10 dwellings or (b) conversion of business premises to residential in the Conservation Area are ruled out. Attention is drawn to the site size thresholds in Policy CS.18 of the Core Strategy.</p> <p>The above situation is set in the context of 107 households on the Council's housing waiting list with a Henley-in-Arden address (as at January 2020). The 2020 Housing Needs Survey also identified 19 households with a defined local connection looking for alternative accommodation in Beaudesert and Henley-in-Arden.</p> <p>A more positive approach would be to highlight the scope for 'Local Needs' schemes within the scope of Core Strategy Policy CS.15(G). Provided all the relevant criteria are met, there is scope for delivery of such schemes outside the settlement, within the Green Belt.</p>
Page 16	Paragraph 11.10	<p>This paragraph seems to provide additional policy criteria for the design of development rather than explanatory text, and it is not clear how it relates to Policy H1.</p>
Page 16	Policy H2	<p>"All new housing developments must demonstrate, through the submission of appropriate evidence, that existing infrastructure would not be adversely affected". This assumes that capacity cannot be increased and will remain constant, suggest adding "or that additional capacity will be provided where necessary".</p> <p>The policy states that <i>all</i> new housing development should meet certain criteria – this seems onerous. Does this only apply to new build or does it include conversions, too? Would the criteria be appropriate for conversions?</p> <p>First bullet point – the District Council is the determining authority, not the Parish Council. Therefore, to say "where suggested by the JPC" is inappropriate. If you wish to identify places where hydrological surveys are appropriate, the place to do it would be in the NDP.</p> <p>Fourth bullet point (residential energy efficiency): There is concern that the criteria are too vague to enable their effective application. If it meets Building Regulations does it comply?</p> <p>Fifth bullet point: Conversion of business premises in the Conservation Area into residential dwellings could be Permitted Development [i.e. does not require prior planning consent] in certain circumstances. It also does not align with the direction of Government policy in this regard. Additionally, the point</p>

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		<p>doesn't fit in with the thrust of the policy and should be removed. Finally, this point appears to conflict with Policy E1 relating to the Protection of Existing Employment Sites.</p> <p>Sixth bullet point (parking): SDC's latest parking standards are now adopted so should prevail unless different standards can be justified based on local circumstances. The way this bullet point is worded is confusing as there are two different sets of standards provided.</p>
Page 16	Policy H2 – Explanation	The explanatory text refers to flood risk specifically, not infrastructure, generally.
Page 17	Economy – Strategic Objective	The wording of the objective suggests it is only intending to support tourism activity, however the subsequent policy wording does not support this.
Page 17	Policy E1	<p>Criterion a) may need some clarification as to whether the sufficient supply of sites referred to is within Henley or District wide. The Development Management Considerations to Core Strategy Policy CS.22 state "employment land in the locality".</p> <p>Criterion b) 'capable' - how would this be assessed? Do you mean that the site is no longer viable?</p>
Page 17	Policy E2	<p>It would be helpful if the policy referred to provisions of Policy CS.10 in Core Strategy regarding provision of employment uses to meet an identified local need. Such development would not be inappropriate development in the Green Belt if fully justified.</p> <p>The Explanatory text: Where would this be located? The text suggests it would be outside of the Town Boundary. If this would be in the Green Belt, it would be contrary to national Policy [see paragraph 145 of the NPPF 2019].</p>
Page 18	Policy E4	This policy repeats the fourth bullet point in Policy H2, is it necessary as a separate policy?
Page 19	Policy E5	<p>This policy may not be enforceable/relevant to certain types of telecommunications equipment if it is Permitted Development.</p> <p>Suggested to include criteria "It would comply with Green Belt policy"</p>
Page 19	Policy E5 – Explanation	There is no explanatory text for this policy.
Page 19	Policy E6	It has been clarified that this Policy applies to new dwellings within the Town Boundary. However, it is unclear why this policy does not apply to all new homes. The scope of the policy should be clarified.
Page 19	Policy E7	<p>Alternative wording for criterion d) which has been included in a number of 'made' neighbourhood plans could be: "They are in locations where housing development would be acceptable".</p> <p>Other 'made' Plans which have incorporated a policy on live-work units have also included an additional criterion "They shall not adversely impact on neighbouring amenity". It is suggested this is included, as it is essential to ensure the potential work use would be acceptable to neighbouring dwellings/uses.</p> <p>Suggested to include criteria "It would comply with Green Belt policy"</p>

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Page 20	Policy C1	<p>Refers to "Protecting and enhancing existing community assets/facilities, of the like described in the Explanation". A brief list of the types of community assets/facilities should be included, otherwise it could suggest it only applies to the facilities discussed in the Explanation.</p> <p>The policy itself seems to have a lighter touch than the Core Strategy, with less robust wording. The NDP says the loss of existing community facilities will be resisted unless it can be demonstrated that the facility is no longer viable or in active use and has no prospect of being bought back into use. Compared to Core Strategy Policy CS.25 which requires active marketing to show the use is not viable, with no realistic prospect of the use continuing. In addition the Core Strategy also allows the discontinuance of use where there are overriding environmental benefits – the NDP doesn't include this provision, so would the NDP override the CS if a proposal sought to remove a community asset on grounds of negative environmental impact? The NDP wouldn't support it, but the Core Strategy would.</p> <p>Consider inserting further policy that supports facilities being provided targeted at the 10-16 year old age group, to tie in more with the explanation or remove the wording from the explanation?</p>
Page 21	Policy C2	<p>Proposed Local Green Spaces need to be thoroughly justified in accordance with NPPF/PPG.</p> <p>Each proposed site needs to be fully justified against the criteria set out in paragraph 100 of the NPPF 2019. There is no justification in the Plan. This work is crucial evidence for the assessment of suitability. It is vital that site assessments are undertaken of each proposed Local Green Space to demonstrate that they are appropriate for designation, in accordance with the criteria set out in the NPPF. This policy will be unlikely to meet the statutory Basic Conditions without evidence to support the designation of the proposed Local Green Spaces. Site assessments for each proposed Local Green Space should be undertaken, and added as an Appendix to the Plan.</p> <p>LGS 1 appears to be designating the Scheduled Ancient Monument. It already has significant protection from development (see NPPF paragraph 194), so it is unclear what the purpose of designation as an LGS would be.</p> <p>LGS 6 is situated partly outside of the designated Neighbourhood Area. The NDP cannot control development outside of its designated boundaries, so this site needs to be reconsidered.</p> <p>The boundaries of the Local Green Spaces should be outlined more clearly, to make the map more readable. In particular, LGS 5 should be provided as a zoomed in section, as it is difficult to see the exact extent of it due to the size of the map.</p>
Page 21	Policy C2 – Explanation	<p>The paragraph acknowledges that Local Green Space should be 'robustly justified' but the Plan fails to provide any such justification. This is a critical requirement.</p>
Page 22	Policy C3	<p>Second paragraph – what are 'such facilities'? This needs to be clarified.</p>

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Page 23	Policy N1	<p>As written, the first element of the policy seems to be seeking to preserve the rural surroundings [of the settlement?] This appears to be more related to design which suggests it should not be part of this policy or the 'Natural Environment' section of the Plan. The second part of the policy is missing a word(s) and does not currently make sense. The second element of the policy as drafted does not suggest how tranquillity would be achieved or how development would be assessed to comply with the policy. This needs clarifying.</p>
Page 23	Policy N2	<p>SDC have now adopted the Part V: Climate Change Adaptation and Mitigation of the Development Requirements SPD, which requires applicants to provide a certain number of climate change mitigation/adaptation measures (including renewable energy) depending on the type and scale of development. It is suggested that this policy refers to the document within the Explanatory Text.</p> <p>Whilst the policy states that it supports proposals for renewable energy developments, the policy as written appears to be more concerned with the visual impact of renewable energy technologies than with promoting their use.</p> <p>Second paragraph: Suggest re-wording as follows: 'Plans coming forward <u>New development</u> should ensure that adverse impacts are addressed, including cumulative landscape and visual impacts and are not in conflict with any other policies in this Plan.' The entire paragraph as currently drafted, reads that the NPPF states this - it doesn't - this could be made clearer by inserting a full stop after "paragraph 147 of the National Planning Policy Framework 2019".</p>
Page 23	Policy N3	<p>Whilst not inappropriate, the policy as drafted does not encourage the planting of new trees and hedges in new developments. Set out below is an alternative policy on the same topic which is from a 'made' neighbourhood plan that has passed Examination, which might be worthy of consideration:</p> <p><u>"All new development will be encouraged to protect all trees and hedges where appropriate, as per BS 5837: 2012 Trees in relation to design, demolition and construction or as subsequently revised or replaced. Where this is not appropriate, new trees and hedges should be planted to replace those lost. Most new developments should incorporate appropriate new tree and hedge planting of a suitable size and species in their plans. The new hedge or shrub planting should be implemented as per the recommendations in BS 4428:1989 Code of practice for general landscape operations and any new tree planting should be carried out in accordance with BS 8545:2014 Trees from nursery to independence in the landscape or as subsequently revised or replaced.</u></p> <p><u>Relevant new development proposals will be expected to demonstrate that they have, where possible, had regard to appropriate sustainable landscaping, in order to avoid later retrofitting of poor quality or token landscape design".</u></p>

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Page 24	Policy N4	<p>There is an inherent confusion in this policy, as it seems to cover landscape features, landmarks, views, skylines and landscapes. It is suggested deleting referencing to 'skylines' in the policy as the explanation/justification for the policy is based on landscape importance, including views, not 'skylines'.</p> <p>In addition, the list of views to be protected should be set out within the policy itself.</p> <p>Development proposals should demonstrate more than 'regard to the local landscape character'. Suggest phrase is replaced with '<u>take fully into account</u>'.</p> <p>It is considered that the second paragraph of the policy does not provide sufficient flexibility, as it suggests that any adverse impact (no matter how small) would be unacceptable regardless of the potential benefits of a development proposal. Suggest amending the second sentence to: "<u>Where development would have a significant adverse effect on these Valued Views it will only be permitted where the benefits of the proposal clearly outweigh the harm.</u>"</p> <p>The valued landscapes/ views identified need to be fully justified in order to assess whether the protection of the landscapes/views would be appropriate. This work is crucial evidence to assess their suitability. The policy will be unlikely to meet the Basic Conditions without appropriate justification of each proposed valued landscape/view. This should provide evidence of why they should be protected, and preferably photographs to illustrate each view. These assessments should be provided as an Appendix to the Plan.</p> <p>The explanation should make it clear that the Landscape Sensitivity Assessment was produced for Stratford-on-Avon District Council.</p>
Page 25	Policy B1	<p>It is not considered that all the bullet points would fit under the policy heading of 'development criteria'. The policy appears to be made up of a disparate collection of criteria that would be more appropriate for other parts of the Plan, since they refer to issues of heritage, landscape and design.</p> <p>First sentence - "Where applicable" – where would they be applicable?</p> <p>Criterion f) with reference to building heights – should there be a requirement to justify a need/why a proposed building may need to be higher than existing building heights as a small increase may not cause harm and some areas may have variation?</p> <p>Criterion g) as drafted reads as being 'judgemental' and suggests buildings earmarked for replacement are already incongruous, which may not be the case. Suggest rewording as: "be designed to complement or enhance the historic character by adhering to high quality design principles as set out in the District Council's Development Requirements Supplementary Planning Document or its successor document".</p>

Page number	Section	Comment
Page 25	Policy B2	<p>Some conversions may be classed as Permitted Development so in such circumstances it would be difficult to control in terms of criteria set out.</p> <p>Suggest including "<u>complies with Green Belt policy</u>" as a criterion.</p> <p>The policy justification/explanatory text is brief and does not provide evidence of "residents' wish" in terms of e.g. Neighbourhood Surveys.</p>
Page 26	Policy B3	<p>Demonstrating adequate means of foul drainage, as required by the Policy, may not be relevant to all new development and consequently, the policy does not have regard to Paragraph 44 of the NPPF that "Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question".</p>
Page 26	Policy B4	<p>The relationship to Core Strategy Policy CS.9 is unclear, and should be explained.</p> <p>It is noted that previous reference to the Lifetime Homes Standard has been deleted. This effectively means that the focus of the Policy is on urban design and the public realm. However, it means that the policy as it currently stands does not address issues around accessibility and flexibility of new homes. The default position is that the provisions of CS Policy CS.19 Part D apply.</p> <p>It is unclear why this isn't applicable to all forms and locations of development, particularly given the settlement is surrounded by Green Belt and the development of greenfield sites is highly unlikely.</p> <p>Paragraph 2: "Favourable consideration will be given to housing development proposals that can demonstrate evaluation against Building for Life 20121 (BfL 12) with all criteria achieving a 'Green' score. Developments which include a 'Red' or 'Amber' score against any criterion must be justified in the Design and Access Statement or other supporting statement."</p> <p>This paragraph suggests that this consideration would trump any other factors in determining the acceptability of development, which is incorrect. 'Red' scores [referred to in paragraph 3] should be avoided through re-design, thus reference to such scores being "justified" is inappropriate.</p> <p>Could policies B1 and B4 be amalgamated?</p> <p>The explanatory text does not appear to clearly relate to this policy.</p>
Page 27	Policy B5	<p>This policy does not reflect the full criteria of the NPPF in relation to designated heritage assets, such as that any potential harm caused to heritage assets by proposals should be weighed against the public benefits of the scheme (see paragraphs 195 and 196 of the NPPF). Additionally, the explanation refers to archaeology, but this is not mentioned in the policy text.</p>

Page number	Section	Comment
Page 28	Project 1 – Car Parking: Justification	Build new car parks on unused land – criterion a) would be classified as inappropriate development in the Green Belt and it is unclear how this would be justified.
Page 30	Project 2 – Road Safety	The proposed measures listed are the responsibility of Warwickshire County Council as County Highways Authority. These aspirations will not happen unless WCC has agreed to the proposals. Additionally, the proposed cameras, flashing signs etc. appear to conflict with Policy B5.
Page 32	Project 4 – The Mount	Paragraph 1 refers to “pathways...turning into an inaccessible wilderness...”. Are there public rights of way over/through this site? This should be checked with Warwickshire County Council.
Page 32	Project 4 – The Mount: Justification	The first paragraph refers to a ‘perimeter pathway’. Is this a public right of way [see comment above]? If so, this should be made clear and perhaps the project would benefit from including a map showing the alignment of the public rights of way across/around the site and also including the plan prepared by the owners in 2014 to illustrate the potential improvements to the site.