



## **DECISION STATEMENT**

### **NEIGHBOURHOOD PLAN PROCEEDING TO REFERENDUM**

#### **1. Bearley Neighbourhood Development Plan**

- 1.1 I confirm that the Bearley Neighbourhood Development Plan (BNDP), as revised according to the modifications set out below, complies with the legal requirements and Basic Conditions set out in the Localism Act 2011, and with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Plan can therefore proceed to referendum. A referendum could be held in September 2021.
- 1.2 I also declare that I have no personal or prejudicial interest in respect of this decision.

Signed

A handwritten signature in black ink that reads "JCP Careford".

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

#### **1. Background**

- 2.1 The District Council confirms that for the purposes of Regulation 5 (1) of The Regulations Bearley Parish Council is the "Qualifying Body" for their area.
- 2.2 In May 2014, Bearley Parish Council requested that, in accordance with section 5(1) of the Neighbourhood Planning (General) Regulations 2012 ("The Regulations"), the Parish of Bearley be designated as a Neighbourhood Area, for which a Neighbourhood Development Plan will be prepared.
- 2.3 In accordance with Regulation 6 of the Regulations, Stratford-on-Avon District Council placed on their website this application, including a Parish boundary map, for a 6 week period between 26 June and 8 August 2014. In addition, it publicised the application by issuing a press release. Similarly, the relevant application, together with details of where

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

- 2.4 The District Council designated the Bearley Neighbourhood Area under the delegated powers of the Leader of the Council. A letter confirming the area designation was issued to the Parish Council on 9 September 2014.
- 2.5 In accordance with Regulation 7 of The Regulations, the decision to designate the Bearley Neighbourhood Area was advertised on the District Council website together with the name, area covered and map of the area.
- 2.6 The Parish Council commenced their minimum six week pre-submission consultation/publicity period on their draft NDP on 31 January 2019 with an end date for comments of 14 March 2019 fulfilling all the obligations set out in Regulation 14 of The Regulations.
- 2.7 The Parish Council submitted their Neighbourhood Development Plan to Stratford-on-Avon District Council in September 2019 in accordance with Regulation 15 of The Regulations.
- 2.8 The District Council publicised the submitted Plan and its supporting documents for 6 weeks between 31 October 2019 and Friday 13 December 2019 in accordance with Regulation 16 of The Regulations.
- 2.9 Edward Cousins was appointed by the District Council to independently examine the Plan, and the Examination took place between February and September 2020, with the final Examiner's report being issued on September 3<sup>rd</sup> 2020. Issuance of the Examiner's Report was delayed due to the impact of Covid-19 delaying the Examiner's site visit, in addition to the ill health of the Examiner for a period of time during the Examination period.
- 2.10 The Examiner concluded he was satisfied that the Bearley Neighbourhood Development Plan was capable of meeting the legal requirements set out in the Localism Act 2011, including meeting the Basic Conditions, subject to the modifications set out in his report, as set out in Table 1 below.
- 2.11 The Basic Conditions are set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the Basic Conditions, the Neighbourhood Plan must:
  1. Have regard to national policies and advice contained in guidance issued by the Secretary of State;
  2. Contribute to the achievement of sustainable development;
  3. Be in general conformity with the strategic policies contained within the development plan for the area;
  4. Be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
  5. Not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017
- 2.12 Schedule 4B s.12 to the Town and Country Planning Act 1990, as inserted by the Localism Act 2011, requires that a Local Authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each recommendation. If the Local Authority is satisfied that, subject to the modifications made, the draft

Neighbourhood Development Plan meets the legal requirements and Basic Conditions as set out in legislation, a referendum must be held on the 'making' (adoption) of the Plan by the Local Authority. If the Local Authority is not satisfied that the plan meets the basic conditions and legal requirements then it must refuse the proposal. Should a referendum take place, a majority of residents who turn out to vote must vote in favour of the Neighbourhood Plan (50% plus one vote) before it can be 'made'.

- 2.13 The District Council is not obliged to adopt the Examiner's recommendations (since the report is not binding) and it is open to them to reject any of the modifications provided the Council is satisfied that the Plan meets the Basic Conditions, is compatible with Convention Rights and other statutory provisions without the Examiner's modifications.
- 2.14 The District Council can make its own further modifications to the Plan after the Examiner has reported but only if they are needed to secure that the Plan meets the Basic Conditions, ensure it is compatible with Convention Rights or for correcting errors, as set out in paragraph 12(6) of Schedule 4B to the Town and Country Planning Act 1990.
- 2.15 Additionally, paragraph 13(1) of Schedule 4B to the Town and Country Planning Act 1990 sets out that:  
"If—  
(a) the local planning authority propose to make a decision which differs from that recommended by the examiner, and  
(b) the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact,  
  
the authority must notify prescribed persons of their proposed decision (and the reason for it) and invite representations."
- 2.16 To this end, a further 6 week consultation was held in accordance with Regulation 17A of The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 between 11 May and 22 June on proposed amendments to the Built-up Area Boundary (BUAB) as recommended by the Examiner on p.29 of the Final Examiner's Report.
- 2.17 The District Council has considered all of the responses received during the six week Regulation 17A consultation. SDC's decision as to what action to take in response to each of additional amendments considered through the Regulation 17A consultation is detailed within Table 2 (p.67) below.
- 2.18 Some additional modifications to the Plan are also proposed in order to correct errors within the Plan. These are detailed within Table 1 (p.4) below, in conjunction with the policies to which they apply. These modifications were not considered to require a further Regulation 17A consultation under the conditions set out by paragraph 13(1) of Schedule 4B to the Town and Country Planning Act 1990.

**Table 1: Examiner’s Recommendations and Local Authority’s Response (Regulation 18(1))**

Examiner’s Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p><b>Part 3, p. 21</b></p> <p>I shall make recommendations as to the modification or amendment of the draft Policies. Appropriate amendments should be made to the content of each Policy, and where necessary, the Policy itself, together with the updating of paragraph numbering and pagination of the draft Neighbourhood Plan.</p>	<p>Throughout Plan</p>	<p><i>Modification Agreed</i></p> <p>The modification is necessary to ensure the clarity and readability of the Plan.</p>	<p>Amend policy, paragraph and page numbering, where appropriate.</p>
<p><b>Section 5 – Housing – p.28-29</b></p> <p><b>‘Policy H1 – <del>Village Boundary</del> Development Strategy</b> <del>Proposals for new dwellings</del> <b>Limited infilling and small-scale development</b> within the Built-up Area Boundary (BUAB), as defined in Figure 7 will be supported in principle, subject to proposals being in accordance with other policies in this NDP <b>Core Strategy Policy and Green Belt Policy.</b></p>	<p>Section 5.1, p.38</p>	<p><i>Modification Partly Agreed</i></p> <p>The modification is necessary to ensure that the policy reflects the Neighbourhood Area’s location within the green belt and is in general conformity with the Core Strategy. The modification ensures that the policy meets the Basic Conditions.</p> <p>Modification to the proposed BUAB is required, as the ‘island’ to the north of the railway line is not physically well related to the main built up area of Bearley and the Examiner did not consider it formed part of the main settlement. In addition,</p>	<p>Amend policy name as follows: <b>Policy H1 – <del>Village Boundary</del> Development Strategy</b></p> <p>Amend policy wording as follows:</p> <p><del>Proposals for new dwellings</del> <b>Limited infilling and small-scale development</b> within the Built-Up Area Boundary (BUAB), as defined in Figure 7 will be supported in principle, subject to proposals being in accordance with other policies in this NDP <b>Core Strategy Policy and Green Belt Policy.</b></p>

<p>All areas outside the Built-Up Area Boundary are classed as open countryside. New dwellings within the open countryside will be strictly controlled and limited to <del>–(rural exception sites</del> <b>Rural Exception and Local Needs Schemes (Policy H2)</b>, <del>replacement dwellings, dwellings for rural workers, the conversion of existing buildings, or</del> in accordance with <b>circumstances set out in Green Belt Policy</b> and policies AS.10 and CS.10 <del>critterion (i) of the Core Strategy, and dwellings of exceptional design and merit in accordance with paragraph 79e) of the revised NPPF February 2019.'</del></p> <p>Amend first sentence of paragraph 5.1.2.</p> <p>"The BUAB is based on the draft settlement boundary drawn up by the District Council for the Site Allocations Plan (SAP) consultation together with a further 'island' made up of the site of Countrywide Stores. It limits..."</p>		<p>modification is required to ensure the policy meets the Basic Conditions, shows regard to national policy and is in general conformity with the Core Strategy.</p> <p>However, although it is agreed to enlarge Figure 7 as it is agreed that this improves comprehension of the BUAB, it is not considered that enlarging it to A4 size would be necessary. As such, this part of the Examiner's recommendation is not agreed.</p> <p><i>Additional District Council Modifications to Examiner's Recommended BUAB, as Subject to Regulation 17A Consultation:</i></p> <p>Additional modifications to the Examiner's recommended BUAB are also proposed by the District Council, following a Regulation 17A consultation on these proposed amendments between May and June 2021. These further amendments to the BUAB are detailed within Table 2, page 67 of this document, and Map 1, page 74.</p> <p><i>Additional District Council Modification</i></p> <p>A minor amendment to the text of 5.1.2 is also proposed, in addition to the Examiner's recommended modifications,</p>	<p>All areas outside the Built-Up Area Boundary are classed as open countryside. New dwellings within the open countryside will be strictly controlled and limited to <del>rural exception sites,</del> <b>Rural Exception and Local Needs Schemes (Policy H2)</b>, <del>replacement dwellings, dwellings for rural workers, the conversion of existing buildings, or</del> in accordance with <b>circumstances set out in Green Belt Policy and policies AS.10 and CS.10 of the Core Strategy</b> <del>policy CS10 critterion (i) of the Core Strategy, and dwellings of exceptional design and merit in accordance with paragraph 79e) of the revised NPPF February 2019."</del></p> <p>Amend first sentence of paragraph 5.1.2 as follows:</p> <p><del>The BUAB is based on the Landscape Sensitivity Study 2012, and</del> <b>The BUAB is based on the draft settlement boundary drawn up by Stratford-on-Avon District Council for the Site Allocations Plan (SAP) consultation together with a further 'island' made up of the site of Countrywide Stores.</b> It limits most new housing development in the plan period to limited infilling</p>
---	--	---	---

<p>Delete paragraph 5.1.3 and renumber the paragraphs accordingly</p> <p>Remove the Built-up area boundary from the area north of the railway line and west of A3400.</p> <p>For the avoidance of doubt Figure 7 should be enlarged to A4 size as detailed in Part 1, Paragraph 6 of my Report.</p>		<p>to amend “the District Council” to “Stratford-on-Avon District Council”, for clarity.</p>	<p>within the BUAB, which is the most sustainable part of the Neighbourhood Area, while protecting the open countryside and Green Belt.</p> <p>Delete paragraph 5.1.3 and renumber the paragraphs accordingly:</p> <p><del>“5.1.3 The BUAB was derived from comments sent to SDC completing the form entitled “Preparation of Built-Up Area Boundaries for LSVs – Comment Form – June/July 2017”. The Parish Council response was sent 27 July 2017. In response to the Regulation 18 Consultation on the Site Allocation Plan (SAP), the Parish Council also wrote to the SDC on 8 March 2018 to indicate “The Guideline BUAB for Bearley in “BUABs 16OCT17” document is incomplete in that it does not include the two distinct portions of the Built-Up Area of Bearley within the Parish Boundary, which is also the designated Neighbourhood Development Plan boundary at Bearley Cross bisected by the railway running east to west and the A3400 running north to south.</del></p> <p><del>“Together these two portions of Built-Up Area to the east and west of A3400 constitute about one-sixth of the total Built-Up Area of Bearley. The</del></p>
---	--	--	---

			<p>Built-Up Area to the east of A3400 includes Countrywide Stores and Bearley Mill, while the Built-Up Area to the west includes residential properties of Applegarth, Station House, Station Cottage, Oak Cottage, The Bungalow at Bearley Station, Bearley Cross and Belmore House, as well as the Cedar Lodge Care Home. Since these Built-Up Areas are within the Parish as well as Neighbourhood Development Plan Boundary at the entrance to the village from A3400, it is important for the Parish Council to be a substantial part of any planning decisions as permitted by the law.</p> <p>"In responding to the NDP Survey, Bearley residents have commented based on a map including all Built-Up Areas of the village, including the two Built-Up Areas to the east and west of A3400, as there were development potential involving brownfield sites as well as possible infill potential.</p> <p>"The attached map illustrates the BUAB being adopted for the Bearley Neighbourhood Development Plan. It is consistent with all the discussions held with the SDC Planners since the inception of the Neighbourhood Development Plan in 2014 and the response to the July 2017 consultation. Bearley Parish Council</p>
--	--	--	--

			<p><del>strongly requests adoption of the attached BUAB for the SAP."</del></p> <p>Remove the Built-up area boundary of this policy from the area north of the railway line and west of A3400.</p> <p><i><u>Additional District Council Modifications to Examiner's Recommended BUAB, as Subject to Regulation 17A Consultation:</u></i></p> <p>Additional modifications to the Examiner's recommended BUAB are also proposed by the District Council following a Regulation 17A consultation on these proposed amendments between May and June 2021. These further amendments to the BUAB are detailed within Table 2, page 67 of this document, and Map 1, page 74.</p>
--	--	--	---

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p><b>Section 5 – Housing – p.32</b></p> <p><b>Policy H2 – Affordable Housing Rural Exception and Local Needs Schemes</b></p> <p>Small scale affordable housing development will be supported on rural exception sites that are outside, but adjacent to, the village boundary, as long as the following conditions are met:</p> <p>(a) There is a proven, unmet local need, identified through an <b>up to date</b> Housing Needs Survey.</p> <p>(b) <del>No other suitable and available sites exist within the development boundary of the settlement.</del> <b>the content of the scheme, in terms of the type, size and tenure of homes proposed reasonably reflect the identified local need.</b></p> <p>(c) <del>Appropriate affordable housing tenures</del> <b>future eligible households</b> will be secured in perpetuity through <b>A Section 106 legal agreement</b> to meet</p>	<p>Section 5.1, p.40</p>	<p><i>Modification Agreed</i></p> <p>Modification to the policy title is required to appropriately reflect its content and the general framework provided by the NPPF.</p> <p>The modification to the policy wording is required to ensure that the policy aligns with the Core Strategy and NPPF, and provides clarity for decision makers. The modifications are therefore required in order for the policy to meet the Basic Conditions.</p>	<p><b>Amend policy title as following:</b></p> <p><del>Policy H2 – Affordable Housing</del> <b>Rural Exception and Local Needs Schemes</b></p> <p>Amend policy wording as follows:</p> <p>“Small scale affordable housing development will be supported on rural exception sites that are outside, but adjacent to, the village boundary, as long as the following conditions are met:</p> <p>a) There is a proven, unmet local need, identified through an <b>up to date</b> Housing Needs Survey.</p> <p>b) <del>No other suitable and available sites exist within the development boundary of the settlement.</del> <b>The content of the scheme, in terms of the type, size and tenure of homes proposed reasonably reflect the identified local need.</b></p> <p>c) <del>Appropriate affordable housing tenures will be secured in perpetuity through a Section 106</del></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p><del>the continuing needs of local people</del> <b>will secure delivery of the homes in accordance with their intended purpose. It will also ensure that in perpetuity the homes are first offered to people with a local connection to the parish of Bearley.</b></p> <p>Where viability for 100 per cent affordable housing provision cannot be achieved, an element of market housing may be included within a rural exception scheme to facilitate the delivery of affordable homes. In such cases, <del>promoters the</del> <b>application</b> will be required to <del>provide</del> <b>be accompanied by</b> additional supporting evidence in the form of an open book development appraisal for the proposal, containing inputs assessed and verified by a chartered surveyor.'</p>			<p><del>legal agreement to meet the continuing needs of local people.</del> <b>A Section 106 legal agreement will secure delivery of the homes in accordance with their intended purpose. It will also ensure that in perpetuity the homes are first offered to people with a local connection to the parish of Bearley.</b></p> <p>Where viability for 100 per cent affordable housing provision cannot be achieved, an element of market housing may be included within a rural exception scheme to facilitate the delivery of affordable homes. In such cases, <del>promoters the</del> <b>application</b> will be required to <del>provide</del> <b>be accompanied by</b> additional supporting evidence in the form of an open book development appraisal for the proposal, containing inputs assessed and verified by a chartered surveyor.</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p><b>Section 5- Housing – p. 36</b></p> <p><b>'Policy H3 – Use of Brownfield Land</b></p> <p>The redevelopment of previously developed (brownfield) land will be supported subject to <b>meeting</b> all the following criteria:</p> <p>(a) The new use would be compatible with the uses in the surrounding area.</p> <p>(b) Any remedial works to remove contaminants are satisfactorily dealt with.</p> <p>(c) The proposal would lead to an enhancement in the character and appearance of the site and would not result in the loss of any land of high environmental value.</p> <p>(d) Safe and suitable access and parking arrangements would be provided to serve the new use.</p> <p>(e) The proposal would not conflict with national Green Belt policy <b>and would not have a materially greater impact on the openness of the Green</b></p>	<p>Section 5.1 – p.42</p>	<p><i>Modification partly agreed</i></p> <p>Modification is required to ensure that the policy is in line with green belt policy and accords with the NPPF and Core Strategy. The modifications are therefore required in order for the policy to meet the Basic Conditions.</p> <p>However, it is considered that enlarging Figure 8 to A4 size would not improve comprehension of the map, as the existing figure is already clear, and allows the map to be read from a portrait orientation which is easier for readers to comprehend. As such, this part of the Examiner's recommendation is not agreed.</p>	<p><b>Policy H3 – Use of Brownfield Land</b></p> <p>"The redevelopment of previously developed (brownfield) land will be supported subject to <b>meeting</b> all the following criteria:</p> <ul style="list-style-type: none"> <li>a) The new use would be compatible with the uses in the surrounding area.</li> <li>b) Any remedial works to remove contaminants are satisfactorily dealt with.</li> <li>c) The proposal would lead to an enhancement in the character and appearance of the site and would not result in the loss of any land of high environmental value.</li> <li>d) Safe and suitable access and parking arrangements would be provided to serve the new use.</li> <li>e) The proposal would not conflict with national Green Belt policy <b>and would not have a materially greater impact on the openness</b></li> </ul>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p><b>Belt than the existing development.</b>  The redevelopment of brownfield land will be restricted to the area occupied by permanent buildings, structures and previously used land only and not its wider undeveloped curtilage.</p> <p><b>Further minor amendments:</b>  References - Add (paragraph) 117 to Framework and delete AS.11 from Core Strategy Policies.</p> <p>For the avoidance of doubt Figure 8 should be enlarged to A4 size as detailed in Part 1, paragraph 6 of my Report.</p>			<p><b>of the Green Belt than the existing development.</b></p> <p>The redevelopment of brownfield land will be restricted to the area occupied by permanent buildings, structures and previously used land only and not its wider undeveloped curtilage.</p> <p>References: add (paragraph) 117 to Framework and delete AS.11 from Core Strategy Policies.</p> <p><b>"References</b>  NPPF 17, <b>117</b>, 118, 121 and 145  Stratford-on-Avon Core Strategy Policies CS.3, CS.4, CS.10, CS.16, AS.10, <del>AS.11</del>  Brownfield Land Register"</p>
<p><b>Section 5 – Housing – p.38-39</b></p> <p><b>'H4 - Use of Garden Land</b></p> <p>Development on garden land will <del>only</del> be supported if <b>where</b> it can</p>	<p>Section 5.1 – p.44</p>	<p><i>Modification Agreed</i></p> <p>Modification is required to ensure that the policy aligns with the NPPF and green belt policy, and to provide a clear and unambiguous framework for decision makers. The modifications are necessary</p>	<p><b>Policy H4 – Use of Garden Land</b>  "Development on garden land will <del>only</del> be supported <del>if</del> <b>where</b> it can be demonstrated that proposals will:  a) Preserve and/or enhance the character of the area.</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>be demonstrated that proposals will:</p> <p>a) Preserve and/or enhance the character of the area.</p> <p>b) Not introduce an inappropriate form of development that is in conflict with the existing settlement pattern.</p> <p>c) Not significantly and demonstrably harm the amenity of <del>the host dwelling and</del> neighbouring properties.</p> <p>d) <del>Provide satisfactory arrangements for access and off-road parking.</del> <b>Provide sufficient parking to avoid unacceptable impact on the amenity of the local area or highway safety</b></p> <p>e) <b>Be consistent with Green Belt policy and</b> preserve the openness of the Green Belt.'</p>		<p>in order for the policy to meet the Basic Conditions.</p>	<p>b) Not introduce an inappropriate form of development that is in conflict with the existing settlement pattern.</p> <p>c) Not significantly and demonstrably harm the amenity of <del>the host dwelling and</del> neighbouring properties.</p> <p>d) <del>Provide satisfactory arrangements for access and off-road parking.</del> <b>Provide sufficient parking to avoid unacceptable impact on the amenity of the local area or highway safety</b></p> <p>e) <b>Be consistent with Green Belt policy and</b> preserve the openness of the Green Belt.</p>
<p><b>Section 5 – Housing – p.41</b></p> <p><b>'Policy H5 – <del>Market Housing Mix</del></b>  Housing developments <del>of five or more units</del> should seek to meet the housing requirements</p>	<p>Section 5.1 – p.45</p>	<p><i>Modification Agreed</i></p> <p>Modification to the policy title is required to ensure that it reflects the content of the policy.</p>	<p>Amend policy title as follows:  "Policy H5 – <del>Market Housing Mix</del>"</p> <p>Amend policy wording as follows:  "Housing developments <del>of five or more units</del> should seek to meet the</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>identified by current up-to date evidence, such as the Strategic Housing Market Assessment or the Housing Needs Survey providing evidence for this Plan.</p> <p>Specialist accommodation for the elderly and infirm will be supported, subject to <del>compliance with other policies in this Plan</del> <b>the establishment of need and Green Belt Policy.'</b></p>		<p>The modifications to the policy wording are required to ensure that the policy aligns with the Core Strategy and green belt policy. These modifications are required so that the policy meets the Basic Conditions.</p>	<p>housing requirements identified by current up-to date evidence, such as the Strategic Housing Market Assessment or the Housing Needs Survey providing evidence for this Plan.</p> <p>Specialist accommodation for the elderly and infirm will be supported, subject to <del>compliance with other policies in this Plan.</del> <b>the establishment of need and Green Belt Policy"</b></p>
<p><b>Section 5 – Economy – p. 44</b></p> <p><b>'Policy ECON1 – Protecting and Supporting Existing Employment Sites</b></p> <p><del>Proposals for the change of use/redevelopment of land or premises currently providing Existing or identified employment land and sites to a non-employment use, will not be supported will be retained in employment use unless:</del></p> <p>(a) The applicant can demonstrate that the</p>	<p>Section 5.2 – p.46</p>	<p><i>Modification Agreed</i></p> <p>Modification is required to provide clarity to the policy and provide a clear and unambiguous framework for decision makers to respond to, as well as to align with the NPPF and the Core Strategy. Modification is therefore required in order for the policy to meet the Basic Conditions.</p>	<p><b>Policy ECON1 – Protecting and Supporting Existing Employment Sites</b></p> <p><del>Proposals for the change of use/redevelopment of land or premises currently providing Existing or identified for employment land and sites will not be supported unless:</del> <b>will be retained in employment use unless:</b></p> <p>a) The applicant can demonstrate that the site/premises <del>is</del> <b>are</b> no longer capable of meeting</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>site/premises <del>is</del> <b>are</b> no longer capable of meeting employment needs or where there is no reasonable prospect of the site being used for employment uses, or</p> <p>(b) Development of the site for other appropriate uses will facilitate the relocation of an existing business to a more suitable site, or</p> <p><del>e) The proposed new use of the site will regenerate and provide better use of the site, or</del></p> <p><b>(c)</b> Unacceptable environmental problems are associated with the current use of the site and the proposal will remove them.</p> <p><b>Additionally</b>, replacement buildings <del>will</del> <b>should</b> not be materially larger than <del>the one it</del> <b>those they</b> replace, and <del>will</del> <b>should</b> not harm the openness of the Green Belt.</p> <p>Limited extensions to existing commercial buildings in the Neighbourhood Area will be</p>			<p>employment needs or where there is no reasonable prospect of the site being used for employment uses, or</p> <p>b) Development of the site for other appropriate uses will facilitate the relocation of an existing business to a more suitable site, or</p> <p><del>e) The proposed new use of the site will regenerate and provide better use of the site, or</del></p> <p><b>c) <del>d)</del></b> Unacceptable environmental problems are associated with the current use of the site and the proposal will remove them.</p> <p><del>e) <b>Additionally</b>, The replacement buildings <del>will</del> <b>should</b> not be materially larger than <del>the one it</del> <b>those they</b> replaces and <del>will</del> <b>should</b> not harm the openness of the Green Belt.</del></p> <p>Limited extensions to existing commercial buildings in the Neighbourhood Area will be supported <del>providing there is no conflict with other policies in this Plan,</del> <b>subject to Green Belt Policy and Policies in</b></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
supported subject to <b>Green Belt Policy and Policies in the</b> <del>. providing there is no conflict with other policies in this Plan Stratford-on-Avon District Core Strategy and the National Planning Policy Framework.'</del>			the Stratford-on-Avon District Core Strategy <del>and the National Planning Policy Framework.</del>
<p><b>Section 5 – Economy – p.46</b></p> <p><b>Policy ECON2 - Promoting New Employment Opportunities</b></p> <p><del>Proposals for sites providing new employment opportunities that are consistent with <b>Green Belt policy and do not conflict with the purposes of including land within the Green Belt</b> other policies in this Plan, the Core Strategy and the NPPF and which encourage the growth of local employment will be supported;</del></p> <p><del>The development of new local employment opportunities will be supported within the Neighbourhood Area providing that they:</del></p>	Section 5.2 – p.47	<p><i>Modification Agreed</i></p> <p>Modification is required to ensure that the policy aligns with the NPPF green belt and transport policy. The modifications are required in order for the policy to meet the Basic Conditions.</p>	<p>Amend policy wording as follows:</p> <p><del>“Proposals for sites providing new employment opportunities that are consistent with <b>Green Belt policy and do not conflict with the purposes of including land within the Green Belt</b> other policies in this Plan, the Core Strategy and the NPPF and which encourage the growth of local employment will be supported;</del></p> <p><del>The development of new local employment opportunities will be supported within the Neighbourhood Area providing that they:</del></p> <p>a) Do not have a detrimental impact on residential amenity.</p> <p>b) Do not lead to the loss of green infrastructure.</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>(a) Do not have a detrimental impact on residential amenity.</p> <p>(b) Do not lead to the loss of green infrastructure.</p> <p>(c) Do not have an unacceptable-a severe traffic impact due to increased traffic.'</p>			<p>c) Do not have an unacceptable a severe traffic impact due to increased traffic.</p>
<p><b>Section 5 – Built Neighbourhood Environment– p.50-51</b></p> <p><b>Policy BNE1 –Responding to Local Rural Character</b></p> <p><del>All</del>Development proposals must demonstrate how will be supported where local character <b>detailed in Sections 2 and 3 of the Plan</b> has been taken into account during the conception and evolution of a design in accordance with the following principles:</p> <p>a) Be compatible with the distinctive rural character of the area, respecting the local settlement pattern, building styles and materials.</p>	<p>Section 5.3 – p.48</p>	<p><i>Modification Agreed</i></p> <p>Modification is required to provide clarity to the policy and to provide an unambiguous framework for decision makers to respond to. These modifications are required to satisfy the Basic Conditions.</p>	<p>Amend policy wording as follows:</p> <p><del>All</del>Development proposals must demonstrate how will be supported where local character <b>detailed in Sections 2 and 3 of the Plan</b> has been taken into account during the conception and evolution of a design in accordance with the following principles:</p> <p>a) Be compatible with the distinctive rural character of the area, respecting the local settlement pattern, building styles and materials.</p> <p>b) Be of a density that is in keeping with the character of the surrounding development and landscape.</p> <p>c) Preserve, enhance and protect heritage assets, including listed</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>b) Be of a density that is in keeping with the character of the surrounding development and landscape.</p> <p>c) Preserve, enhance and protect heritage assets, including listed buildings and the designated conservation area.</p> <p>d) Protect or enhance landscape and biodiversity by incorporating high-quality native landscaping.</p> <p>e) Be consistent with Warwickshire Landscape Guidelines, defining special characteristics of the county's different landscapes.</p> <p>f) Ensure that key features of views to and from higher slopes, skylines and sweeping views across the landscape can continue to be enjoyed.</p> <p>g) Have regard to the impact on tranquillity, including dark skies.</p> <p>h) Do not increase the risk of flooding, including that from surface water, within the village or exacerbate foul drainage capacity problems.</p>			<p>buildings and the designated conservation area.</p> <p>d) Protect or enhance landscape and biodiversity by incorporating high-quality native landscaping.</p> <p>e) Be consistent with Warwickshire Landscape Guidelines, defining special characteristics of the county's different landscapes.</p> <p>f) Ensure that key features of views to and from higher slopes, skylines and sweeping views across the landscape can continue to be enjoyed.</p> <p>g) Have regard to the impact on tranquillity, including dark skies.</p> <p>h) Do not increase the risk of flooding, including that from surface water, within the village or exacerbate foul drainage capacity problems.</p> <p>i) Be preceded by an appropriate archaeological survey, <b>where necessary</b>, to ascertain the implications of development on below-ground heritage assets.</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>i) Be preceded by an appropriate archaeological survey, <b>where necessary</b>, to ascertain the implications of development on below-ground heritage assets.  <del>All development proposals must take full account of local character as described in sections 2 and 3 of the Plan and the Neighbourhood Planning Design Guidelines set out in Policy BNE 4 and must demonstrate how these have been taken into account.</del>  Proposals that do not positively contribute to local character will not be supported.'</p> <p><b>Further minor amendments:</b>  References should include <b>Policies CS.4, CS.5, CS.6, CS.8 and CS.9</b> as the Policy refers to heritage, flood risk and landscape.</p> <p>Also add reference in supporting text to Neighbourhood Design Guidelines set out in <b>Policy BNE4</b></p>			<p><del>All development proposals must take full account of local character as described in sections 2 and 3 of the Plan and the Neighbourhood Planning Design Guidelines set out in Policy BNE 4 and must demonstrate how these have been taken into account.</del></p> <p>Proposals that do not positively contribute to local character will not be supported."</p> <p>References amended as follows:</p> <p><b>References</b>  NPPF 124–132  Core strategy AS10, <b>CS.4, CS.5, CS.6, CS.8</b>, CS9  Bearley Neighbourhood Plan Survey 2015, Section 4.2  Warwickshire Landscape Guidelines <a href="https://www.warwickshire.gov.uk/landscapeguidelines">https://www.warwickshire.gov.uk/landscapeguidelines</a>  Stratford-on-Avon District Special Landscape Area Study June 2012"</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
			Add reference in supporting text to Neighbourhood Design Guidelines set out in <b>Policy BNE4</b>
<p><b>Section 5 – Built Neighbourhood Environment – p. 53</b></p> <p><b>'BNE2 – Preservation of Heritage Assets</b></p> <p>- Proposals <del>must preserve the important</del> <b>that make a positive contribution to the physical fabric and settings of listed buildings will be supported.</b></p> <p>- Proposals, including changes of use, which enable the appropriate and sensitive restoration of listed buildings, will be supported.</p> <p>- Proposals that may cause substantial harm to the special architectural or historical interest of listed buildings and their settings will not be supported <b>unless it can be demonstrated</b></p>	Section 5.3 – p.49	<p><i>Modification Agreed</i></p> <p>Modification is required to ensure that the policy aligns with the NPPF regarding the management of heritage assets and to ensure that the policy is positively worded. The modifications are therefore required in order for the policy to meet the Basic Conditions.</p>	<p>Amend policy wording as follows:</p> <p><del>"-Proposals must preserve the important</del> <b>that make a positive contribution to the physical fabric and settings of listed buildings will be supported.</b></p> <p>- Proposals, including changes of use, which enable the appropriate and sensitive restoration of listed buildings, will be supported.</p> <p>- Proposals that may cause substantial harm to the special architectural or historical interest of listed buildings and their settings will not be supported <b>unless it can be demonstrated that the public benefit outweighs the harm.</b></p> <p>- Proposals that cause less than substantial harm will need to</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p><b>that the public benefit outweighs the harm.</b></p> <ul style="list-style-type: none"> <li>- Proposals that cause less than substantial harm will need to demonstrate public benefits <b>of the proposal</b> to outweigh the harm.</li> <li>- Development within and adjacent to all heritage assets will be strictly controlled. Development which fails to preserve or enhance the character or appearance of the conservation area will not be supported.'</li> </ul>			<p>demonstrate public benefits <b>of the proposal</b> to outweigh the harm.</p> <ul style="list-style-type: none"> <li>- Development within and adjacent to all heritage assets will be strictly controlled. Development which fails to preserve or enhance the character or appearance of the conservation area will not be supported."</li> </ul>
<p><b>Section 5 – Built Neighbourhood Environment – p. 54</b></p> <p><b>'Policy BNE3 – Efficient and effective use of land</b></p> <p>Proposals which achieve the effective and efficient use of land; are of an appropriate density; reuse previously developed land and <b>/or</b> bring properties back into use will be supported in principle.'</p>	<p>Section 5.3 – p.49</p>	<p><i>Modification Agreed</i></p> <p>Modification is required to provide a proportionate policy framework for decision makers to apply to development proposals. The modification is therefore required in order for the policy to meet the Basic Conditions.</p>	<p>Amend the policy wording as follows:</p> <p>"Proposals which achieve the effective and efficient use of land; are of an appropriate density; reuse previously developed land and<b>/or</b> bring properties back into use will be supported in principle."</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p><b>Section 5 – Built Neighbourhood Environment – p. 54</b></p> <p><b>'Policy BNE4 – Neighbourhood Design Guidelines</b></p> <p><b>Where appropriate, development proposals should preserve and enhance Bearley by</b> <del>The reference to the following important design principles that should: be adequately addressed by all development proposals across the whole Neighbourhood Area:</del></p> <p>a) Reflect the density, orientation and layout of surrounding properties.</p> <p>b) Arrangement of buildings <b>so as</b> to follow established building lines and road hierarchy <b>and to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.</b></p> <p>c) Use of local materials, such as brick, plain tiles and slate.</p>	<p>Section 5.3 – p.50</p>	<p><i>Modification Agreed</i></p> <p>Modification is required to ensure that the policy aligns with the Core Strategy and the NPPF. In particular, modification is require to criterion b) to reflect the NPPF's requirement that Plans take a proactive stance on climate change. In addition, modifications are required to criteria that are not proportionate or do not provide a positive framework for decision makers to respond to. The modifications are therefore required in order for the policy to meet the Basic Conditions.</p>	<p>Amend policy wording as follows:</p> <p><del>"The following important design principles should be adequately addressed by all development proposals across the whole Neighbourhood Area:</del> <b>Where appropriate, development proposals should preserve and enhance Bearley by following design principles that should:</b></p> <p>a) Reflect the density, orientation and layout of surrounding properties.</p> <p>b) Arrangement of buildings <b>so as</b> to follow established building lines and road hierarchy <b>and to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.</b></p> <p>c) Use of local materials, such as brick, plain tiles and slate.</p> <p>d) Incorporate traditional brick detailing to eaves, verges, window and door surrounds.</p> <p>e) <del>Provision of</del> <b>Provide</b> adequate space between buildings or groups</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>d) Incorporate traditional brick detailing to eaves, verges, window and door surrounds.</p> <p>e) <del>Provision</del> of adequate space between buildings or groups of buildings to preserve public views of open land beyond.</p> <p>f) <b>Ensure that</b> extensions to buildings will not normally exceed 30% of the volume of the building as it existed at the time when the Green Belt was established in 1975, or when built (if later). Where the host property is a replacement building which has already benefitted from an increase in volume of 30% or more, further extensions will not normally be supported.</p> <p>g) <b>Ensure that</b> extensions will not be supported if they result in encroachment within eight metres of a watercourse, or closer to the watercourse if already within eight metres. Extensions that could displace flood water elsewhere will not be supported unless they include appropriate mitigation measures.</p>			<p>of buildings to preserve public views of open land beyond.</p> <p>f) <b>Ensure that</b> extensions to buildings shall not normally exceed 30% of the volume of the building as it existed at the time when the Green Belt was established in 1975, or when built (if later). Where the host property is a replacement building which has already benefitted from an increase in volume of 30% or more, further extensions will not normally be supported.</p> <p>g) <b>Ensure that</b> extensions will not be supported if they result in encroachment within eight metres of a watercourse, or closer to the watercourse if already within eight metres. Extensions that could displace flood water elsewhere will not be supported unless they include appropriate mitigation measures.</p> <p><del>h) Reflect traditional building form and style.</del></p> <p>i) <del>Provision of</del> <b>Provide for</b> working chimneys of traditional brick construction.</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>h) <del>Reflect traditional building form and style.</del></p> <p>i) <del>Provide for sion of working chimneys of traditional brick construction.</del></p> <p>j) <del>Use of traditional metal or timber windows and doors recessed into the brickwork, with a preference to blue brick or plain tile sills.</del></p> <p>k) <del>Ensure the sensitive siting of PV and solar panels, where they are not seen from the road.</del> <b>and in particular importance should be given to the where they are to be sited in</b> proximity to listed buildings, or <del>the</del> <b>have an</b> effect on views within and out<b>with</b> of the Conservation Area.</p> <p>The above guidelines should be considered where appropriate, <del>and but equal enthusiasm for exceptional modernistic</del> <b>contemporary</b> designs for future architectural projects <b>development proposals using sustainable construction methods</b> should be encouraged</p>			<p>j) <del>Use of traditional metal or timber windows and doors recessed into the brickwork, with a preference to blue brick or plain tile sills.</del></p> <p>k) <b>Ensure the sensitive siting of PV and solar panels where they are not seen from the road. and in particular importance should be given where they are to be sited in</b> to the proximity to listed buildings, or <b>have an</b> the effect on views in and out<b>with</b> of the conservation area.</p> <p>The above guidelines should be considered where appropriate, <del>but</del> <b>and</b> equal enthusiasm for exceptional modernistic <b>contemporary</b> designs for future architectural projects <b>development proposals using sustainable construction methods</b> should be encouraged and <del>cultivated</del> <b>developed</b> within the village environment."</p> <p>Amend references as follows:</p> <p><b>"References</b></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>and <b>developed</b> within the village environment.'</p> <p><b>Further minor amendments:</b> The Core Strategy references should include <b>CS.10</b>.</p>			<p>NPPF 124–132, 145</p> <p>Core strategy AS.10, CS.9, <b>CS.10</b></p> <p>Bearley Neighbourhood Plan Survey 2015, Section 4.4"</p>
<p><b>Section 5 – Building and the Natural Environment – p. 64</b></p> <p><b><u>Policy BNE7 – Parking and Access</u></b></p> <p>All new development should demonstrate that there is adequate provision for off-road parking. <del>Dwellings comprising two or more bedrooms must provide at least two off-road car parking spaces</del> <b>and cycling parking in accordance with Part O of the Development Requirements Supplementary Planning Documents dated July 2019.</b></p> <p><del>Additionally, dwellings should provide secure storage space for cycles. Non-residential developments must provide</del></p>	<p>Section 5.3 – p.2</p>	<p><i>Modification Agreed</i></p> <p>Modification is required to ensure that the policy aligns with the District Council's Supplementary Planning Document parking guidelines and to ensure that decision-makers are clear how they should apply the policy to development proposals as required by paragraph 16 of the NPPF. The modification is therefore required in order for the policy to meet the Basic Conditions.</p>	<p>Amend policy wording as follows:</p> <p>"All new development should demonstrate that there is adequate provision for off-road parking <b>and cycling parking in accordance with Part O of the Development Requirements Supplementary Planning Document dated July 2019.</b></p> <p><del>Dwellings comprising two or more bedrooms must provide at least two off-road car parking spaces.</del></p> <p><del>Additionally, dwellings should provide secure storage space for cycles. Non-residential developments must provide adequate parking in accordance with the SDC adopted standards. All Proposals for new dwellings, and commercial or community developments where bed</del></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p><del>adequate parking in accordance with the SDC adopted standards.</del>  <b>Proposals for new dwellings, and commercial or community developments where bed and floor space will be assessed to determine whether the provision of car parking is sufficient and would not cause harm to the amenity of the area or to highway safety.</b></p> <p><del>Proposals will be supported where the new development must demonstrate how pedestrian and cycle routes to local amenities have been taken into consideration and, where possible, created, improved or maximised.'</del></p>			<p><del>and floor space is increased must demonstrate adequate off-road parking provision.</del> <b>will be assessed to determine whether the provision of car parking is sufficient and would not cause harm to the amenity of the area or to highway safety.</b></p> <p><del>New development must demonstrate how</del> <b>Proposals will be supported where</b> pedestrian and cycle routes to local amenities have been <del>taken into consideration and, where possible,</del> created, improved or maximised.</p>
<p><b>Section 5 – Building and the Natural Environment – p.68-69</b></p> <p><b>'BNE9 – Replacement Dwellings</b>  Proposals for replacement dwellings must respect the</p>	<p>Section 5.3 – p.53</p>	<p><i>Modification Agreed</i></p> <p>Modification is required so as not to duplicate elements of Policy BNE1. In addition, modification is required to delete criterion b), as this criterion is not justified by appropriate evidence or effective. The modifications are therefore required in order to meet the Basic Conditions.</p>	<p>Amend policy wording as follows:</p> <p><del>"Proposals for replacement dwellings must respect the character and appearance of the locality.</del></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>character and appearance of the locality. Particular importance is placed on sensitive sites such as those within the conservation area or affecting the setting of listed buildings. All-Proposals for replacement dwellings <del>must</del><b>will be supported where the following criteria are met:</b></p> <p>a) Be no more than 30% larger, in volume, than the existing dwelling. Where the host property has been extended by more than 30% or more of the volume of the original dwelling as it existed at the time the Green Belt was established in 1975, or when built (if later) the replacement dwelling should not exceed the current volume unless very special circumstances can be demonstrated;</p> <p><del>b) Include suitable facilities for garaging, garden maintenance and domestic storage;</del></p> <p>c) Be on a similar footprint as the existing dwelling unless for site planning reasons an</p>			<p><del>Particular importance is placed on sensitive sites such as those within the conservation area or affecting the setting of listed buildings.</del></p> <p><del>All-Proposals for replacement dwellings</del> <b>will be supported where the following criteria are met:</b> <del>must:</del></p> <p>a) Be no more than 30% larger, in volume, than the existing dwelling. Where the host property has been extended by more than 30% or more of the volume of the original dwelling as it existed at the time the Green Belt was established in 1975, or when built (if later) the replacement dwelling should not exceed the current volume unless very special circumstances can be demonstrated;</p> <p><del>b) Include suitable facilities for garaging, garden maintenance and domestic storage;</del></p> <p>c) Be on a similar footprint as the existing dwelling unless for site planning reasons an alternative footprint is necessary or beneficial;</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>alternative footprint is necessary or beneficial;</p> <p>d) Be of an appropriate scale so as not to be too dominant or adversely affect the amenity of neighbouring uses;</p> <p>e) Demonstrate how a replacement is more sustainable in the longer term than refurbishment, alteration or extension to the existing building; and</p> <p>f) Demonstrate that protected species will not be harmed as a result of the proposals.</p> <p>g) Particular importance is placed on sensitive sites such as those within the conservation area or affecting the setting of listed buildings.</p> <p>This policy will only apply to lawful dwellings and does not apply to caravans or mobile homes.'</p> <p><b>Further minor amendments:</b> Paragraph 5.3.14 should be amended to reflect this approach,</p>			<p>d) Be of an appropriate scale so as not to be too dominant or adversely affect the amenity of neighbouring uses;</p> <p>e) Demonstrate how a replacement is more sustainable in the longer term than refurbishment, alteration or extension to the existing building; and</p> <p>f) Demonstrate that protected species will not be harmed as a result of the proposals.</p> <p>g) Particular importance is placed on sensitive sites such as those within the conservation area or affecting the setting of listed buildings.</p> <p>This policy will only apply to lawful dwellings and does not apply to caravans or mobile homes."</p> <p>Amend paragraph 5.3.14 as follows:</p> <p>"This Policy is for renewal and/or replacement of the existing housing stock, facilitating enhancement of design towards creating a more sustainable living environment. <del>However, it is also important to</del></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>and the second sentence of that paragraph should be deleted. The text suggested by the Parish Council that should be inserted (with which I am in agreement) is as follows: 'This Policy is for renewal and/or replacement of the existing housing stock, facilitating enhancement of design towards creating a more sustainable living environment. However, it is also important to ensure that good quality habitable dwellings are not simply demolished without fully addressing the need to balance sustainability and renewal requirements.'</p>			<p><del>ensure that good quality habitable dwellings are not simply demolished to meet a personal preference. The sustainability and renewal requirements need to be balanced.</del>  <b>However, it is also important to ensure that good quality habitable dwellings are not simply demolished without fully addressing the need to balance sustainability and renewal requirements."</b></p>
<p><b>Section 5 – Building and Natural Environment – p.70</b></p> <p><b>'BNE10 – Reuse or change of use of buildings</b>  <del>This Plan supports</del><b>The conversion or reuse of buildings that are of permanent and substantial construction</b> to housing, permanent business</p>	<p>Section 5.3 – p.54</p>	<p><i>Modification Agreed</i></p> <p>Modification is required to ensure that the policy aligns with green belt policy, as well as NPPF policy regarding the construction of houses in the countryside. Modification is also required to ensure that the policy is in alignment with the Core Strategy.</p>	<p>Amend policy wording as follow:</p> <p><del>This Plan supports</del> The conversion <b>or reuse of buildings that are of permanent and sustainable construction</b> to housing, permanent business <b>employment</b> space or residential tourist accommodation of <del>redundant</del></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p><del>employment space or residential tourist accommodation of redundant buildings built of traditional materials and of architectural merit, provided the building is genuinely capable of being converted without significant modification, rebuilding (including foundations and walls) or extension</del> <b>where it does not conflict with Green Belt policy and preserves the openness of the Green Belt will be supported provided that it:</b> and the overall development:</p> <p>a) Does not have a detrimental impact on the visual and landscape amenity of the area.</p> <p>b) Does not have a detrimental impact on any of its neighbours' amenity.</p> <p>c) Does not cause harm to nature conservation interests.</p> <p>d) Benefits from safe and convenient access to the site or satisfactory access can be created.</p>		<p><i>Additional District Council Modification</i></p> <p>In addition to the Examiner's recommended modifications, which are agreed, it is also considered that modification is required to paragraph 5.3.16 to amend "Village Design Statement" to "Village Design Guidelines", for accuracy and so as to correct an error.</p>	<p><del>buildings built of traditional materials and of architectural merit, provided the building is genuinely capable of being converted without significant modification, rebuilding (including foundations and walls) or extension, and the overall development:</del> <b>where it does not conflict with Green Belt policy and preserves the openness of the Green Belt will be supported provided that it:</b></p> <p>a) Does not have a detrimental impact on the visual and landscape amenity of the area.</p> <p>b) Does not have a detrimental impact on any of its neighbours' amenity.</p> <p>c) Does not cause harm to nature conservation interests.</p> <p>d) Benefits from safe and convenient access to the site or satisfactory access can be created.</p> <p>e) Ancillary and/or outbuildings and boundary treatments are in keeping with the character and setting of the original building.</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>e) Ancillary and/or outbuildings and boundary treatments are in keeping with the character and setting of the original building.</p> <p><del>Proposals will be expected to comply with the above criteria through the submission of appropriate supporting documentation.</del> Redevelopment, alteration or extension of historic farmsteads and agricultural buildings within the Parish should be sensitive to their distinctive character, materials and form <b>and take into account the Village Design Guidelines as set out in Appendix 1M to the Plan.</b></p>			<p><del>Proposals will be expected to comply with the above criteria through the submission of appropriate supporting documentation.</del> Redevelopment, alteration or extension of historic farmsteads and agricultural buildings within the Parish should be sensitive to their distinctive character, materials and form <b>and take into account the Village Design Guidelines as set out in Appendix 1M to the Plan.</b></p> <p>Amend supporting text paragraph 5.3.16 as follows:</p> <p>"5.3.16 There are a number of traditional farm buildings in the Neighbourhood Area. Some of these buildings may cease to be used for their original purpose. If sensitively conserved and converted, in compliance with the Village Design <b>Guidelines Statement</b>, these could have a useful new use without any additional harm to the landscape or purposes of including land within the Green Belt. Reuse of redundant agricultural buildings can</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
			be of benefit to the sustainability of farms and other rural businesses and enable people to work in or near their local community”
<p><b>Section 5 – Building and Neighbourhood Environment – p. 73</b></p> <p><b>BNE11 – Empty Homes and Spaces</b> Proposals that bring empty homes back into <b>residential</b> use will be supported and encouraged.</p> <p>Proposals that seek to reuse empty or unused spaces within existing buildings will also be favourably considered, provided there is no adverse environmental impact and the new use is compatible with existing neighbouring uses.’</p>	Section 5.3 – p.54	<p><i>Modification Agreed</i></p> <p>Modification is required to clarify that homes should be retained in residential use, in accordance with policy CS.20 of the Core Strategy.</p>	<p>Amend policy wording as follows:</p> <p>“Proposals that bring empty homes back into <b>residential</b> use will be supported and encouraged.</p> <p>Proposals that seek to reuse empty or unused spaces within existing buildings will also be favourably considered, provided there is no adverse environmental impact and the new use is compatible with existing neighbouring uses.”</p>

<p><b>Section 5 – Building and Neighbourhood Environment – p. 73</b></p> <p><b>Insert Policy BNE12 into ‘Natural Neighbourhood Environment’ after Policy NNE5 – Valued Landscapes, Vistas and Skylines</b></p> <p><b><u>‘Policy NNE6 – Communications and Energy Infrastructure</u></b>  Communication masts, wind turbines or other structures <b>relating to communications and energy</b> that are highly visible will not be supported if they would have an <b>unacceptable</b> adverse impact on the character of the landscape and the built environment.</p> <p><del>Highly visible construction equipment adversely impacting on the skyline must have a reasonable time limit imposed on the construction phase as a condition of approval.</del></p> <p>In Paragraph 5.3.20 delete reference to tall structures and amend to energy and</p>	<p>Section 5.3 – p.55</p>	<p>Modification is required to the placement of the policy, as it is related to the Natural Neighbourhood Environment rather than the Built Environment.</p> <p>Modification is required to the policy to provide a clear and ambiguous framework for decision makers to respond to, in accordance with the NPPF. The modifications are therefore required in order to meet the Basic Conditions.</p>	<p>Insert Policy BNE12 into ‘Natural Neighbourhood Environment’ after Policy NNE5 – Valued Landscapes, Vistas and Skylines. Move supporting text and references accordingly.</p> <p>Amend policy title as follows:</p> <p><del>“Policy BNE12 – Skyline Protection</del>  <b>Policy NNE6 Communications and Energy Infrastructure”</b></p> <p>Amend policy wording as follows:</p> <p><del>“Communication masts, wind turbines or other structures that are highly visible</del> <b>relating to communications and energy</b> will not be supported if they would have an <b>unacceptable</b> adverse impact on the character of the landscape and the built environment.</p> <p><del>Highly visible construction equipment adversely impacting on the skyline must have a reasonable time limit imposed on the construction phase as a condition of approval.”</del></p> <p>Amend paragraph 5.3.20 as follows:</p> <p><del>“Communication masts, wind turbines and other tall structures</del> <b>energy and</b></p>
--	---------------------------	---	--

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>communications infrastructure. Delete the following sentence - 'will only be supported if they conserve and enhance the character and special qualities of the landscape and the built environment of the village and' insert the word 'should' before 'include mitigation...'</p> <p>The policy, references and supporting text should be moved to Natural Neighbourhood Environment Chapter as Policy NNE6 and the subsequent policies and supporting text, as modified, renumbered accordingly.'</p>			<p><b>communications infrastructure will only be supported if they conserve and enhance the character and special qualities of the landscape and the built environment of the village and should</b> include mitigation through design, location, materials and use of existing screening."</p>
<p><b>Section 5 – Natural Neighbourhood Environment – p. 77</b></p> <p><b><u>'Policy NNE1 – Protection of SSSI and Potential Wildlife Sites</u></b></p> <p>Development that would adversely affect SSSIs at Bearley Bushes and Bearley Waste <del>and the Potential LWS</del> either directly or indirectly will not be supported</p>	<p>Section 5.4 – p.56</p>	<p><i>Modification Agreed</i></p> <p>Modification is required in order to ensure that the policy is consistent with the Core Strategy and the NPPF. In addition, modification is required to provide an effective policy framework by distinguishing between SSSI and sites that are not yet formally designated but make a positive contribution to biodiversity. The modifications are</p>	<p>Amend policy title as follows: <b>"Protection of SSSI and Potential Local Wildlife Sites"</b></p> <p>Amend policy wording as follows: "Development that would adversely affect <b>the</b> SSSI at Bearley Bushes and Bearley Waste <del>and the Potential LWS</del> either directly or indirectly will not be supported <b>unless in exceptional</b></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p><b>unless in exceptional circumstances where the benefits of development clearly outweigh the likely impacts on the site and any broader impacts on the national networks of SSSIs.</b></p> <p><b>Proposals which directly or indirectly affect the 5 potential wildlife sites identified in Figure 11 will be expected to minimise impacts on biodiversity and where possible secure net gains in biodiversity by safeguarding and where possible enhancing existing habitats.'</b></p> <p><b>Figure 11</b> should be enlarged to A4 size and the Local Wildlife Site boundaries clearly identified</p>		<p>required to ensure that the policy meets the Basic Conditions.</p> <p><i>Additional District Council Modifications</i></p> <p>Modification is made to the Examiner's recommendations for the purpose of correcting an error. The 'potential wildlife sites' are known as 'potential Local Wildlife Sites' in the Core Strategy and in other parts of the NDP. Therefore, an amendment is made to refer to them as "potential Local Wildlife Sites" in the policy title and wording.</p> <p>Further to this, during the Parish Council's amendment of the Plan following the Examiner's Final Report, it was realised that there were more than 5 potential Local Wildlife Sites in the Neighbourhood Area. As such, modification to the policy, explanatory text and map has been made to reflect this fact.</p> <p>In addition, as both Bearley Bushes and Bearley Waste are both part of one SSSI, an amendment is made to the policy wording to clarify this.</p>	<p><b>circumstances where the benefits of development clearly outweigh the likely impacts on the site and any broader impacts on the national networks of SSSIs.</b></p> <p><b>Proposals which directly or indirectly affect the potential Local Wildlife Sites identified in Figure 11 will be expected to minimise impacts on biodiversity and where possible secure net gains in biodiversity by safeguarding and where possible enhancing existing habitats."</b></p> <p>Enlarge Figure 11 to A4 size and show the boundaries of the potential Local Wildlife Sites.</p> <p>Add additional identified potential Local Wildlife Sites to explanatory text at paragraph 5.4.8 and Appendix 1K.</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
		These amendments do not affect the Basic Conditions, as they are for the purpose of correcting factual errors.	
<p><b>Section 5 – Natural Neighbourhood Environment – p. 79</b></p> <p><b><u>'Policy NNE2 – Protection of Natural Features and other Areas of Rich Biodiversity</u></b></p> <p>Development should protect and, <del>where possible,</del> enhance the natural environment, including important landscapes, <del>Ecosites,</del> natural features, wildlife corridors and other biodiversity-rich areas.</p> <p>Development will not be supported that would destroy or <b>have a significant</b> adverse <b>impact on</b> <del>adversely affect</del> these features <b>unless the impact can be mitigated or as a last resort compensated against.</b></p> <p>Development will be expected to ensure that the natural features and functions of watercourses and their wider corridors are</p>	Section 5.4 – p.58	<p><i>Modification Agreed</i></p> <p>Modification is required to ensure that the policy provides a clear and unambiguous framework for decision makers, and to ensure there is no conflation of goals between Policy NNE2 and NNE3 of the Bearley Neighbourhood Plan. In addition, modification is required to ensure that the policy aligns with the Core Strategy. The modifications are therefore required in order for the policy to meet the Basic Conditions.</p>	<p>Amend policy wording as follows:</p> <p>“Development should protect and, <del>where possible,</del> enhance the natural environment, including important landscapes, <del>Ecosites,</del> natural features, wildlife corridors and other biodiversity-rich areas.</p> <p>Development will not be supported that would destroy or <b>have a significant adverse impact on</b> <del>adversely affect</del> these features <b>unless the impact can be mitigated or as a last resort compensated against.</b></p> <p>Development will be expected to ensure that the natural features and functions of watercourses and their wider corridors are retained and, where relevant, reinstated, and that appropriate habitat buffers are established. In all cases,</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>retained and, where relevant, reinstated, and that appropriate habitat buffers are established. In all cases, development is <del>expected to</del> <b>should</b> not adversely affect:</p> <p>a) The integrity of the watercourse structure.  b) The quality of the water <del>and result in pollution</del> due to unauthorised discharges and run off; or  c) The ecological quality and character of the waterways.</p> <p><b>Where a development will have a negative impact on a biodiversity asset, mitigation will be sought in a</b> <del>A</del> "mitigation hierarchy" policy <b>as set out in CS.6 of the Core Strategy which</b> must be followed <del>ensuring</del> <b>to ensure</b> activities do not have unnecessary impacts on the environment.</p> <p>All new developments should, <b>where appropriate</b>, incorporate</p>			<p>development is <del>expected to</del> <b>should</b> not adversely affect:</p> <p>a) The integrity of the watercourse structure.  b) The quality of the water <del>and result in pollution</del> due to unauthorised discharges and run off; or  c) The ecological quality and character of the waterways.</p> <p><b>Where a development will have a negative impact on a biodiversity asset, mitigation will be sought in a "mitigation hierarchy" policy as set out in CS.6 of the Core Strategy which</b> must be followed <del>for to ensuring</del> <b>ensure</b> activities do not have unnecessary impacts on the environment.</p> <p>All new developments should, <b>where appropriate</b>, incorporate the planting of appropriate native tree and hedge species, as well as nectar-rich plants in their plans. New planting should connect</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>the planting of appropriate native tree and hedge species, as well as nectar-rich plants in their plans. New planting should connect habitats to maintain and improve wildlife corridors.</p> <p>When constructing boundaries, hedges should be used in preference to walls and close-boarded fences.</p> <p>Opportunities to create, enhance and restore adjacent habitats for biodiversity will be encouraged.</p> <p>There should be no harm to or loss of irreplaceable habitats such as ancient trees and veteran trees.'</p> <p><b>Further minor amendments:</b> I consider that the supporting text would benefit from an additional commentary on the mitigation hierarchy as set out in Further Minor Amendments to <b>Policy NNE3</b> are set out in paragraph 16 below.</p>			<p>habitats to maintain and improve wildlife corridors.</p> <p>When constructing boundaries, hedges should be used in preference to walls and close-boarded fences.</p> <p>Opportunities to create, enhance and restore adjacent habitats for biodiversity will be encouraged.</p> <p>There should be no harm to or loss of irreplaceable habitats such as ancient trees and veteran trees."</p> <p>Amend supporting text as follows:</p> <p><b>"The mitigation hierarchy is a sequential process. It is based on avoidance of adverse effects, if possible. Failing this, the nature of the effect should be reduced so that it is no longer significant. If neither avoidance nor reduction is feasible, mitigation measures should be considered. Mitigation measures might include offsetting biodiversity effects or provision of</b></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
			<b>new supporting green infrastructure. Mitigation is proposed to help address adverse effects so that, if possible, no residual effects remain."</b>
<p><b>Section 5 – Natural Neighbourhood Environment – p.81-82</b></p> <p><b><u>Policy NNE3 – Biodiversity and Protection of Individual Species</u></b> Development will <del>not</del> be supported <del>unless</del> <b>where</b> it protects, enhances and/or restores habitat biodiversity.</p> <p>Development proposals where <del>necessary</del> <b>appropriate</b> will be expected to demonstrate that they:</p> <p>a) <del>Will not lead to a net loss of</del> <b>Assess the impact on</b> biodiversity by means of an approved ecological assessment (see Policy NNE<del>6</del><b>7</b>) of existing site features and development impacts.</p>	<p>Section 5.4 – p.59</p>	<p><i>Modification Agreed</i></p> <p>Modification is required in order to provide a positive framework for decision makers and to reflect the approach in the NPPF and the Core Strategy. The modifications are therefore required in order for the policy to meet the Basic Conditions. As the mitigation hierarchy approach is set out in full within the supporting text of Policy NNE2, reference to this is included within the supporting text of Policy NNE3 rather than setting out the hierarchy in full again.</p>	<p>Amend policy wording as follows:</p> <p><del>Development will not be supported unless</del> <b>where</b> it protects, enhances and/or restores habitat biodiversity.</p> <p>Development proposals where <del>necessary</del> <b>appropriate</b> will be expected to demonstrate that they:</p> <p>a) Will not lead to a net loss of biodiversity by means of an approved ecological assessment (see Policy NNE<del>6</del><b>7</b>) of existing site features and development impacts.</p> <p>b) Protect or enhance biodiversity assets and secure their long-term management and maintenance.</p> <p>c) <del>Avoid negative impacts on existing biodiversity.</del> <b>Minimise impacts on biodiversity and where possible secure a net gain.</b></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>b) Protect or enhance biodiversity assets and secure their long-term management and maintenance.</p> <p>e) <del>Avoid negative impacts on existing biodiversity.</del> <b>Minimise impacts on biodiversity and where possible secure a net gain.</b></p> <p><b>Where a development will have a negative impact on a biodiversity asset, mitigation will be sought in a "mitigation hierarchy"-based approach as set out in CS.6 of the Core Strategy which</b> must be followed to ensure the activities do not have unnecessary impacts on the environment.</p> <p><del>Development will only be supported in areas Where Notable Bird Species or other rare or vulnerable wildlife or plant species are present as long as it can be</del> <b>the proposal should</b> demonstrated that it does not <b>adversely</b> affect the</p>			<p><b>Where a development will have a negative impact on a biodiversity asset, mitigation will be sought in a "mitigation hierarchy"-based approach as set out in CS.6 of the Core Strategy which</b> must be followed to ensure the activities do not have unnecessary impacts on the environment.</p> <p><del>Development will only be supported in areas Where Notable Bird Species or other rare or vulnerable wildlife or plant species are present as long as it can be</del> <b>the proposal should</b> demonstrated that it does not <b>adversely</b> affect the conservation status of such species."</p> <p>Amend paragraph 5.4.13 as follows:          "All development should take steps to enhance biodiversity both within and outside designated areas. Development should, wherever possible and feasible, retain, enhance, manage and, if appropriate, reintroduce the indigenous biodiversity of the District. <b>The</b></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>conservation status of such species.'</p> <p><b>Further minor amendments:</b> I recommend that a commentary on the hierarchy should be added in the supporting text. The Parish Council has suggested the insertion of the following text into paragraph 5.4.13 (with which I agree) – 'The mitigation hierarchy is a sequential process. It is based on avoidance of adverse effects, if possible. Failing this, the nature of the effect should be reduced so that it is no longer significant. If neither avoidance nor reduction is feasible, mitigation measures should be considered. Mitigation measures might include offsetting biodiversity effects or provision of new supporting green infrastructure. Mitigation is proposed to help address adverse effects so that, if possible, no residual effects remain.'</p>			<p><b>"mitigation hierarchy" based approach is described in paragraph 5.4.13."</b></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p><b>Section 5 – Natural Neighbourhood Environment – p.85- 86</b></p> <p><b><u>NNE4 – Designated Local Green Space</u></b></p> <p>The following <b>sites identified in Figure 12 are</b> designated as Local Green Spaces. <del>will be protected, maintained and, where possible, enhanced to ensure adequate amenity is available for the community in keeping with the rural character of the village and its green space inheritance.</del></p> <ul style="list-style-type: none"> <li>- LGS1 – Sports and playing fields at the rear of the Village Hall</li> <li>- LGS2 – Bearley Park playing fields – the New Play Area</li> <li>- LGS3a – Upper Play Area – the green grassed land bordered by mature trees and hedges along Snitterfield Road and Old Snitterfield Road</li> <li>- LGS3b/c – Bearley Green – the green grassed land covered in mature trees and hedging bounded by Bearley Green and</li> </ul>	<p>Section 5.4 – p.59</p>	<p><i>Modification Agreed</i></p> <p>Modification is required in order to ensure that the policy is consistent with the NPPF regarding the purpose of Local Green Spaces and how they should be managed. The modifications are required in order to meet the Basic Conditions.</p>	<p>Amend policy wording as follows:</p> <p>The following <b>sites identified in Figure 12 are</b> designated as Local Green Spaces <del>will be protected, maintained and, where possible, enhanced to ensure adequate amenity is available for the community in keeping with the rural character of the village and its green space inheritance.</del></p> <ul style="list-style-type: none"> <li>LGS1 – Sports and playing fields at the rear of the Village Hall</li> <li>LGS2 – Bearley Park playing fields – the New Play Area</li> <li>LGS3a – Upper Play Area – the green grassed land bordered by mature trees and hedges along Snitterfield Road and Old Snitterfield Road</li> <li>LGS3b/c – Bearley Green – the green grassed land covered in mature trees and hedging bounded by Bearley Green and Greenswood housing, St Mary's Church and Snitterfield Road</li> <li>LGS4 – Land between Church and Ash Lane</li> </ul> <p><del>Proposals for development on designated Local Green Spaces will not be supported. Development on</del></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>Greenswood housing, St Mary's Church and Snitterfield Road - LGS4 – Land between Church and Ash Lane</p> <p><del>Proposals for development on designated Local Green Spaces will not be supported.</del></p> <p>Development on any Local Green Space that would harm its special character or its significance and value to the local community will not be permitted unless there are very special circumstances which outweigh the harm to the Local Green Space. <del>Development in the immediate vicinity of any designated Local Green Space will be required to show how it enhances the character or setting of that Local Green Space.</del></p> <p>The map at Figure 12 should be enlarged so that the location and extent of the Local Green Space can be easily understood.</p>			<p>any Local Green Space that would harm its special character or its significance and value to the local community will not be permitted unless there are very special circumstances which outweigh the harm to the Local Green Space. <del>Development in the immediate vicinity of any designated Local Green Space will be required to show how it enhances the character or setting of that Local Green Space.</del></p> <p>Enlarge Figure 12 so the location and extent of the Local Green Spaces can be easily understood.</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p><b>Section 5 – Natural Neighbourhood Environment – p.89</b></p> <p><b>'Policy NNE5 – Valued Landscape, Vistas and Skylines Landscape Character and Setting</b></p> <p>Bearley is located in the Warwickshire Special Landscape Area of Ancient Arden. Development proposals must demonstrate how they are appropriate to, and integrate with, the character of the landscape setting, while conserving and, where appropriate, enhancing the character of the landscape.; <del>including important local features. Development proposals should ensure that all prominent views of the landscape and important vistas and skylines (known collectively as valued landscapes) are maintained and safeguarded, particularly where they relate to heritage assets and village approaches.</del></p>	<p>Section 5.4 – p.61</p>	<p><i>Modification Agreed</i></p> <p>Modification is required to ensure that the policy is based upon appropriate and up-to-date evidence, and provides a clear and unambiguous framework for decision makers to respond to. The proposed valued landscapes included in the original NDP were not supported by proportionate, relevant and up to date evidence to support their inclusion in their Plan. Furthermore, The plan contained within Figure 13 failed to demonstrate with any accuracy the important local features be conserved or enhanced. The removal of these valued landscapes and associated Figure 13 from the policy is therefore required to ensure that the policy accords with the Basic Conditions.</p> <p>Placement of these valued landscapes within the Character Appraisal section of the Plan is justified as providing further information of the Neighbourhood Area's character.</p> <p>In addition, modification to the map to ensure that the eleven identified views are shown clearly is required to ensure the clarity of the Plan.</p>	<p>Amend policy title as follows: <del>“Valued Landscape, Vistas and Skylines</del> <b>Landscape Character and Setting”</b></p> <p>Amend policy wording as follows:</p> <p>“Bearley is located in the Warwickshire Special Landscape Area of Ancient Arden. Development proposals must demonstrate how they are appropriate to, and integrate with, the character of the landscape setting, while conserving and, where appropriate, enhancing the character of the landscape, <del>including important local features. Development proposals should ensure that all prominent views of the landscape and important vistas and skylines (known collectively as valued landscapes) are maintained and safeguarded, particularly where they relate to heritage assets and village approaches.</del>”</p> <p>Delete paragraph 5.4.20 and Figure 13. Insert paragraph and Figure 13 below paragraph 3.1.3. Renumber Figure 13 as follows:</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>Delete paragraph 5.4.20, bullet points 1 to 11, the final sentence after the bullet points and Figure 13. With the exception of the final sentence after the bullet points, reinsert this text within the Character Appraisal section in chapter 3 after paragraph 3.1.3 and renumber the paragraphs accordingly.</p> <p>Figure 13 should be enlarged to show the eleven views and the figure reference renumbered accordingly. The Local Wildlife Sites are a duplication of Figure 11 and should be removed from this figure.</p>		<p><i>Additional District Council Modification</i></p> <p>In regards to the renumbering of Figure 13, it is proposed to place this figure as Figure 7 within the Plan, within the Character Appraisal section. In order to make it clear that this Figure links to the views listed within the new paragraph 3.1.4, and to reflect what is shown in the Figure, the Figure title is proposed to be amended to: <b>“Valued Landscapes and Vistas. Details of these are provided at paragraph 3.1.4, page 22.”</b></p>	<p><b>“Many viewpoints around the village and its surrounds defining the character of the village are included in Figures 3,4,5 and 6. The key Valued Landscapes are shown in Figure <del>4</del> 7. The views identified are visible from well used public highways and footpaths forming the important settings for the Conservation Area, heritage Assets as well as views of the surrounding Ancient Arden Special Landscapes stretching towards the Cotswolds, Warwick and Birmingham:</b></p> <ol style="list-style-type: none"> <li><b>1. Lych Gate of St Mary the Virgin Church framed by almost continuous green hedging in an elevated position. (Fig 3, photo G25)</b></li> <li><b>2. Heritage buildings with the Stone House above the green space and 800-year-old oak, Tythe Barn, Tudor Cottage and the green entrance of Manor Cottage, and the towering mature trees of Bearley Green. (Fig 4, photos G7, G8, G10, G11 and G12)</b></li> <li><b>3. Open spaces of Bearley Green dotted with mature trees to the</b></li> </ol>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
			<p>south and the large open grassed space of Upper Play Area ringed by tall mature trees and hedging with steps to Old Snitterfield Road and School Lane. (Fig 4, photos G17 and G22)</p> <p>4. Green trees of Bearley Bushes and Bearley Waste and converted farm building, with the bending road offering sight of the mature trees and low fencing marking the edges of Bearley Green and Upper Play Area</p> <p>5. Rising land reaching the Mill Hill Plantation with bluebells and flowering hedges and arable land to the west. North, the vista towards Wootton Waven, Little Alne, Aston Cantlow and Wilmcote and the Warwickshire landscapes. (Fig 3, photo 4)</p> <p>6. Upper floors and roofs of Grange Road housing nestling at the valley and the open land edged by trees and hedging along School Lane rising towards historic heart of the village and the Bearley Manor. (Fig 3, photos 1 and 2)</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
			<p>7. Rising arable fields with mature trees to Mill Hill Plantation. West views of the hedging by the railway. (Fig3 photo G3)</p> <p>8. At the gate of the green space between Church and Ash Lane, with view of Tudor Cottage to the north, the bell tower of St Mary the Virgin to the north east rising above the tall hedging and yews, the edges of the land marked by the wooden fencing. (Fig 4, photos G18 and G15; Fig 56, photos A5 and A17)</p> <p>9. Footpath to Gospel Oak by Woodlane Farm with 180 degree vistas at the apex of the footpath with Conservation Area to the north, Bearley Waste and Bearley Bushes to the east, Gorse Farm and surrounding woodland to the south with grazing land between. (Page 73)</p> <p>10. Top of the path leading to Ash Lane, with 180 degree vista of Ancient Arden landscape from Stratford-on-Avon to the south, Evesham the south-west, Alcester the west, Studley the north-west</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
			<p>and Henley-in-Arden to the north. (Page 55)</p> <p><b>11. Panoramic view of Bearley with the land rising to the east, encompassing the railway bridge and Bearley Mill, rear gardens from Bearley Grange to Old Vicarage, properties along Ash Lane and the undulating arable land towards Pathlow. (Fig-5, photos A10 and A11)</b></p> <p><b>There are numerous other uplifting and inspirational vistas and skylines included in Section 3 of this Plan (see Figures 3,4,5 and 6, 7 and associated photos) all readily accessible to residents and visitors alike via footpaths and lanes."</b></p> <p>Enlarge Figure 13 to show the eleven views and remove the LWS from the figure. Move Figure 13 to become Figure 7 within Character Appraisal section. Amend Figure title to: "<i>Figure 7. Valued landscapes <b>and</b> vistas; SSSIs and Potential LWS Details of these are provided at paragraph 3.1.4, page 22.</i>"</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p><b>Section 5 – Natural Neighbourhood Environment – p.91-92</b></p> <p><b>'Policy NNE6 – Ecological Surveys</b></p> <p>Where evidence suggests that developments may have an unacceptably adverse impact on a site of national, regional or local importance or a priority habitat or species (<del>see Policies NE1, NE2 and NE3</del>), applicants will be expected to provide, where necessary:</p> <p>a) A detailed ecological survey undertaken at an appropriate time, which assesses cumulative impacts.</p> <p>b) Other <del>surveys</del> <b>assessments</b> as appropriate.</p> <p>c) A mitigation plan, <b>as necessary</b>.</p> <p>Development will not be supported unless it can be demonstrated that any mitigation or compensatory measures proposed have been subject to an Ecological Assessment. The</p>	<p>Section 5.4 – p.62</p>	<p><i>Modification Agreed</i></p> <p>Modification is required in order to reflect the provisions of the NPPF. Furthermore, to ensure flexibility the inclusion of the words 'as necessary' in criterion (c) is necessary. The modification is therefore required in order for the policy to meet the Basic Conditions.</p>	<p>Amend policy wording as follows:</p> <p>"Where evidence suggests that developments may have an unacceptably adverse impact on a site of national, regional or local importance or a priority habitat or species (<del>see Policies NE1, NE2 and NE3</del>), applicants will be expected to provide, where necessary:</p> <p>a) A detailed ecological survey undertaken at an appropriate time, which assesses cumulative impacts.</p> <p>b) Other <del>surveys</del> <b>assessments</b> as appropriate.</p> <p>c) A mitigation plan, <b>as necessary</b>.</p> <p>Development will not be supported unless it can be demonstrated that any mitigation or compensatory measures proposed have been subject to an Ecological Assessment. The Ecological Assessment should include due consideration of the importance of the natural asset, the nature of the measures proposed (including plans for long-term management) and the extent to which they reduce the impact of the development.</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>Ecological Assessment should include due consideration of the importance of the natural asset, the nature of the measures proposed (including plans for long-term management) and the extent to which they reduce the impact of the development. Development must follow any applicable Biodiversity Action Plan (BAP).'</p>			<p>Development must follow any applicable Biodiversity Action Plan (BAP)."</p>
<p><b>Section 5 – Natural Neighbourhood Environment – p.92</b></p> <p><b><u>Policy NNE7 – Renewable Energy</u></b></p> <p>Development proposals relating to the production of renewable energy will be supported <b>where very exceptional circumstances are demonstrated</b> especially when this leads to a demonstrably tangible benefit to the community <del>and makes economic sense</del> <b>and economic benefit</b> both from a local and national viewpoint. Plans being brought forward</p>	<p>Section 5.4 – p.62</p>	<p><i>Modification Partly Agreed</i></p> <p>It is agreed that modification is required to ensure that the policy aligns with green belt policy and to provide a clear and unambiguous framework for decision makers. However, the modification as recommended by the Examiner does not align fully with the NPPF, as he states was his intention within the Examiner's Report. The Examiner notes in his Report the requirements of NPPF paragraph 147 in respect of renewable energy projects in the Green Belt and states that Policy NNE7 should be brought into alignment with this paragraph.</p>	<p>Amend policy wording as follows: "Development proposals relating to the production of renewable energy will be supported especially when this leads to a demonstrably tangible benefit to the community <del>or and makes economic sense</del> <b>economic benefit both from a local and national viewpoint</b>. Plans being brought forward should ensure that adverse impacts are addressed, including cumulative landscape and visual impacts, <del>and that they are not in conflict with any other policies in this Plan.</del> <b>Renewable energy projects that would constitute inappropriate development in the Green Belt will need to</b></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>should ensure that adverse impacts are addressed, including cumulative landscape and visual impacts, <del>and that they are not in conflict with any other policies in this Plan.</del></p>		<p>Paragraph 147 of the NPPF states that “when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”</p> <p>However, the Examiner's proposed modification does not align with the NPPF and also uses terminology that is inconsistent with the NPPF. Accordingly, revised wording is proposed to the end of the policy, to clarify that “very special circumstances” will need to be demonstrated, but only where renewable energy projects would constitute inappropriate development in the green belt.</p> <p>This is as the proposed modification of the Examiner to the policy would require any development proposals for renewable energy to demonstrate “very exceptional circumstances”. This goes further than the</p>	<p><b>demonstrate very special circumstances to be supported.</b></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
		<p>NPPF, which only states that renewable energy projects that would constitute inappropriate development in the Green Belt should demonstrate "very special circumstances". Furthermore, the terminology proposed by the Examination in the modification is not consistent with the NPPF. This is as the NPPF refers to "very special circumstances", not "very exceptional circumstances".</p> <p>Accordingly, this modification is proposed to the policy to ensure it fully aligns with the NPPF, as was clearly the Examiner's intent.</p> <p>In addition, there is a contradiction between what the Examiner states at paragraph 56, p.92 of his report, and the recommended modification, as to whether the policy should read "and economic benefit" or "or economic benefit". The Examiner has confirmed via email that the policy should read "...or economic benefit", and the rest of this sentence deleted.</p> <p>Accordingly, revised wording is agreed to ensure that the policy aligns with the NPPF, as the Examiner is clear was his intention within the Examiner's Report. In</p>	

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
		<p>addition, revised wording is agreed to ensure that the policy aligns with the Examiner's intention given the contradiction of wording provided in the commentary of the Report and the policy wording which has since been clarified by the Examiner.</p> <p>As such, the proposed modifications are considered necessary for the purpose of "correcting an error", as permitted under paragraph 6, part 12 of the Town and Country Planning Act 1990 Schedule 4B.</p>	
<p><b>Section 5 – Infrastructure – p. 96-97</b></p> <p><b><u>Policy IN1 – Infrastructure Criteria</u></b> New developments <b>for new residential development or commercial floorspace</b> must not adversely <b>have unacceptable</b> impacts on the existing infrastructure and <del>must demonstrate</del> <b>where appropriate seek:</b></p> <p>a) <del>An adequately dimensioned sustainable drainage system (SuDS) has been can be adopted and incorporated, which</del></p>	<p>Section 5.5 – p.64</p>	<p><i>Modification Partly Agreed</i></p> <p>Modifications are required to ensure that the Policy is clear as to how decision makers should react to development proposals, as required by paragraph 16 of the Framework and also to avoid duplication with Policy IN2. Modifications are also required to the supporting text for accuracy.</p> <p><i>Additional District Council Modifications</i></p> <p>In addition to the modifications recommended by the Examiner, it is also agreed that a modification is also required</p>	<p>Amend policy wording as follows:</p> <p><b>Proposals for new residential development or commercial floorspace</b> must not <b>have unacceptable</b> adversely impacts on <del>the existing infrastructure and must demonstrate</del> <b>where appropriate seek:</b></p> <p>a) <del>An adequately dimensioned sustainable drainage system (SuDS) has been adopted and incorporated, which demonstrates that the development will not increase the likelihood of surface water flooding.</del></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>demonstrates that the development will not increase the likelihood of surface water flooding.</p> <p>b) Inclusion of comprehensive energy efficiency measures in the design.</p> <p>c) Connection to a fibre optic network <b>or high-speed broadband where feasible and viable.</b></p> <p>d) Permeable surface materials on pathways and driveways, <b>wherever possible.'</b></p> <p><b>Further minor amendments:</b> As recommended above, for accuracy the supporting text at the end of paragraph 5.5.2 insert <b>'The hierarchy is a list of preferred drainage options that the LLFA refer to when reviewing planning applications. The preferred options are (in order of preference): infiltration (water into the ground), discharging into an existing water body and discharging into a surface water sewer.</b></p>		<p>for the purpose of "correcting an error". As proposed, the beginning of the policy would read "New developments for new residential development or commercial floorspace..." This does not make sense. A modification is therefore required for clarity, to amend the wording to read: <b>"Proposals</b> for new residential development or commercial floorspace..."</p> <p>Furthermore, the Examiner stated in his Report that "in paragraph 5.5.3 the sentence commencing with the words "SDC as a risk... ending ...on main rivers", be deleted"; however, this was not subsequently brought through into the Recommended Modifications in the Examiner's Report. As such, an additional modification is agreed to delete this text from the supporting text, in order to correct an error.</p>	<p>b) Inclusion of comprehensive energy efficiency measures in the design.</p> <p>c) Connection to a fibre optic network <b>or high-speed broadband where feasible and viable.</b></p> <p>d) Permeable surface materials on pathways and driveways, <b>wherever possible"</b></p> <p>Insert the following wording at the end of paragraph 5.5.2:</p> <p>Foul water is the responsibility of Severn Trent Water. The Lead Local Flood Authority (LLFA), Warwickshire County Council (WCC), is responsible for the flood risk management associated with all other sources of flooding, including ordinary watercourses, Bearley Brook, surface and ground water flooding. <b>The hierarchy is a list of preferred drainage options that the LLFA refer to when reviewing planning applications. The preferred options are (in order of preference): infiltration (water into the ground), discharging into an existing water body and discharging into a surface water</b></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>Connecting to a combined sewer system is not suitable and not favourable and at end of paragraph 5.5.3 add the following wording:  <b>"Any works on ordinary watercourses will require Ordinary Watercourse Land Drainage Consent which can be obtained from WCC as the LLFA in Warwickshire."</b></p>			<p><b>sewer. Connecting to a combined sewer system is not suitable and not favourable"</b></p> <p>At the end of paragraph 5.5.3 add the following wording:  "Neither WCC nor Stratford District Council (SDC) have responsibility for the Bearley Brook. WCC as LLFA has responsibility for management of the flood risk, and can take enforcement action against landowners not fulfilling their riparian responsibilities; <del>SDC as a risk management authority has powers to undertake works on ordinary watercourses, as does the Environment Agency (EA) on main rivers, but the responsibility for Bearley Brook lies with the riparian landowners. The LLFA and the EA have been made statutory consultees for major planning applications (ten or more properties, sites over half a hectare), and for non-major applications, the local planning authority SDC remains responsible.</del>  <b>Any works on ordinary watercourses will require Ordinary Watercourse Land Drainage Consent which can be</b></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
			<b>obtained from WCC as the LLFA in Warwickshire."</b>
<p><b>Section 5 – Infrastructure – p. 100-101</b></p> <p><b><u>'Policy IN2 – Drainage and Flooding</u></b></p> <p>Proposed development should be located <del>in Flood Zone 1 (low probability flood risk) and not in Flood Zones 2 or 3 (1)</del> <b>in areas with the lowest risk of flooding.</b> All new development proposals must provide a minimum easement of eight metres from the top of the bank of the Bearley Brook to allow access for maintenance and to ensure that the natural features and functions of the wider river corridor are retained and/or reinstated.</p> <p>Appropriate Sustainable Drainage Systems (SuDS) should be incorporated, where necessary, into new developments following the SuDS hierarchy. This should</p>	<p>Section 5.5 – p.65</p>	<p><i>Modification Agreed</i></p> <p>Modifications are required as the statement that all development should be located in Flood Zone 1 and not Flood Zone 2 and 3 is contrary to the Framework guidance and needs to be modified to align with the NPPF. Furthermore, it is inappropriate for the NDP to require a blanket contribution to the maintenance of Bearley Brook mitigation.</p> <p>Modifications are also required to ensure the Policy has a clear and unambiguous framework within which decisions on planning applications can be made as required by paragraph 16 of the NPPF. The modifications are therefore required in order for the policy to meet the Basic Conditions.</p>	<p>Amend policy wording as follows:</p> <p>"Proposed development should be located <del>in Flood Zone 1 (low probability flood risk) and not in Flood Zones 2 or 3 (1)</del> <b>in areas with the lowest risk of flooding.</b> All new development proposals must provide a minimum easement of eight metres from the top of the bank of the Bearley Brook to allow access for maintenance and to ensure that the natural features and functions of the wider river corridor are retained and/or reinstated.</p> <p>Appropriate Sustainable Drainage Systems (SuDS) should be incorporated, where necessary, into new developments following the SuDS hierarchy. This should maximise any opportunities to enhance biodiversity, create amenity and contribute towards green infrastructure. Infiltration SuDS and above ground SuDS</p>

<b>Examiner's Recommendation (incl. page number in the report)</b>	<b>Section/page no. in submission draft NDP</b>	<b>SDC Decision and reason</b>	<b>New text or amendment to original text, as applicable – as shown in Referendum version NDP</b>
<p>maximise any opportunities to enhance biodiversity, create amenity and contribute towards green infrastructure. Infiltration SuDS and above ground SuDS attenuation, such as swales, ponds and other water-based ecological systems, should be used wherever feasible, as they are preferred to the underground storage of water.</p> <p>Where it can be demonstrated that infiltration SuDS and above ground SuDS attenuation is not practicable, development proposals should maximise opportunities to use SuDS measures that require no additional land take, such as green roofs.</p> <p>All development proposals should seek to control, and discharge runoff generated on site to the Greenfield runoff rate for all return periods up to the 1 in 100-year plus climate-change-critical storm event using above ground sustainable drainage systems.</p>			<p>attenuation, such as swales, ponds and other water-based ecological systems, should be used wherever feasible, as they are preferred to the underground storage of water.</p> <p>Where it can be demonstrated that infiltration SuDS and above ground SuDS attenuation is not practicable, development proposals should maximise opportunities to use SuDS measures that require no additional land take, such as green roofs.</p> <p>All development proposals should seek to control and discharge runoff generated on site to the Greenfield runoff rate for all return periods up to the 1 in 100-year plus climate-change-critical storm event using above ground sustainable drainage systems. The reuse and recycling of water within developments will be encouraged, including the use of water butts.</p> <p>The surface water drainage scheme should be in accordance with Warwickshire's Surface Water</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>The reuse and recycling of water within developments will be encouraged, including the use of water butts.</p> <p>The surface water drainage scheme should be in accordance with Warwickshire's Surface Water Management Plan (SWMP), the non-statutory technical standards for sustainable drainage(2) and must be agreed with the LLFA. <del>A contribution towards future maintenance of the Bearley Brook flood mitigation should be sought by Stratford-on-Avon District Council and Warwickshire County Council.</del></p> <p><b>Further minor amendments:</b> It is also recommended that additional wording be inserted in the supporting text 5.5.10 - 'The Parish Council will continue to seek financial and enforcement support when necessary from SDC and WCC towards the future maintenance of the Bearley Brook as part of the WCC duties as the</p>			<p>Management Plan (SWMP), the non-statutory technical standards for sustainable drainage(2) and must be agreed with the LLFA. <del>A contribution towards future maintenance of the Bearley Brook flood mitigation should be sought by Stratford-on-Avon District Council and Warwickshire County Council.</del></p> <p>Add additional wording to paragraph 5.5.10 as follows: "In the absence of CIL funds, contributions towards future maintenance and flood alleviation of the Bearley Brook and other already identified flooding locations and action plans, grants will continue to be sought from Stratford-on-Avon District Council and Warwickshire County Council. The Parish Council will also work with riparian owners as necessary to ensure requirements of individual and communal responsibilities are met. <b>The Parish Council will continue to seek financial and enforcement support when necessary from SDC and WCC towards the future maintenance of the Bearley Brook</b></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
LLFA and DC duties towards riparian enforcement.'			<b>as part of the WCC duties as the LLFA and DC duties towards riparian enforcement."</b>
<p><b>Section 5 – Infrastructure – p. 102-103</b></p> <p><b><u>Policy IN3 - Highway Safety</u></b> New development in the Neighbourhood Area must <b>not</b> adversely affect and/or <b>severely</b> impact on levels of highway safety to all users especially pedestrians and cyclists. It must allow sufficient off-road parking as defined in Policy BNE6.</p> <p>All new development proposals would be required to demonstrate:</p> <p>a) No <b>severe</b> adverse impact on the capacity and operation of the local highway network.</p> <p>b) No compromise of safety for all users.</p> <p>c) Safe access, egress and visibility serving the development.</p> <p>d) No exacerbation of the existing on-street parking</p>	Section 5.5 – p.66	<p><i>Modification Partly Agreed</i></p> <p>It is agreed that modification is required to bring the policy into line with the NPPF, as stated by the Examiner within the Examiner's Report.</p> <p>However, it is also considered that further modifications are required to correct an error in the Examiner's recommended modifications. This as the Examiner states within his Report that the policy should be consistent with the Framework, but the policy as written is not consistent with the NPPF.</p> <p>The NPPF states at paragraph 109 that "development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." As such, modification is required to the policy to refer to "unacceptable impact" rather than "adverse affect and/or severe impact", in order to bring the policy into the line with the NPPF, as well</p>	<p>Amend policy wording as follows:</p> <p>"New development in the Neighbourhood Area <del>must</del> <b>should not have an unacceptable</b> adversely affect and/or impact on levels of highway safety to all users especially pedestrians and cyclists. It <del>must</del> <b>should</b> allow sufficient off-road parking as defined in Policy BNE<b>67</b>.</p> <p>All new development proposals would be required to demonstrate:</p> <p>a) No <b>severe</b> adverse impact on the capacity and operation of the local highway network.</p> <p>b) No compromise of safety for all users.</p> <p>c) Safe access, egress and visibility serving the development.</p> <p>d) No exacerbation of the existing on-street parking problems and, if possible, some mitigation of such problems.</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>problems and, if possible, some mitigation of such problems.</p> <p>Proposals failing to demonstrate compliance with these requirements will not be supported.'</p>		<p>as to provide a clear and unambiguous framework for decision makers to respond to. Furthermore, modification is required to amend "must" to "should", to reflect the wording of the NPPF and to positively word the policy.</p> <p>The modifications are therefore required in order for the policy to meet the Basic Conditions.</p>	<p>Proposals failing to demonstrate compliance with these requirements will not be supported."</p>
<p><b>Section 5 – Infrastructure – p.103-104</b></p> <p><b><u>'Policy IN4 – Learning and Education</u></b></p> <p>Proposals that <b>will</b> increase the opportunity for residents of all ages to access <del>further</del> education and <b>training</b> <del>learning-acquiring new skills and life</del> skills will be supported.'</p>	<p>Section 5.5 – p.67</p>	<p><i>Modification Agreed</i></p> <p>The modification is required in order to ensure the policy is a spatial or land use policy, in accordance with NPPG (ID 41-004-20140306). It therefore needs to be reframed to include to reflect land use proposition. The modification is required in order for the policy to meet the Basic Conditions.</p>	<p>Amend policy wording as follows:</p> <p>"Proposals that <b>will</b> increase the opportunity for residents of all ages to access <del>further</del> education and <b>training</b> <del>learning-acquiring new skills and life</del> skills will be supported."</p>
<p><b>Section 5 – Amenities, Facilities and Community – p.108</b></p>	<p>Section 5.6– p.69</p>	<p><i>Modification Agreed</i></p> <p>Modification is required for clarification, as it is not necessary to state that the policy applies to the Neighbourhood Area. In addition, reference to Appendix 6, 1C is</p>	<p>Amend policy wording as follows:</p> <p>"Existing formal and informal sport and recreational facilities <del>in the Neighbourhood Area</del> will be protected,</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p><b><u>'Policy AFC3 – Sports and Recreation</u></b> Existing formal and informal sport and recreational facilities <del>in the Neighbourhood Area</del> will be protected, enhanced and expanded where appropriate.</p> <p>Where appropriate, CIL funds will be used to enhance sports and recreation facilities in order to ensure a suitable quantum and quality is available for the Neighbourhood Area.'</p> <p><b><i>Further minor amendments:</i></b> Paragraph 5.6.5 of the Explanation should also include a reference to Appendix 6, 1C – Leisure and Sports Facilities.</p>		<p>necessary so that readers of the Plan are directed to the list of existing sports and recreational facilities in the Neighbourhood Area.</p>	<p>enhanced and expanded where appropriate.</p> <p>Where appropriate, CIL funds will be used to enhance sports and recreation facilities in order to ensure a suitable quantum and quality is available for the Neighbourhood Area.'</p> <p>Amend paragraph 5.6.5 as follows:</p> <p>"There are a variety of sports facilities in the Neighbourhood Area. Football and cricket pitches are located in the sports field behind the village hall. Bearley Park offers a multi-use games area (MUGA) where five-a-side football, tennis, basketball and netball can be played, as well as a BMX track. There are also facilities such as swings and an adventure castle for younger children. The village hall is used for short mat bowling, popular with the more mature residents. The village hall also provides changing rooms for the teams using the sports field. <b>All facilities are detailed in Appendix 1C.</b>"</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p><b>Section 5 – Managing Aspirations – p.110</b></p> <p>Delete Policy MA1.</p> <p>Delete Strategic Objective paragraph and replace with: 'To ensure that a mechanism is in place to monitor and report on progress in implementing strategic objectives, monitor existing and changing aspirations, and ensure the continuity of community spirit and the ability of the community to own its governance.'</p> <p>Insert at para 5.7.1: <b>'Although not part of the Neighbourhood Development Plan and relating to land use, an Action Plan is put in place in Appendix 2. This combines community aspirations originally identified in the Bearley Community Village Plan March 2012 with community aspirations arising from the policies of this Plan, and ensure their</b></p>	<p>Section 5.7 – p.70</p>	<p><i>Modification Agreed</i></p> <p>Modification is required as the Neighbourhood Plan should only contain policies relating to development and use of land. Policy MA1 is not a land use policy that will determine planning applications. It is one which sets out how the Parish Council will address and prioritise its own action plan.</p> <p>As such, the statement is appropriate as supporting text setting out the general aspirations of the Parish Council, but should not be contained in a separate Policy as it does not relate to land use matters or provide a framework for decision makers to respond to in considering development proposals. The modification is therefore required in order for the policy to meet the Basic Conditions.</p> <p><i>Additional District Council Modification</i></p> <p>A modification to the explanatory text at paragraph 5.7.4 is made to correct an error.</p>	<p>Delete Policy MA1.</p> <p>Delete Strategic Objective paragraph and replace as follows: <del>"To ensure that a mechanism exists in the Plan to include the existing aspirations of the community arising from policies in this Plan and any additional aspirations arising from comments received during the consultations and in the plan period. To ensure the enduring continuity of community spirit and the ability of the community to own its governance. To</del> <b>ensure that a mechanism is in place to monitor and report on progress in implementing strategic objectives, monitor existing and changing aspirations, and ensure the continuity of community spirit and the ability of the community to own its governance."</b></p> <p>Insert at para 5.7.1: "Bearley Community Village Plan of March 2012 included an Action Plan, which was the basis of Parish progress monitoring and reporting. It was regularly reviewed to include</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p><b>implementation by the Parish Council. The progress with the implementation of the Action Plan will be reported at the ordinary Parish Council meetings and at the Annual Parish Assembly..'</b></p> <p>Delete Para 5.7.3</p> <p>Paragraph 5.7.5 - delete 'reviews in accordance with Policy MA1 and insert 'regular reviews at Parish Council meetings'.</p>			<p>residents' and community organisations' comments and suggestions for improvements to the Parish. This enabled the Parish to budget, plan and seek to address how the improvements can be implemented. As a result of this, efforts were focused on projects of established need, based on a sound understanding of all aspects of the project by the Parish Council and the community. <b>Although not part of the Neighbourhood Development Plan and relating to land use, an Action Plan is put in place in Appendix 2. This combines community aspirations originally identified in the Bearley Community Village Plan March 2012 with community aspirations arising from the policies of this Plan, and ensure their implementation by the Parish Council. The progress with the implementation of the Action Plan will be reported at the ordinary Parish Council meetings and at the Annual Parish Assembly."</b></p> <p>Delete paragraph 5.7.3:</p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
			<p>Sixty-eight respondents have commented in detail. There were 22 mentions on environmental issues, 22 mentions on maintenance footpaths/paths/rights of way, 21 specific suggestions for improvements to the village hall, 11 comments on flood management and 10 comments on parking arrangement.</p> <p>Amend paragraph 5.7.4 as follows:          "The Action Plan for <del>the period of this Plan</del> 2019–2031 is included in Appendix 2. It will be subject to regular reviews at Parish Council meetings"</p>
<p><b>Section 5 – Managing Aspirations – p. 111</b></p> <p>Delete Policy, references and supporting text.</p> <p>Include the text of the Policy as a supporting text paragraph after 5.7.5. Add 'Further details are provided in Appendix 5'</p>	<p>Section 5.7 – p.71</p>	<p><i>Modification Partly Agreed</i></p> <p>Modification is required as the Neighbourhood Plan should only contain policies relating to development and use of land. The policy is not a land-use policy that will determine planning applications. The NPPG states wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a</p>	<p>Delete policy, references and supporting text.</p> <p>Insert text of policy as supporting text paragraph after 5.7.5:</p> <p><b>"5.7.6: This Plan, based on reasoned evidence, will support proposals towards ensuring the continuity and wellbeing of the community spirit and enhancing the capability of the community to</b></p>

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
Add text of policy of MA2 and supporting text as an annex 5 to the Neighbourhood Plan.		<p>companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan. Modification is therefore required to ensure that the Plan pays regard to statutory guidance, as required by the Basic Conditions.</p> <p><i>Additional District Council Modification</i></p> <p>It is considered that a modification is required to the Examiner's recommended modifications to place the moved wording of the Policy into Appendix 4, rather than Appendix 5 as recommended by the Examiner. This is so that this appendix is placed before the Glossary, which is a more logical location for the appendix to sit and will enhance reader comprehension of the Plan. This amendment will not affect the Basic Conditions.</p>	<p><b>firmly be in ownership of its own governance at all times, as well as volunteering opportunities for the community benefit. This Plan will also support proposals that contribute towards a more integrated community where all members of the community thrive without discrimination based on their financial, social, religious status or abilities."</b></p> <p>Add text of policy and supporting text as Annex 4 to the NDP.</p>
N/A – SDC Modifications to Front/Back cover	Front and Back Cover	<p><i>Additional District Council Modification</i></p> <p>Paragraph 1.2.3. of the Submission NDP is clear that the Plan period is 2011-2031, stating that "It sets out the direction of development in the Bearley Neighbourhood Area for the period 2011–2031", and this has been confirmed with</p>	Amend title of Plan to "Bearley Neighbourhood Development Plan 2011–2031"

Examiner's Recommendation (incl. page number in the report)	Section/page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
		the Parish Council. However, the Neighbourhood Plan title on the front and back covers both give the plan period as "2019-2031". A modification is made to correct the errors to the front and back covers of the plan.	
N/A – SDC Modifications to Section 2	Paragraph 2.4.7, p. 19	<p><i>Additional District Council Modification</i></p> <p>This paragraph states, in relation to The Historic Environment Assessment report, that "The report recommends that, "For any development/alterations within or adjacent to the extent of the conservation area, it is recommended that early consultation is undertaken with the Stratford-on-Avon District Council Conservation Officer" [page 34]"</p> <p>However, this paragraph is out of date and now incorrect, as the SDC Conservation Team only give advice on applications for works to or within the curtilage of a listed building.</p> <p>Therefore, modification is made to delete this paragraph from the Plan in order to correct an error.</p>	<p>Delete paragraph 2.4.7 as follows:</p> <p><del>2.4.7 The report recommends that, "For any development/alterations within or adjacent to the extent of the conservation area, it is recommended that early consultation is undertaken with the Stratford-on-Avon District Council Conservation Officer" [page 34]"</del></p>

**Table 2: Additional Modifications made by the District Council, subject to Regulation 17A Consultation**

Examiner's Recommendation (incl. page number in the report)	Section/ page no. in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p><b>Section 5 – Housing – p.28-29</b></p> <p>Amendments are proposed by the District Council to the Examiner's recommended NDP BUAB, as shown at Figure 7, Policy H1 of the Submission version NDP. Please see Table 1, pages 4-8 (Policy H1) of this document for details of the Examiner's recommended modifications to the BUAB.</p>	<p>Section 5.1, p.38</p>	<p><u>Amendments by District Council to Examiner's Recommendations Following Regulation 17A Consultation:</u></p> <p>A Regulation 17A consultation was undertaken by the District Council between 11 May and 22 June 2021 on a proposed decision that differed from that recommended by the Independent Examiner, regarding the BUAB identified in the submission NDP at Figure 7, Policy H1, and as modified by the Examiner's recommendations on p.29 of the Examiner's Report.</p> <p>The Examiner stated within the Examiner's Report that the BUAB should be based on the Site Allocations Plan consultation, stating at paragraph 10, p.25 of the Report that <i>"the commentary and evidence on the BUAB should commence with the Site Allocations Plan Consultation"</i>. The Examiner also recommended modifications to paragraph 5.1.2 of the Submission version NDP in order for this text to clarify that the BUAB is based on the draft settlement boundary</p>	<p><u>Amendments of District Council to the Examiner's Recommended BUAB following Regulation 17A Consultation:</u></p> <ol style="list-style-type: none"> <li>1) Addition of residential garden land associated with property known as "Manor House" to BUAB</li> <li>2) Removal of small area of land from BUAB</li> <li>3) Removal of small area of open space from BUAB</li> <li>4) Addition of residential garden land associated with property known as "The Chimney House" to BUAB</li> <li>5) Addition of residential garden land associated with dwellings to BUAB</li> <li>6) Addition of residential garden land associated with property known as "The Old Vicarage" to BUAB</li> <li>7) Minor amendment to northern boundary of BUAB</li> </ol>

		<p>drawn up by the District Council for the Site Allocations Plan (SAP) consultation, together with a further 'island' made up of the site of Countrywide Stores."</p> <p>As such, the Examiner is clear in his Report that the BUAB identifying the main settlement should be based upon that drawn up for the Site Allocations Plan consultation. However, the Examiner's recommended modifications to the proposed BUAB (as shown in black within Map 1, below) do not result in a BUAB that consistently applies the BUAB Methodology from the SAP. The Examiner is also not clear within his Report which version of the SAP the BUAB should be based on, although he does note at paragraph 9, p.25 of his Report the Methodology of the 2018 Revised Scoping and Initial Options SAP. The Parish Council have been consulted on this, and have clarified that the NDP BUAB was based on this 2018 SAP BUAB Methodology. It is therefore considered that this version of the SAP and its BUAB Methodology should be used as the basis of the NDP BUAB.</p> <p>Following consideration of the representations made to this Regulation 17A Consultation on the proposed amendments to the NDP BUAB, amendments are made by the District Council to the Examiner's recommended</p>	
--	--	---	--

		<p>BUAB. The following list of amendments should be read in conjunction with Map 1 (situated on p. 74 of this document), with each of the below list of numbered amendments corresponding to the numbered amendments as shown in red on the map:</p> <p><i>1) Inclusion of land within BUAB.</i>  This area of land includes garden land associated with the dwelling known as "Manor House". This area of land was included within the Bearley BUAB consulted on within the 2018 SAP Revised Scoping and Initial Options draft, as it was assessed to form part of the residential curtilage of this property. The BUAB Methodology for the 2018 SAP stated that "areas of residential curtilage unless these areas are clearly paddocks or orchards or land more appropriately defined as non-urban" should be included within the identified BUABs for settlements. Whilst the BUAB Methodology of the 2018 SAP also states that "'Manor Houses' and their associated land" should be excluded from settlement BUABs, the application of the BUAB Methodology is also stated in the 2018 SAP to be subject to local circumstances. Due to the presence of such local circumstances, it was assessed to be appropriate for this dwelling known as "Manor House", and its residential curtilage, to be included within the BUAB</p>	
--	--	--	--

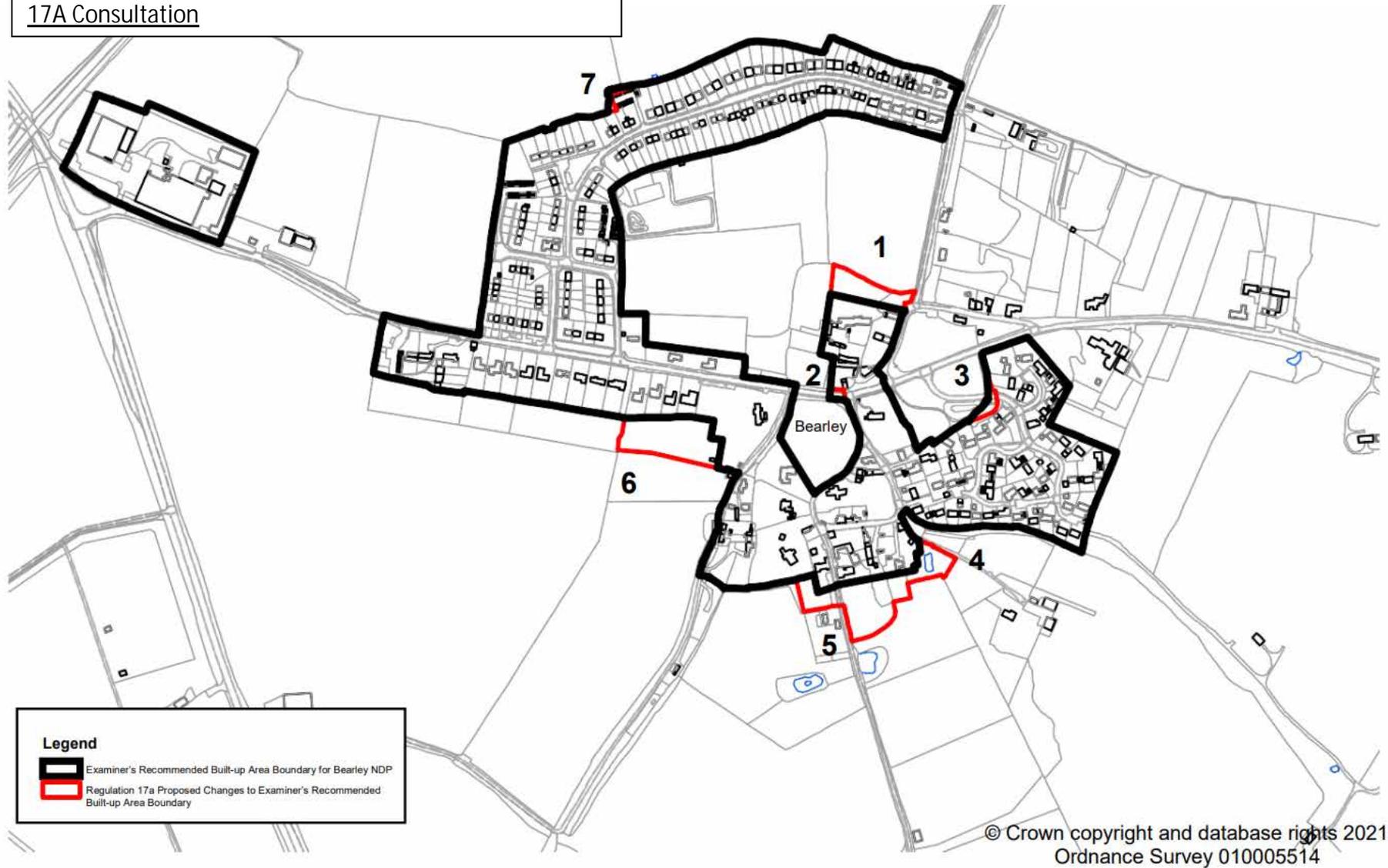
		<p>for Bearley in the 2018 SAP. As such, in order to be consistent with the 2018 Revised Scoping and Initial Options SAP, this additional area of residential curtilage associated with "Manor House" has been included within the NDP BUAB.</p> <p><i>2) Removal of land from BUAB.</i> This small area of land, comprising part of Snitterfield Road, was not included within the BUAB for Bearley as proposed within the 2018 Revised Scoping and Initial Options SAP. As such, in order to be consistent with the BUAB of the 2018 SAP, this area of land is removed from the NDP BUAB.</p> <p><i>3) Removal of land from BUAB.</i> This area of land, comprising of a small area of open space on the edge of the settlement, is not included within the SAP BUAB as shown in the 2018 Revised Scoping and Initial Options SAP. The amended BUAB removes this area of open space to align with the boundary shown in the 2018 SAP.</p> <p><i>4) Inclusion of land within BUAB.</i> Following further research, it is determined that the residential curtilage associated with the dwelling known as "The Chimney House" was not correctly drawn in either the NDP BUAB or 2018 SAP BUAB. The site location plan</p>	
--	--	---	--

		<p>associated with planning permission 16/02118/FUL (for erection of gates, fencing and enlarged parking area) shows land to the east of the dwelling within the 'red line' denoting the application site (and therefore associated residential curtilage of the property). Aerial imagery shows that the area of land included within this site location plan is bounded by vegetation/ hedgerows, and therefore appears visually to be part of the curtilage of the Chimney House. Accordingly, the amended BUAB includes the entire residential curtilage as shown on the approved location plan from planning permission 16/02118/FUL.</p> <p><i>5) Inclusion of land within BUAB.</i>  The area of land concerned includes garden land associated with several separate dwellings, forming part of the residential curtilage of these dwellings. This area of land is included within the BUAB of the 2018 Revised Scoping and Initial Options SAP. Amendments to the BUAB are therefore required in order to align with the 2018 SAP BUAB Methodology, which states that areas of residential curtilage should be included in the built-up area boundaries of settlements. The amended BUAB therefore includes the entire residential curtilages of these properties, as confirmed through</p>	
--	--	--	--

		<p>planning records and research undertaken during the preparation of the SAP.</p> <p><i>6) Inclusion of land within BUAB.</i>  Following further evidence that has come to light, it has been determined that the residential curtilage associated with the dwelling known as "The Old Vicarage" was not correctly drawn in either the NDP BUAB or the BUAB of the 2018 Revised Scoping and Initial Options SAP. Enforcement records from 2009 show that land to the south-west of the dwelling was determined to be immune from enforcement action for its use as garden land, as it had been used for this purpose in excess of ten years. Accordingly, it is considered that this land should have been considered as residential curtilage of the Old Vicarage, and therefore included within the BUAB in accordance with the SAP methodology. This is as the land had been used for this purpose for a period of time in excess of ten years, and was therefore immune from enforcement action under Section 171b of the Town and Country Planning Act 1990. Further to this, a Lawful Development Certificate (21/00247/LDE) was issued on 10th March 2021, confirming that the lawful use of land to the south-west of the dwelling is garden land associated with the property of The Old Vicarage, for purposes ancillary to the residential</p>	
--	--	--	--

		<p>occupation of the property. In order to accord with the 2018 SAP Methodology, which states that the residential curtilage of dwellings should be included in BUABs, the NDP BUAB is therefore amended to include this area of lawful garden land as denoted within the plan included in the decision notice of 21/00247/LDE.</p> <p><i>7) Remove land from BUAB.</i> This involves a very minor amendment to 'tighten' the northern BUAB currently shown in the NDP around curtilage land associated with garages, in order to accord with the BUAB proposed in the 2018 SAP.</p>	
--	--	--	--

Map 1: Map showing District Council amendments to Examiner's Recommended BUAB, following Regulation 17A Consultation



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

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

	positive impact on the environmental sustainability of the plan.
--	--

3.1 The District Council considers that:

- Subject to the modifications above, the Bearley Neighbourhood Plan meets the Basic Conditions set out in paragraph 2.11 above; and
- The referendum area should be coterminous with the neighbourhood area.

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

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

[www.stratford.gov.uk/bearleynp](http://www.stratford.gov.uk/bearleynp)

And can be viewed in paper form at:

Stratford-on-Avon District Council  
Elizabeth House  
Church Street  
Stratford-upon-Avon  
CV37 6HX