

Stratford-on-Avon District Council

**Napton-on-the-Hill
Neighbourhood Development Plan
2018-2031**

Independent Examiner's Report

By Ann Skippers BSc (Hons) MRTPI FHEA FRSA AoU

16 November 2020

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Summary

I have been appointed as the independent examiner of the Napton-on-the-Hill Neighbourhood Development Plan.

The Parish is bisected by the A425 which runs between Southam, about three miles to the west, and Daventry. With around 1,144 population at the time of the Census 2011, the village has very much evolved from its location and topography. Napton Hill with a windmill and St Lawrence Church on its summit, is a prominent feature roughly at the centre of the village and the village has grown around it on three sides and is surrounded by farmland. The Oxford Canal is an important feature within the Parish. A smaller, connected, settlement, Chapel Green, is found to the south of Napton village.

Work on the Plan started in 2017. The Plan does not contain any site allocations, but has 14 policies covering a diverse range of issues to guide future development. It is worthy of note that the Plan is accompanied by an exemplary Basic Conditions Statement.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical and consistent framework for decision-making as required by national policy and guidance.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Stratford-on-Avon District Council that the Napton-on-the-Hill Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Ann Skippers Planning
16 November 2020



1.0 Introduction

This is the report of the independent examiner into the Napton-on-the-Hill Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Stratford-on-Avon District Council (SDC) with the agreement of the Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions¹ are:

- 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
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- 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.

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

Regulations 32 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 in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.² It states that:

- 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 2017.

The examiner is also required to check³ 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
- 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.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁴

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Stratford-on-Avon District Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

² Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

³ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

⁴ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

3.0 The examination process

I have set out my remit in the previous section. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁵

PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁶ Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council made comments and I have taken these into account.

PPG⁷ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.⁸

I sought clarification on a number of matters from the Parish Council and SDC in writing on 27 August 2020 and my list of questions is attached to this report as Appendix 2. I am very grateful to both Councils who have provided me with comprehensive answers to my questions. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

At a late stage of the examination, SDC published a draft Site Allocations Plan for consultation. I discuss this further later on in this report in section 6.0.

I am grateful to everyone for ensuring that the examination has run so smoothly and in particular Eva Neale at SDC.

I made an unaccompanied site visit to familiarise myself with the Plan area on 10 September 2020.

⁵ PPG para 055 ref id 41-055-20180222

⁶ Ibid

⁷ Ibid para 056 ref id 41-056-20180222

⁸ Ibid

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

The Consultation Statement explains that engagement was centred around three stages of plan making; the initial stages, non-statutory consultation and at the pre-submission stage.

In early 2017, initial interest was gauged and a Steering Group consisting of both Parish Councillors and other volunteers established alongside priorities for the Plan.

A Housing Needs Survey was commissioned from Warwickshire Rural Community Council and received a good response. Consultations were carried out on Local Green Spaces and important views. A planning application for the former brickworks was submitted and discussions held with the community and other stakeholders. Updates were given via the Community Facebook page and Parish Magazine.

Pre-submission (Regulation 14) consultation took place between 12 November 2018 – 14 January 2019 sensibly allowing for more time over the Christmas period. The consultation was publicised through a hand delivered leaflet to every household in the Parish. Articles were posted on Facebook and placed in the Parish Magazine. Flyers and banners were placed around the Parish. Landowners were contacted alongside other consultation bodies.

The Plan was available online and in hard copy at various locations around the Parish and on request. Three drop-in events were held.

Appendix 7 of the Consultation Statement details the pre-submission responses received. Responses from SDC and on behalf of the landowner of the former

brickworks are attached as Appendices 6 and 5 respectively in the Consultation Statement.

I consider that the consultation and engagement, summarised above, carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 6 February – 20 March 2020.

The Regulation 16 stage resulted in 50 representations. I have considered all of the representations and taken them into account in preparing my report.

5.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

Qualifying body

Napton-on-the-Hill Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

Plan area

The Plan area is coterminous with the administrative boundary for the Parish. SDC approved the designation of the area on 18 July 2017. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 7 of the Plan.

Plan period

The Plan period is 2018 – 2031. This is confirmed in the Plan, shown on the front cover and confirmed in the Basic Conditions Statement. The end date coincides with the end date for Core Strategy.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the

development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.⁹

In this case, the Plan explains this well on page 33 and has a separate section on community aspirations and so this requirement is satisfied.

6.0 The basic conditions

Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. A revised NPPF was first published on 24 July 2018. This revised NPPF was further updated on 19 February 2019. When published, it replaced both the 2012 and 2018 documents.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies and should shape and direct development outside of these strategic policies.¹⁰

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.¹¹ They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.¹²

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹³

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁴ Policies should also be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear

⁹ PPG para 004 ref id 41-004-20190509

¹⁰ NPPF para 13

¹¹ Ibid para 28

¹² Ibid

¹³ Ibid para 29

¹⁴ Ibid para 31

purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.¹⁵

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at www.gov.uk/government/collections/planning-practice-guidance which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous¹⁶ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.¹⁷

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁸ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.¹⁹

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out in Table 1 how the Plan has had regard to the NPPF.

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²⁰ This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²¹ The objectives are economic, social and environmental.²²

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²³

¹⁵ NPPF para 16

¹⁶ PPG para 041 ref id 41-041-20140306

¹⁷ Ibid

¹⁸ Ibid para 040 ref id 41-040-20160211

¹⁹ Ibid

²⁰ NPPF para 7

²¹ Ibid para 8

²² Ibid

²³ Ibid para 9

Whilst this has formed part of my own assessment, the Basic Conditions Statement explains how the Plan aligns with each of the three components of sustainable development outlined in the NPPF. Table 2 takes a valid and useful approach to this evaluation and I commend this to others.

General conformity with the strategic policies in the development plan

The development plan consists of the Stratford-on-Avon District Core Strategy 2011 to 2031 (CS). This was adopted by SDC on 11 July 2016.

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out which policies of the CS it is considered the Plan generally conforms with and adds a comment on conformity. This is a helpful approach.

Emerging policy

At the time the Plan was written, SDC was preparing a Site Allocations Plan (SAP). Consultation on a proposed submission version of the SAP took place in Autumn 2019; however this version was not progressed. In answer to my query on this, SDC explained that it was felt appropriate to commission further technical evidence and to take the opportunity to reconsider and refine the list of preferred sites and introduce an appropriate release mechanism. I refer to this SAP as SAP 2019 in this report.

It is clear that the SAP 2019 has influenced the development of the Plan. For example, it contains numerous references to the SAP 2019 and to a certain extent relies on policies within it. As the SAP 2019 is not being progressed, I asked the Parish Council and SDC how best to deal with this issue. I considered that all references to the SAP 2019 should be deleted.

The Parish Council has helpfully gone through the submitted Plan and deleted all references to the SAP 2019 and added replacement text. These changes are shown on a document accompanying the responses to my questions. I have incorporated these changes in my modifications throughout this report where I have accepted them. I consider that it was important for the Parish Council to lead on this, but I have considered each and every change in relation to my role.

I have also considered whether those changes I accepted generated a need for further public consultation, but none of the changes are so significant to warrant this in my view as the changes refer to already published material and do not change the fundamental direction of the Plan.

Following this work, at a very late stage of the examination, SDC published a new draft SAP Preferred Options document for Regulation 18 consultation purposes. The consultation period runs from 29 October – 18 December 2020. This version, which I refer to as SAP (October 2020) in my report, takes a step back from the previously published SAP 2019 process-wise and also supersedes it, according to SDC's website.

I asked SDC and the Parish Council to consider whether there are any implications for the Plan. In response,²⁴ SDC and the Parish Council indicate it is felt no implications arise. However, it was pointed out that the SAP (October 2020) includes a reserve housing site, a site for self-build/custom homes and a third site supporting redevelopment of the Napton Brickworks, all within the Plan area. It also contains a proposed Built Up Area Boundary (BUAB) for the village. However, both SDC and the Parish Council consider that the plans are two separate processes and therefore no implications arise.

There is no legal requirement to examine the Plan against emerging policy. However, PPG²⁵ advises that the reasoning and evidence informing Local Plan processes may be relevant to the consideration of the basic conditions against which the Plan is tested.

In this particular case, as I see it, the issue of importance is whether the housing requirement has changed with the publication of the SAP (October 2020) on the basis of new or more up to date evidence. If this is the case, then policies in this Plan should not prevent any additional strategic growth based on the latest available evidence and may need to be relooked at from that perspective. In addition, this Plan puts forward a BUAB boundary and includes a policy on one of the proposed site allocations in the SAP (October 2020) document; the Brickworks.

However, I am mindful that the SAP (October 2020) is at an early stage and the consultation process ongoing. Furthermore it is a 'second tier' plan which sits alongside the CS and importantly explains that it does not "revisit any strategic planning aspects" and this includes the housing requirement²⁶ whilst acknowledging the methodology for identifying housing need has changed in the intervening period.²⁷ It also explains that where reserve sites are identified on land not identified by a neighbourhood plan, that proposal does not undermine the neighbourhood plan.²⁸

The SAP (October 2020) proposes to use the identification of reserve sites to counterbalance any actual or likely undersupply of housing set out in the CS to 2031 or where additional housing is required to be accommodated in the District including from elsewhere in the Housing Market Area.²⁹ This includes local service villages as suitable locations for reserve sites.

Whilst the housing figure given in the CS is a minimum, the trajectory shows the development needs of the District are being met and an overprovision is likely to be made.³⁰

I deal with the BUAB boundary and the Brickworks site at the relevant points in this report. I conclude there are no implications. In respect of the newly put forward

²⁴ See email of 10 November 2020 from SDC Policy Planner

²⁵ PPG para 009 ref id 41-009-20190509

²⁶ SAP Preferred Options Consultation Version (October 2020) page 8

²⁷ Ibid page 18

²⁸ Ibid page 9

²⁹ Ibid draft policy SAP.1 page 17

³⁰ Ibid page 19

reserve site and the site for self build units promoted in the SAP (October 2020), I do not consider any issues arise between this Plan and the emerging SAP (October 2020) because by their nature both sites are located and shown outside the settlement boundary, the SAP (October 2020) itself clarifies the relationship as summarised above and I consider the same applies to the self build site promoted.

Given my conclusions on these matters, the early stage of the SAP (October 2020) and taking into account the comments from SDC and the Parish Council, I consider there is no reason to hold a further consultation on the SAP (October 2020) or to take any other action in relation to this particular neighbourhood plan.

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations. A number of EU obligations may be of relevance for these purposes including in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

PPG³¹ confirms that it is the responsibility of the local planning authority, in this case SDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is SDC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment and Habitats Regulations Assessment

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.³² The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

A SEA and HRA Screening Document dated February 2019 has been prepared by Lepus Consulting.

³¹ PPG para 031 ref id 11-031-20150209

³² Ibid para 047 ref id 11-047-20190722

The nearest European site to the Plan area is identified in the Screening Document as the Upper Nene Valley Gravel Pits Ramsar site over 50km away.

The Screening Document screened the Plan out for both SEA and HRA.

The requisite consultation with the statutory consultees, Environment Agency (EA), Natural England (NE) and Historic England (HE), was carried out. All three bodies concurred with the Screening Document's conclusions.

A letter from SDC to the Parish Council dated 22 March 2019³³ confirms that SEA is not required.

I have treated the Screening Document to be the statement of reasons that PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.³⁴ Whilst I appreciate a representation has pointed out some factual errors, I am confident that overall the document provides a satisfactory basis along with the letter from SDC for me to consider the relevant basic condition properly.

Taking account of the characteristics of the Plan and the characteristics of the areas likely to be affected, I am of the view that EU obligations in respect of SEA have been satisfied.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Given the nature, characteristics and distance of the European site and the nature and contents of the Plan, I consider that a full HRA is not required and that the prescribed basic condition is complied with.

Conclusion on EU obligations

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.³⁵ SDC does not raise any concerns in this regard.

³³ Included as Appendix 2 in the Basic Conditions Statement

³⁴ PPG para 028 ref id 11-028-20150209

³⁵ Ibid para 031 ref id 11-031-20150209

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights. Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

7.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. As a reminder, where modifications are recommended they appear in **bold text** and where I suggest specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented in a straightforward way and is generally well-written. It contains 14 policies. There is an eye catching front cover. There is a foreword which sets the scene and a helpful contents page at the start of the Plan.

1. Introduction

This is a helpful introduction to the Plan that sets out the background and contains some useful information such as a map of the Plan area and the time period the Plan covers.

There is one modification to make regarding a reference to the SAP 2019 for the reasons explained earlier in this report.

- **Delete the words “...and the emerging Site Allocations Plan.” from paragraph 1.12 on page 6 of the Plan**

2. National and Local Planning Context

This well-written section sets out the national and local planning context. It contains links to the relevant documents.

A reference is made to the NPPF 2018 which should be corrected in the interests of accuracy to 2019; I note that the paragraph references of the NPPF the Plan refers to correctly refer to the 2019 version and so this is a simple typo.

A further modification in the interests of accuracy is made in relation to the reference to CS Policy CS.16 in paragraph 2.12.

Page 9 of the Plan refers to the SAP 2019. This section should be removed for the reasons cited earlier in this report and new text inserted.

- **Change the reference to “July 2018” in paragraph 2.3 on page 8 of the Plan to “July 2019”**
- **Add the word “around” after “of which no more than...” in the second sentence of paragraph 2.12 on page 9 of the Plan**
- **Delete paragraphs 2.14, 2.16, 2.17, 2.18 and 2.19 on pages 9 and 10 of the Plan**
- **Change paragraph 2.15 on page 10 of the Plan to read: “Whilst not a basic condition, the preparation of the Napton Neighbourhood Plan has been mindful of *any* emerging development plan documents and the evidence base that supports *them*.”**

3. History of the Area

This chapter details the history of the Plan area in an informative way.

Please note there are modifications which appear under Section 5. Profile of the Area that affect this section.

4. Character Assessment

This chapter explains that a character assessment was carried out as part of the work on the Plan. This found that the village layout has evolved around the topography of the Area with development around three sides of Napton Hill. The windmill and St Lawrence Church are to be found on the summit. The village is otherwise surrounded by farming land.

The work identifies six distinct areas and are defined on Map 2 on page 20 of the Plan.

5. Profile of the Area

A variety of information about the Plan area is presented in this chapter. Housing statistics and community facilities to employment and transport information give a very good and robust sense of the Parish.

There is a modification in the interests of clarity in relation to the Housing Needs Survey.

Page 27 of the Plan is Map 3. I indicated that this Map was not clear to me. It mixes listed buildings with local amenities. In turn the local amenities identified do not seem to reflect those local services and facilities identified as part of Policy 13. It also appeared to me that some of the numbers were incorrect. However, I subsequently considered that the identification of local amenities in this part of the Plan did not have to coincide with those identified as part of Policy 13 as the two could be differentiated. SDC prepared two maps; one to show the listed buildings in the village. The other shows local amenities, but has not been checked for accuracy before sending it to me.

Modifications are therefore put forward to address these deficiencies in the interests of providing a clear and unambiguous³⁶ Plan.

- **Change paragraph 5.10 on page 22 to read: “Of the 135 responses to the question “is your current home suitable”, 109 indicated that their current home is suitable for their household.”**
- **Remove Map 3 on page 27 of the Plan which shows local amenities and listed buildings**
- **Insert Map labeled as “Attachment 2” to the responses to my questions as “Map [X] – Listed Buildings in the Village” after paragraph 3.23/Table 1 in the Plan**
- **Insert new paragraph 3.26 on page 15 of the Plan that reads: “Map [X] shows the listed buildings in the village.”**
- **Insert Map labeled as “Attachment 3” to the responses to my questions once it has been checked for accuracy and add the key on the existing Map 3 on page 27 of the Plan (once any corrections have been made)**
- **Change paragraph 5.38 on page 26 to read: “Map 3 indicates the location of some of the various amenities the village has to offer and is for information purposes only.”**
- **Consequential amendments may be required to Map numbers etc. as a new Map is inserted**

6. The Key Issues

Following on from the work carried out for the Plan, Table 4 on page 31 of the Plan lists the key issues; both positive and negative. This is an interesting way to present a lot of information which works well.

³⁶ PPG para 041 red if 41-041-20140306

7. Vision and Objectives

The clearly articulated vision states:

“In 2031 Napton-on-the-Hill will be a distinct, sustainable and vibrant village that retains its rural character and overlooks the surrounding open countryside. It will contain a strong and inclusive community comprising people from all age groups and backgrounds that thrive and socially interact together.”

The vision is underpinned by eight objectives. All are clearly worded and will help to deliver the vision.

Table 5 on page 34 of the Plan sets out the relationship between the vision, the objectives and the relevant planning policies which follow in the next section of the Plan.

8. Planning Policies

In the interests of accuracy, a correction is made to paragraph 8.2 along with some modifications to deal with the SAP 2019 issue explained earlier in this report.

- **Replace “...Stratford Core Strategy...” with “Stratford on Avon Core Strategy” in bullet point two of paragraph 8.2 on page 35 of the Plan**
- **Change bullet point three of paragraph 8.2 to read: “any emerging development plan documents and any up-to-date information that is informing *their* preparation;”**

Policy 1 – Residential Development

CS Policy CS.15 sets out the distribution of development to the hierarchy of settlements. CS Policy CS.16 identifies a strategic allocation of approximately 2000 homes for Local Service Villages (LSV). There are four categories of LSVs and Napton falls within Category 2.

In this Category the CS explains that a figure of approximately 700 new homes has been set for Category 2 LSVs in total with “no more than around” 12% should be provided in any one settlement. This equates to approximately 84 dwellings for Napton over the CS plan period. It is noted that the CS plan period is not the same as the Plan period as it has a different start date, but both plans do have the same end date.

CS Policy CS.16 encourages neighbourhood plans to be prepared that identify sites to meet or exceed the housing number. A modification is made to add the word “around” in paragraph 8.15 to reflect the wording of the CS.

Table 6 on page 39 of the Plan sets out the permissions granted from April 2011 to July 2019. These equate to 84 new dwellings. The Plan explains that 21 of these fall outside the BUAB so there is a residual requirement for 21 dwellings. However, in response to my query, SDC confirms that the figure of around 84 dwellings is not a specific target for Napton to attain and there is no “obligation”³⁷ on Napton to achieve a further 21 dwellings to make a contribution to the strategic housing requirement. Napton has already had a quantum of development and District-wise the trajectory shows, according to the SAP (October 2020), the development needs of the District are being met and an overprovision is likely to be made.³⁸

A Local Housing Needs Survey has been undertaken independently by the Warwickshire Rural Community Council (WRCC). This showed a need for 24 dwellings in the Parish. There were also 22 households registered on the housing waiting list, Home Choice Plus, with a Napton address.

The Plan also refers to an application at the former Brickworks. Permission for 56 dwellings expired in 2018. A more recent application for 100 units is yet to be determined. I also note that the Brickworks site is subject to a proposal in the SAP (October 2020) for up to 80 dwellings and other development. It is recognised that the Parish Council support the redevelopment of this site and this could make a contribution to the housing figure.

CS Policy CS.15 envisages that development will take place on sites identified in neighbourhood plans and through small-scale schemes on unidentified but suitable sites within the Built Up Area Boundaries (BUABs) where defined or otherwise within their physical confines. This Plan seeks to identify a BUAB and this is shown on Policy Map 1 on page 38 of the Plan.

In relation to the BUAB, an email to SDC from the Parish Council dated 18 June 2020 explains that Manor Farm should have been included in the boundary and this represents a mapping error.

In response to my query on this, the Parish Council explain that the BUAB was originally defined by SDC which the Parish Council used in the draft Plan. Subsequently, a modified methodology was used by SDC in the SAP 2019. This included Manor Farm. The Parish Council explain that it was the intention to include Manor Farm and this is simply a cartographical error. However, as this has not been shown on a map, this has not been consulted upon as part of this Plan’s process.

³⁷ Email of 13 November 2020 from SDC Policy Planner

³⁸ SAP Preferred Options Consultation Version (October 2020) page 19

In July 2020, I am advised that SDC sent an email to Parish Councils about a revised methodology and this detailed three differences to the Plan's version of the BUAB relating to Manor Farm, High Over Cottage and an agricultural building in Fells Lane.

The Parish Council suggest that these additions to the proposed BUAB should be assessed as part of any future review of the Plan and I agree. I note that the SAP (October 2020) promotes a different BUAB to that shown on page 38 of the Plan; this results in three differences to that BUAB put forward in the Plan. I have considered whether these areas can be placed within the BUAB for the Plan, but have decided that as they have not been consulted upon this should be a matter for future review by SDC and the Parish Council. The BUAB put forward in the Plan is appropriately designated.

Paragraph 8.41 of the Plan states that any residential development must be located within the BUAB. This does not take account of national policy and guidance or the CS. A modification is therefore made.

There are a number of other modifications to the supporting text to reflect the change in circumstance to the SAP 2019.

Turning now to the policy itself, this criteria-based policy is clearly worded. It sets out the expectations for residential development. It cross-references the latest evidence on housing needs and the Character Area Assessment carried out.

However, criteria a) restricts development to within the BUAB. This does not reflect national policy which allows some forms of residential development outside the BUAB or CS Policy AS.10. A modification is made to ensure that the policy reflects these two national and local policy considerations.

I also raised a query about whether the BUAB could accommodate extra development. I did so because the SEA Screening Document indicated that a significant area in the south of the BUAB falls within the Impact Risk Zones of Calcutt Locks Meadows and Napton Hill Quarry Sites of Special Scientific Interest (SSSI). CS Policy CS.6 only permits development likely to have an adverse effect in exceptional circumstances.

Even though the Plan takes the view there is a residual housing requirement of around 21 dwellings at this moment in time, SDC confirmed that the housing figure in the CS is not a target, but an indicative figure to try and achieve an appropriate and equitable distribution of development between the various villages in the District.

Given the stance of SDC in relation to housing figures, the constraints of this particular area and the amount of development already achieved, I consider that the proposed BUAB has been designated appropriately albeit recognising some changes will be made in any future review of the Plan. This review can also monitor the level of development needed. With my proposed modification to take account of national and local policy, this criterion will be acceptable in relation to the basic conditions.

Criterion b) is more restrictive than the CS which refers to small-scale, but not sensitive infill development. It is difficult to be certain what this latter phrase might mean and therefore it does not provide a practical or consistent framework for decision-making. A modification is therefore made. I have also considered whether the phrase “small scale” is precise enough. I note that there are numerous references to this phrase in the CS. In fact the CS indicates it is not possible to define the term in terms of numbers of dwellings in relation to CS Policy AS.10 as this depends on the village and site involved. Given it is a commonly used term, I consider that it can be retained.

Criterion c) refers to overshadowing and overlooking however these are but two potential impacts on neighbouring occupiers and so this criterion is amended to include other potential effects on living conditions.

Criterion d) needs more flexibility as it may not be possible for Housing Needs Surveys to be carried out regularly and remain up to date.

I do not consider the remaining criteria require modification as they are appropriate in relation to the basic conditions.

With these modifications, I consider that the policy and its supporting text will meet the basic conditions. In particular, they will take account of the NPPF, the strategic policies in the CS referred to above and help to achieve sustainable development in this Plan area.

- **In paragraph 8.9 replace the word “will” with “could” and delete “through the emerging Site Allocations Plan or”**
- **In paragraph 8.10 delete “Prior to adoption of the emerging Site Allocations Plan” and replace with “As an interim measure” and insert “a methodology and defined” after “...endorsed”**
- **Insert a new paragraph after existing paragraph 8.10 that reads:**

“This version of the Built-up Area Boundary for Napton was then put forward in the draft neighbourhood plan. However after further discussions with the District Council several small modifications to the boundary were agreed. These were largely to reflect recent planning permissions. In addition it is agreed that the Church of St. Lawrence and the adjoining churchyard should be removed from the Built-up Area Boundary to conform to the District Council’s emerging methodology.”
- **Delete paragraphs 8.11, the related table and 8.12**
- **Add the word “around” after “...no more than...” in paragraph 8.15 on page 39**
- **Delete the sentence that begins “In addition the emerging Site Allocations Plan...” in paragraph 8.19**

- Delete the sentences that begins “There is also an allocation...” and “This site also lies...” from paragraph 8.20
- Change the first sentence of paragraph 8.24 on page 41 to read: “If the housing requirement *of no more than around 21 dwellings* is to be met...” and delete the second sentence of the paragraph that begins “However some of this requirement could...”
- Delete paragraphs 8.36, 8.37 and 8.38
- Insert new paragraph 8.36 that reads:

“The Strategic Housing Land Availability Assessment (SHLAA) 2020 forms part of the evidence base for emerging plans at District level. This included an assessment of 24 parcels of land on the periphery of Napton. Each site was considered against a list of criteria to consider their suitability for development. The assessment concluded that almost all of the sites in and around the village were regarded as 'not deliverable'. Three sites were considered to be 'likely to be deliverable'. No sites were considered to be 'deliverable'.”
- Add after “...residential development...”, the words “*unless it is for the purposes identified in national and local policy including self-build and custom-build,*” in paragraph 8.41
- Add at the end of criterion a) of the policy: “*or is otherwise acceptable outside the BUAB as set out in national and local policy*”
- Change criterion b) of the policy to read: “*it is development on a small scale*”
- Add at the end of criterion c) of the policy: “*or otherwise is acceptable in relation to the effect on the living conditions on the occupiers of any affected property*”
- Add at the end of criterion d) of the policy: “*or the latest available housing needs information.*”

Policy 2 – Affordable Housing on Rural Exception Sites

The NPPF supports the provision of rural exception sites to enable local needs to be provided for.³⁹

³⁹ NPPF para 77

This policy sets out five criteria for such sites including prioritisation for those with a local connection. This approach – that of addressing the needs of the local community by accommodating those who are already resident or have a family or employment connection to the locality – is accepted in the NPPF’s definition of rural exception sites.

The first criterion restricts any development to a “small number” of properties. This is imprecise and open to interpretation. It does not therefore provide a practical or consistent framework for decision-making. It may also prevent affordable housing coming forward and therefore prevent the achievement of sustainable development. For these reasons, it is deleted.

In line with a modification made to Policy 1, a modification is made to criterion c) to increase flexibility.

A further criterion which is to ensure that any associated market housing also meets locally identified needs is arguably quite restrictive and could adversely affect viability. This taken together with another criterion that restricts such sites to those adjacent to the BUAB could mean that very few sites will come forward. This then might inadvertently discourage sustainable development to be achieved. With a modification to avoid this scenario, alongside the deletion of the first criterion, I consider the policy will meet the basic conditions.

- **Delete criterion a)**
- **Add the words “*or up to date information*” after “...Housing Needs Survey” in criterion c)**
- **Delete the words “...and also meets locally identified housing needs.” from criterion e)**

Policy 3 – Self-build Homes and Custom Housebuilding

As part of the Parish Council’s suggested changes to the Plan to reflect the change in circumstance with the SAP 2019, large parts of the policy’s supporting text (which relied on the SAP 2019) have been proposed for modification to reflect national policy and SDC’s Part J of the Development Requirements Supplementary Planning Document (SPD), adopted in July 2019. I consider this remains a pragmatic approach despite the recent publication of the SAP (October 2020) for the clarity of this Plan.

Policy 3 sets out a number of criteria for self-build and custom housing. Some modifications are proposed to make the policy more flexible and reflect earlier modifications made to Policy 1 for the same reasons.

With these modifications, the policy will meet the basic conditions and will help to deliver a sufficient supply of homes as identified in the NPPF which includes reference

to those wishing to build or commission their own home,⁴⁰ be a local expression of the CS, particularly Policies CS.2 and CS.16, and help to achieve sustainable development.

- **Add a new paragraph under the sub heading “Self build homes and custom housebuilding” on page 47 of the Plan that reads:**

“The Government wants to enable more people to build or commission their own home and make this form of housing a mainstream housing option. The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) has placed this matter on a statutory basis.”

- **Replace the words “...the District Council...” in paragraph 8.52 with “Policy CS.16”**
- **Add at the end of paragraph 8.55, six new paragraphs which read:**

“However, with the exception of plots expected to be provided at Gaydon Lighthorne Heath and Long Marston Airfield new settlements, there is no established local planning policy which supports the provision of self-build and custom build dwellings on greenfield sites on the edges of settlements in the District. This was because the Core Strategy was substantially complete when the obligation to deliver self and custom build housing emerged.

The District Council has however published guidance in respect of custom and self-build housing in Part J of the Development Requirements Supplementary Planning Document (SPD), which was adopted in July 2019. This includes a number of site specific requirements that such schemes should comply with.

This is available at www.stratford.gov.uk/devreq-spd.

The SPD states that the Government does not expect local authorities to provide such opportunities on plots or sites that would not otherwise be acceptable for other forms of housing development, such as in open countryside. It also notes that the Core Strategy provides scope for individual and small groups of dwellings, including self-build schemes, to be built in a wide range of settlements in the District. Local communities preparing neighbourhood plans are specifically encouraged to consider custom and or self-build housing.

Custom and self-build housing can be developed either to provide affordable or market housing. In the case of market housing the SPD anticipates that there will be two main modes of delivery:

- 1. Individual plots, sourced and acquired by the developing household, or small sites provided to meet the specific identified needs of individual households.***

⁴⁰ NPPF para 61

2. Larger schemes, involving sub-division of the site in accordance with a masterplan to provide serviced plots, for subsequent sale to households who will in due course prepare their own detailed designs.

The SPD adds that it is essential that self-build schemes, due to their particular nature, can be implemented in an appropriate and effective manner. For this reason, the document states that a number of specific considerations need to be applied. Schemes that include self-build or custom-build plots are therefore expected to make the following provisions:

- 1. A legal access to a public highway (or equivalent) for each individual plot;**
- 2. A Design Code to help clarify and guide what design of dwellings might be appropriate, e.g. size, height, materials;**
- 3. A connection to all services, i.e. electricity, water, drainage, at the boundary of each plot;**
- 4. A phasing plan, where applicable, to ensure CIL is not triggered for the self-build element due to commencement elsewhere on the site.”**

- Delete [existing] paragraphs 8.56, 8.57, 8.58 and 8.59

- Change [existing] paragraph 8.60 to read:

“In addition to the policies within the *Core Strategy and SPD* any proposal for Self Build or Custom Housebuilding within the parish will also need to meet the criteria specified in Policy 3 below. *This is to ensure that any plots or sites proposed for Self-Build Homes or Custom Housebuilding are acceptable forms of housing development that do not cause demonstrable harm to the village or surrounding countryside.*”

- Delete the word “immediately” from criterion a) of the policy and add at the end the words: **“or is otherwise acceptable as set out in national and local policy”**
- Add at the end of criterion c): **“or otherwise is acceptable in relation to the effect on the living conditions on the occupiers of any affected property**

Policy 4 – Site of the Former Napton Brickworks

The Plan explains this site is about 0.5 miles from the village of Napton and comprises about 10 hectares of previously developed land and a designated SSSI which was the old quarry. The entire site is a Local Wildlife Site. The site closed in 1973, but a small area of industrial units occupies part of the site.

There is some planning history; permission was granted in 1995 for a business park, but only the access element was undertaken. Previous allocations include a mix of

employment with linked residential units, holiday accommodation and canal-related recreation. Permission for 56 live/work units and Use Class B1 was granted permission in 2015, but is no longer extant.

More recently, a planning application for up to 100 dwellings has been submitted, but has not been determined at the time of writing.

Policy AS.11 of the CS deals with large rural brownfield sites. Draft Policy RURAL.1 in the SAP 2019 specifically dealt with this site, proposing to allocate it for a mix of residential, public open space, a nature reserve or similar area and moorings and facilities associated with the canal.

The Plan submitted indicates that the principle of residential development on the site is supported subject to further criteria that did not appear in the draft SAP 2019 policy. Policy 4 therefore sought to add to the criteria in that draft policy.

As, at the early stages of this examination, the SAP 2019 was not progressed and therefore that draft policy did not exist anymore, I asked the Parish Council and SDC to consider this situation. The Parish Council put forward a revised Policy 4 which supported the principle of development on this site rather than allocating it in the Plan itself. This is an understandable position given the necessary evidence needed and so on to support such a complex site allocation.

The revised policy put forward therefore supports the principle of development, subject to various criteria on this site, and refers to CS Policy AS.11 (which deals with brownfield sites).

I have carefully considered whether a policy that refers to a site specific location and supports development on it can be regarded as anything other than a site allocation. I have reached the conclusion it cannot. Even to promote the development of it in principle is akin to a large site allocation which then requires masterplanning or more details.

Given the Plan did not promote this as a site allocation at the time of submission, to do so now would be a significant change warranting further public consultation and a review of supporting evidence documents such as the SEA and HRA.

I am mindful that the Parish Council does not wish to allocate the site. I fully understand this position given the complexity of the site and its history without significantly more work being undertaken.

Therefore I conclude that there is no option but for me to recommend deletion of this policy and its supporting text from the Plan. I do not accept the changes put forward by the Parish Council in relation to the change in circumstances to the SAP 2019.

At a very late stage of the examination, the SAP (October 2020) was published. This sets out a similar policy for the site in Proposal RURAL.1. I have therefore considered

whether Policy 4 can be retained as was originally put forward. Given the early stage the SAP (October 2020) is at, I consider my conclusion remains valid.

The Plan includes a section entitled “Community Aspirations”. I see no reason why a community aspiration along the lines I put forward below could not be included in the Plan to record the Parish Council’s, and the community’s, support for redevelopment of the site.

- **Delete the section of the Plan entitled “The former Napton Brickworks” i.e. paragraphs 8.61 – 8.70 inclusive and Policy 4 from the Plan**
- **Add a new community aspiration (if desired) to Section 9 of the Plan that reads: “*The Parish Council welcome discussions and involvement in the future of the former Napton Brickworks site.*”**

Policy 5 – Business Development

The Plan supports appropriate business growth. Policy 5 is divided into two geographical areas; within the BUAB and outside the BUAB. The NPPF supports a prosperous rural economy including sustainable rural tourism and leisure developments which are of importance here given the Canal.⁴¹ However, it does not distinguish between the BUAB and outside the BUAB (or any equivalent). Rather it indicates that sites to meet local business and community needs may have to be found adjacent to or beyond existing settlements.⁴² There is no distinction in CS Policies AS.10 or CS.24 either. Therefore a modification is made to address this as no reasons are given as to why the distinction is needed in this locality.

The second element of the policy supports recreation and tourism outside the BUAB. This also needs modification to ensure it takes account of national policy.

The last element of the policy refers to gateways; some modification here is needed to ensure that the policy deals only with development and use of land issues.

There are also some modifications to ensure that the policy aligns with modifications made to Policies 1 and 3 for the same reasons given earlier in this report as well as to make sure the policy reads appropriately in relation to the other modifications made, particularly in respect to the BUAB issue.

With these modifications, the policy will take account of the NPPF, be a local expression of CS Policies CS.22, CS.24 and AS.10 and will help to achieve sustainable development.

⁴¹ NPPF para 83

⁴² Ibid para 84

- Delete “within the Built-up Area Boundary” from the first paragraph of the policy
- Change criterion a) to read: “*it is development on an appropriate scale to its location and setting*”
- Add at the end of criterion b): “*or otherwise is acceptable in relation to the effect on the living conditions on the occupiers of any affected property*”
- Add the words “*where appropriate*” at the start of criterion c)
- Add the words “*where appropriate*” at the start of criterion f)
- Delete “Outside the Built-up Area Boundary” from the second paragraph of the policy so that this part of the policy begins “Proposals...”
- Change the last sentence of the policy to read: “This includes schemes that enhance the landscape setting.”

Policy 6 – Environmental Quality

The planning system should support the transition to a low carbon future.⁴³ CS Policy CS.2 seeks to mitigate and adapt to climate change. CS Policy CS.4 deals with the water environment and flood risk.

Policy 6 is a local expression of these stances. It is a criteria based policy that covers air pollution, tranquility, dark skies, energy efficiency, waste, flood risk and water efficiency and green infrastructure; all of which I consider to be development and use of land related. All are appropriate without setting any local standards if modifications are made to make this clear. This is because the Government announced in a Written Ministerial Statement (WMS) of 25 March 2015, that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans.

The second element of the policy supports small-scale community renewable or low carbon energy developments subject to appropriate safeguards. This reflects the NPPF’s support for such projects identified in neighbourhood plans⁴⁴ and CS Policy CS.3 which, amongst other things, encourages small-scale community-led initiatives.

With these modifications, the policy will meet the basic conditions by taking account of national policy, being a local expression of CS Policies CS.2, CS.3, CS.4 and CS.9 in particular and will help to achieve sustainable development.

⁴³ NPPF para 148

⁴⁴ Ibid para 152

- **Change the first sentence of the policy to read: “Development proposals are particularly encouraged and as appropriate to their scale, nature and location to incorporate design features that minimise:”**
- **Change criterion d) to “energy wastage”**
- **Change criterion e) to “the generation of waste through maximizing any opportunities for reuse and recycling;”**

Policy 7 – Heritage Assets

The Plan explains that the Parish has more than 40 listed buildings and a vibrant history that makes an important contribution to the distinctiveness of the village and its locality.

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.⁴⁵ It urges plans to set out a positive strategy for the conservation and enjoyment of the historic environment.⁴⁶

The Plan refers to the NPPF, but paragraph 8.83 on page 56 misrepresents the stance taken in the NPPF. A modification is therefore made to correct this because there is no reference to substantial harm and the next reference is to non-designated heritage assets.

CS Policy CS.8 which deals with the historic environment also distinguishes between designated and non-designated heritage assets reflecting the stance in national policy. It has more detail than Policy 7.

Policy 7 does not make the same distinction and muddles the tests for designated and non-designated heritage assets. It therefore requires modification. However, to do so would simply repeat national policy and CS Policy CS.8. Duplication should be avoided. Nevertheless the last element of the policy can be retained as this refers to the promotion and interpretation of heritage assets.

With these modifications, the policy will meet the basic conditions.

- **Change the third sentence of paragraph 8.83 on page 56 of the Plan to read: “Where a proposal would lead to substantial harm or total loss, this harm should be weighed against any substantial public benefits of the proposal or other scenarios outlined in national policy.”**
- **Delete the fourth sentence of paragraph 8.83 which starts “A balanced judgement...”**

⁴⁵ NPPF para 184

⁴⁶ Ibid para 185

- Create a new paragraph below paragraph 8.83 that reads:

“In relation to non-designated heritage assets, its significance should be taken into account. A balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.”

- Delete the first sentence and criteria a) and b) of the policy

Policy 8 – The Grand Union and Oxford Canals

The Plan explains the importance of the Canals. This not only relates to their historical significance but also their contribution to the economic, social and environmental aspects of life in the Plan area.

The policy seeks to protect the Canals and their settings from inappropriate development setting out the criteria expected for development. These include design, connections, ecology and heritage. The policy is clearly worded and will help to achieve sustainable development in particular. It picks up on the NPPF’s stance on heritage, leisure and tourism, open space and visual amenity and reflects CS Policies CS.7 and CS.24 especially. It meets the basic conditions and no modifications are put forward.

Policy 9 – Local Green Space

The NPPF explains that LGSs are green areas of particular importance to local communities.⁴⁷

The identification of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. They should only be designated when a plan is prepared or updated and should be capable of enduring beyond the end of the plan period. The NPPF sets out three criteria for their designation. It explains that policies for managing development within a LGS should be consistent with those for Green Belts. Guidance about LGSs is also given in PPG.

This policy seeks to designate five areas of LGS. I saw the areas on my site visit. Table 7 on page 61 of the Plan sets out how each space meets the criteria in the NPPF. Photographs then follow and Policy Map 2 clearly identifies all the proposed areas.

On this latter point, I received notification from the Parish Council that A. Napton Sports Club proposed area had been identified incorrectly. An amended plan was sent to me. This shows a smaller area proposed for designation. In these circumstances I can accept

⁴⁷ NPPF paras 99, 100, 101

the correction as no one has been prejudiced by this change.

A. Napton Sports Club is located on the edge of the village and offers a range of sporting facilities including a football / cricket pitch and tennis courts as well as a playground. The site also has a pavilion. It is valued for its sport and recreational functions.

B. Land adjoining St Lawrence Church is a rectangular area of land of natural grassland cross-crossed by footpaths and a bridleway. It is valued for its open setting and relationship to the Church, open vistas, tranquility and beauty as well as its network links.

C. The Copse off Fells Lane is an area of mature woodland. It connects to Napton Sports Club and the Pastoral Field providing a wildlife and green corridor. It is valued for its beauty, tranquility and wildlife.

D. Land adjacent to the former Brickworks Site comprises the former quarry to the Brickworks. It is valued for its historical significance, recreational value, wildlife and geological importance.

E. Pastoral Field above Quincy Meadows Development is close to a recent residential development and is valued for its visual amenity and contribution it makes to the character and appearance of the village. There are also views. The site has a planning history. I am informed that the most recent appeal was dismissed.

In my view, all the proposed LGSs meet the criteria in the NPPF satisfactorily. All are demonstrably important to the local community, all are capable of enduring beyond the Plan period, all meet the criteria in paragraph 100 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given the housing figures for this local area and other policies in the development plan and this Plan.

I turn now to the wording of the policy itself. The first element identifies the LGSs and the last refers to the Policy Map. The second element should take account of and be consistent with the NPPF which explains the management of development in LGSs should be consistent with that in the Green Belt.⁴⁸ Therefore this element needs modification in order to meet this basic condition.

With these modifications, the policy will meet the basic conditions.

- **Substitute the area shown on the map emailed to SDC by the Parish Council on 4 March 2020 showing an amended, smaller area for Area A. on Policy Map 2**

⁴⁸ NPPF para 101

- **Delete the second paragraph of the policy that begins “A proposal for development...” and replace with “*Development in the Local Green Spaces will be consistent with national policy for managing development in Green Belts.*”**

Policy 10 – Important Views

Six important views have been identified. These are detailed in Table 8 of the Plan and clearly shown on Policy Map 3.

The policy refers to the six views and cross-references Policy Map 3. It seeks to ensure that the openness and key features of the views can continue to be enjoyed. It therefore does not prevent development per se, but rather seeks to ensure that any development respects these important and valued views which are distinct to this local area.

Only one modification is recommended to ensure that the policy is positively worded and will meet the basic conditions. With this modification, the policy will reflect the NPPF’s recognition of the intrinsic character and beauty of the countryside.⁴⁹ It will be in general conformity with the CS, particularly CS Policy CS.5 which seeks to ensure that landscape quality and character is maintained and Policy CS.9 which refers to public views and vistas. It will help to achieve sustainable development.

- **Delete the last sentence of the policy that begins: “Development proposals which have a harmful impact...” from the policy**

Policy 11 – Open Countryside

In line with previous comments regarding the SAP 2019, paragraph 8.119 on page 76 of the Plan should be deleted.

This policy applies outside the BUAB. It supports development, but only if no demonstrable harm is caused to the landscape quality of the Ironstone Hill Fringe Special Landscape Area, sites of ecological or geological value including two SSSIs and a Local Geological Site, heritage assets and archaeological sites, the countryside’s intrinsic character, beauty and tranquility and the appearance of the area.

The NPPF is clear that policies should contribute to and enhance the natural and local environment.⁵⁰ This includes recognition of the intrinsic character and beauty of the countryside, language which is reflected in Policy 11. The NPPF also seeks the protection and enhancement of valued landscapes and sites of biodiversity or geological

⁴⁹ NPPF para 170

⁵⁰ Ibid

value.⁵¹ Development on land in or outside a SSSI likely to have an adverse effect on it should not normally be permitted.⁵² National policy recognises that tranquility is an important amenity.⁵³

Policy 11 adds a local layer of detail to CS Policies CS.5, CS.6, CS.12 and AS.10. It will help to achieve sustainable development. However, it requires an addition to make it clear that some forms of development are acceptable in the countryside. With these modifications, the policy will meet the basic conditions.

- **Delete paragraph 8.119 on page 76 of the Plan**
- **Change the first sentence of the policy to read: “Outside the Built-up Area Boundary, development will only be supported *in line with national and local policies and where it does not cause demonstrable harm in line with the hierarchy of statutory sites outlined in the NPPF or cannot be satisfactorily mitigated to:*”**

Policy 12 – Trees and Hedgerows

Trees and hedgerows are an important feature of, and asset to, the Plan area. This policy seeks to prevent the loss of irreplaceable habitats, protect mature trees, woodland and hedgerow and verges wherever possible and ensure that if loss or damaged is sustained, suitable replacement planting is secured.

The NPPF seeks to prevent the loss of irreplaceable habitats including ancient or veteran trees unless there are wholly exceptional circumstances and a suitable compensation strategy is in place.⁵⁴ A modification is made to better reflect national policy.

The second tenet of the policy protects mature trees and so on “wherever possible”. Whilst this may be regarded as flexible, there is a risk that it will never be possible for development to protect such vegetation. A modification is therefore made to strengthen the protection the policy rightly seeks.

The third element of the policy is clearly worded.

With these modifications, the policy will meet the basic conditions, taking account of the NPPF, reflecting CS Policy CS.5 in particular and helping to achieve sustainable development.

- **Add the words “*unless there are wholly exceptional circumstances as set out in*”**

⁵¹ NPPF para 170

⁵² Ibid para 175

⁵³ Ibid para 180

⁵⁴ Ibid para 175

national policy” at the end of the first sentence of the policy

- **Change the second paragraph of the policy to read: “Development should retain and protect mature trees, woodlands, important hedgerows and verges which are important for their historic, visual, amenity or biodiversity value unless the need for, and the benefits of, the development in that location clearly outweigh any loss. Any such loss will be appropriately mitigated.”**

Policy 13 – Local Services and Community Facilities

The NPPF is clear that the retention and development of accessible local services and community facilities such as shops, meeting places, sports venue, open space, cultural buildings, places of worship and public houses should be enabled through planning policies.⁵⁵ This will help to support a prosperous rural economy. It also states that plans should plan positively for the provision of social, recreation and cultural facilities to promote healthy and safe communities.⁵⁶ In addition locally based facilities can assist those without access to a car or public transport within more rural areas and are often important foci for the community.

This policy has two elements to it. Firstly, it seeks to support new or expanded services and community facilities subject to accessibility and amenity considerations.

The second element seeks to protect existing facilities subject to the criteria in CS Policy CS.25. However, it adds a local layer to this CS policy by listing those services and facilities affected. The criteria in the CS remain valid and include active marketing, alternative provision and so on.

The policy is clearly written. It takes account of national policy and guidance, is a local expression of the CS, in particular Policy CS.25, and will help to achieve sustainable development. It meets the basic conditions and no modifications are recommended.

Policy 14 – Telecommunications Infrastructure

Telecommunications infrastructure is sought and supported by this policy subject to mitigation of any harmful effects on the environment. This is in line with the NPPF’s support for high quality communications infrastructure.⁵⁷ This caveat is appropriate for this distinctive local area bearing in mind the NPPF indicates equipment should be designed sympathetically and camouflaged where appropriate⁵⁸ and adds a local layer to CS Policy CS.26.

⁵⁵ NPPF para 83

⁵⁶ Ibid para 92

⁵⁷ Ibid para 112

⁵⁸ Ibid para 113

The policy is clearly worded and meets the basic conditions for the above reasons. As a result no modifications are recommended.

9. Community Aspirations

In line with national guidance,⁵⁹ this section of the Plan sets out the aspirations of the community which do not form part of the planning policies. This approach is to be welcomed.

There are two references to the NPPF on page 83 and a further one on page 84 of the Plan; the Parish Council has helpfully confirmed these are out of date and put forward some replacement wording. In the interests of accuracy, modifications are made in relation to these updates.

Both community aspirations are clearly worded and appropriate for inclusion in this section, but SDC makes a useful point in relation to Community Aspiration 2 which is recommended for modification.

- **Delete paragraph 9.5 on page 83 of the Plan and replace with a new paragraph that reads:**

“Paragraph 109 in the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context paragraph 110 adds, amongst other things, that applications for development should: create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.”

- **Delete paragraph 9.12 on page 84 of the Plan and replace with a new paragraph that reads:**

“Paragraph 102 of the Framework states that transport issues should be considered from the earliest stages of plan making and development proposals so that opportunities to promote walking, cycling and public transport are identified and pursued. Paragraph 104d) adds that planning policies should provide for high quality walking and cycling networks and supporting facilities.”

- **Delete the “or” between criteria a) and b) in Community Aspiration 2 and replace with “and”**

⁵⁹ PPG para 004 ref id 41-004-20190509

10. Monitoring and Review

Whilst monitoring is not a statutory requirement for neighbourhood plans, I welcome this section on monitoring and review and regard this action as good practice.

11. List of Supporting Documents

This is a useful list of, and website link to, important supporting documents.

I raised a query in relation to the Character Assessment which is referred to in various places throughout the Plan as I had noticed that some of the references appeared to need updating in relation to the content of the submitted Plan. The Parish Council has confirmed this is the case. Attachment 7 of the responses to my queries shows the necessary updates.

In addition the Character Assessment is referred to throughout the document as the Character Assessment or Character Area Assessment; the terminology should be consistent. A modification is made here to address all those instances; it is not repeated elsewhere in this report.

- **Update the Character Area Assessment in line with the updates shown in Attachment 7 of the responses to my queries; these relate to paragraphs 2.9 and 2.11 and pages 21, 27, 33 and 38 of the originally submitted Character Assessment**
- **Delete the word “Area” from paragraphs 4.28, 8.29, 8.34, 8.109, 11.1 and Policies 1, 3 and 5 where it pertains to the Character Assessment**

8.0 Conclusions and recommendations

I am satisfied that the Napton-on-the-Hill Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Stratford-on-Avon District Council that, subject to the modifications proposed in this report, the Napton-on-the-Hill Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Napton-on-the-Hill Neighbourhood Development Plan should proceed to a referendum based on the Napton-on-the-Hill Neighbourhood Plan area as approved by Stratford-on-Avon District Council on 18 July 2017.

Ann Skippers MRTPI

Ann Skippers Planning

16 November 2020

Appendix 1 List of key documents specific to this examination

Napton-on-the-Hill Neighbourhood Development Plan as submitted to Stratford-on-Avon District Council October 2019

Basic Conditions Statement October 2019

Consultation Statement October 2019 including separate Appendix 7

Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Document February 2019 (Lepus Consulting)

Character Assessment October 2019

Housing Needs Survey Report November 2018 (WRCC)

Stratford-on-Avon District Core Strategy 2011 – 2031

Development Requirements SPD Part J Self-build and Custom Build Housing and Modular Housing adopted July 2019

Parish Council comments on Regulation 16 representations

List ends

Appendix 2 Questions of clarification from the examiner

Napton-on-the-Hill Neighbourhood Plan Examination

Questions of clarification from the Examiner to the Parish Council and SDC

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. At the time the Plan was written and submitted, SDC was preparing a Site Allocations Plan (SAP). This was consulted on a proposed submission version in Autumn 2019. However, according to SDC's website, this version of the plan is not being proceeded with. It is not clear to me why this is the case. Anyway, the website indicates that work is now being carried out on a new version. It is envisaged that preferred options will now be consulted upon in October/November 2020 with a view to submission in April/May 2021.

It is clear that the emerging SAP influenced the development of the Plan. It contains numerous references to the SAP. How should these now be dealt with? If this version of the SAP is no longer being pursued, the Plan should remove all references to it. Would the Councils like to provide me with a list of those changes?

A reference to Policy SAP.1 Self-Build and Custom Housebuilding is attributed to the Core Strategy, but I think it should be the SAP (page 47 of the Plan). How should this be modified?

In relation to Policy 4, Site of the former Napton Brickworks, the policy refers to Proposal RURAL.1 of the emerging SAP seeking to add further requirements to a draft policy which was in the emerging SAP. As the policy in the emerging SAP no longer exists, what action could be taken in relation to Policy 4? Should the Plan allocate this site itself? Would this require further consultation? Should the policy be deleted? Or have events overtaken things and has planning permission been granted for the site? Please update me on the position including details of any planning applications and determinations and indicate what the preferred options might be moving forward.

2. Paragraph 2.3 on page 8 of the Plan refers to the July 2018 version of the NPPF. Should this be the February 2019 version?
3. Paragraphs 5.8 and 5.10 on page 22 of the Plan variously refer to 135 responses and 140 responses. Which is correct?
4. Please provide me with a copy of, or link to, the Housing Needs Survey prepared by Warwickshire Rural Community Council.
5. Map 3 on page 27 does not read very clearly to me. It mixes listed buildings with local amenities. This then does not seem to reflect those local services and facilities identified as part of Policy 13. It also seems that some of the numbers are incorrect; for example 9 and 20(?) Please could these issues be looked at and a revised Map or Maps be provided. It might be inset maps might be useful?
6. Policy 1 seeks to define a Built Up Area Boundary (BUAB) for Napton. This in itself is acceptable in principle, but given that much of the supporting text in paragraphs 8.10 to 8.13

are now no longer relevant, please provide some suitable replacement text. This can form part of the list of changes referred to in Question 1 if preferred.

7. In relation to the BUAB, an amended map was received on 18 June 2020 from the Parish Council to SD to show an error; Manor Farm should be included. Please explain why this site should be included and whether any contact has been made with the landowner. Has this site inclusion been subject of public consultation at the formal pre-submission and / or submission stage?
8. Does SDC agree that around 21 dwellings is now the residual requirement for this Local Service Village? Table 6 details the permissions granted from April 2011 to July 2019. However, the plan periods for the Core Strategy and the Plan differ. Therefore Table 6 may give a false impression as to the residual requirement for the Plan to accommodate.
9. There is a reference on page 40 of the Plan that indicates the Core Strategy indicates only planning permissions within the BUAB contribute to the housing requirement. Please provide me with this reference, as I cannot readily find it. Can SDC confirm whether it is only permissions in BUABs that contribute to the housing requirement set out?
10. The Screening Document prepared by Lepus Consulting on page 12 indicates that a significant area in the south of the BUAB falls within the Impact Risk Zones of Calcutt Locks Meadows and Napton Hill Quarry Sites of Special Scientific Interest (SSSI). It indicates that any development other than householder development needs to be consulted upon and that in line with Core Strategy Policy CS.6 no development can take place in this area.

My reading of Policy CS.6 slightly differs from this and is that development likely to have an adverse effect on a SSSI will only be permitted in exceptional circumstances. I would welcome comments from both Councils on whether my interpretation of Policy CS.6 is correct. Are there are sufficient and suitable sites within the BUAB to meet the residual housing requirement? Please provide me with clearer plans (than are in the Screening Document) to show the Impact Risk Zones of each SSSI.

11. Please could SDC confirm that the information in paragraph 8.36 of the Plan (page 43) relating to the SHLAA is correct and update me as necessary.
12. Please could the site referred to as Dog Lane/Fells Lane for self-build homes be identified on a map (this does not have to be high quality, just for me to see its location).
13. In relation to a proposed Local Green Space subject of Policy 9, e) Pastoral Field above Quincy Meadows Development, please update me on the current position with the appeal.
14. There are two references to the NPPF on page 83 and a further one on page 84 of the Plan. All three appear to be out of date. Please could these be checked and advise me accordingly.
15. Please could the Character Assessment be checked to ensure that its references to views are correct. Do some, for example, on page 21 of the Character Assessment, need updating to ensure they align with Table 8 and Policy 10 of the Plan? And if so, please provide me with a list of the updates.

16. Please could SDC clarify their comment in relation to "Page 44/45, para 8.40" in their representation?

17. Please could SDC confirm the number of representations received at Regulation 16 stage?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. These queries are raised without prejudice to the outcome of the examination.

Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks,

Ann Skippers MRTPI
Independent Examiner
27 August 2020