

Long Itchington, Bascote & Bascote Heath Neighbourhood Plan (Submission Plan)

As you are aware, I have been appointed to conduct the Examination of the Long Itchington, Bascote & Bascote Heath Neighbourhood Development Plan. I can see that considerable community effort has gone into developing the Plan; in order that I may progress the Examination I would be grateful for the Qualifying Body's response to the initial enquiries below; the local authority may also have comments. The responses will all contribute to the progressing of the Examination.

I still have considerable work to undertake in fully assessing the submitted Plan but my purpose here is to better understand the authors' intentions behind some of the policy content. Where representations have raised issues, I will aim to pick up below the most significant of these so that you may provide comments where you feel the need. In order to ensure transparency with the conduct of the Examination a copy of these queries is being sent to the Local Planning Authority in order that the exchange of emails can be published on the webpage relating to the Neighbourhood Plan alongside the representations received during the Regulation 16 public consultation.

Since the Neighbourhood Plan was submitted a new version of the NPPF has been published and it is against this that my Examination must be conducted. I do not immediately see any conflicts arising from the new content of the NPPF but I will, as part of my Examination, identify corrections needed to bring the Plan references into line with the 2021 NPPF.

Plan Period

I note that the stated Plan period runs from 2011 but the Plan was not submitted until 2021; since the Plan cannot be backdated and, as far as I can see, the Policies are not dependent on data anchored in 2011, the Plan period ought to commence in 2021. Your comments are invited.

A general comment about the wording of Policies

Paragraph 16 of the NPPF says (inter alia) that:

"Plans should:

b) be prepared positively, in a way that is aspirational but deliverable;.....

d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)."

I will raise issues in relation to these expectations below. In particular, policies should say what *is* wanted, not what *is not*. Sometimes this is a matter resolved through different wording, but sometimes the issue is deeper because clarity about what positively is being sought is unstated.

Figure 1

The Neighbourhood Plan is required to include a map of the designated “Neighbourhood Area”. The correct title should therefore be used when referencing and titling the map – “Neighbourhood Plan Area” is not correct.

2. Statement on the Emerging Site Allocations Plan (SAP)

Whilst this section effectively draws attention to the objection that has already been lodged, it does start the Plan in a confrontational tone, which is unhelpful bearing in mind the Basic Condition requirements for positive planning and the general conformity with the Local Plan strategic policies. As you are aware, the Neighbourhood Plan is not obliged to include Policies providing for new housing but if it had, paragraph 14 of the NPPF might have applied, meaning that “the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits”. In response to a representation from SDC the Qualifying Body has commented, with a seemingly incomplete sentence, that “if the NDP acknowledges SDC’s role in identifying reserve sites, it should also acknowledge SDC’s role in ensuring LI is not subject to further unsustainable [??] in accordance with the principles in the Core Strategy”; it would seem that this response needs further clarification since it might be interpreted as a further challenge to the SDC position?

As the position with housing developments is fully explained at Section 6, and the decision over the SAP sites is a strategic matter, I believe that the “Statement” may best be omitted from the Plan, not least because it will/has quickly become outdated. Your comments are invited.

3. Location and Geographic Context of the Long Itchington Neighbourhood Area

This background summary is helpful. However, under “Bus Service” it is said that “The frequency of service was reduced in January 2019” whereas it would be more helpful, as a 2021 baseline, to record the current, approximate frequency of the service. Your comment is invited.

4. The Origins and Growth of the Long Itchington Neighbourhood Area

This section too provides helpful background information, though its factual basis lapses a little with “introduced housing which is a considerable distance from amenities and services” in paragraph 4.4. The data source(s) for Tables 3 and 3a is unclear; 1960 was not a Census year and therefore the derivation of the figure of “603” dwellings is unclear; similarly, it is unclear whether the tables have been reconciled to the 2011 Census figure. Are the figures net of any losses?

Data where used needs to be accurate. I note that it has been accepted that Figure 2 is incomplete and I rather agree with the concern in a representation that this is not declared; if two pages or an Appendix are required to show a complete illustration, with the location of the insets declared, then so be it. There are also acknowledged data errors in Figure 3 but the impact of these is unexplained.

5. The Vision for the Long Itchington Neighbourhood Area

Care is needed to ensure that the Plan is based on evidence, not assertion. Whilst it is reasonable for paragraph 5.6 to note the concerns of residents, it is unclear to what extent the assertions in the second half of the paragraph are factually based. It is also probably unclear the extent to which local shops and services have been assisted to survive by an expanding population. Your comments are invited.

6. Neighbourhood Plan Policies

I note along with SDC that with Section 6 the paragraph numbering scheme reverts again to commencing at 1, whereas paragraphs commencing with 6 would be expected. With the Plan having two paragraphs 1.1 etc it will be difficult to reference paragraphs clearly?

1. Methodology

The inclusion within most Policies of the phrase “subject to being in accordance with other policies in the Plan”, or the like, is unnecessarily repetitious and could give rise to confusion when, on the odd occasion, the phrase is omitted. A sentence in the opening section noting that ‘all Policies in the Plan should be read together and alongside the Policies in the Core Strategy’ should suffice, unless a specific cross-reference is required. Your comment is invited.

2. Statement of Support for New Housing Development

Whilst this is a useful summary, its inclusion does illustrate/highlight:

- i) the complexity introduced by a large number of narrowly focused Policies (as referenced, often in duplicate) and, perhaps, the potential for simplification if the Summary were to become a/the Policy in its own right;
- ii) there is not always clear read-across between the “Summary” and the related Policy content; I note that a response to the SDC representation suggests that “context” is being provided, but that is inappropriate if it misleads as to what the Policy covers;
- iii) the extent of overlap of/potential conflict with other Policies on the same topic;
- iv) the apparent disparity between the scale of developments supported and the scale of policy obligations identified.

I will address my concerns here whilst avoiding repetition when I address each of the Policies in turn. Taking the Summary elements in turn:

b) Does this say anything more than the equivalent Policy in the Local Plan?

d)i) Neither this element nor Policy NE4 explains what locational factor will determine its applicability. It is not acknowledged that an upgrading of the water infrastructure might accompany development proposals. The Plan does not reference areas within Flood Zone 1 but both national and local Policies already address the matter of flood zones and explain their significance.

d)iii) Neither this element nor Policy BE4 explains what locational factor will determine its applicability.

d)iv) The first sentence uses “must” and the second notes an “optional” standard. Footnote 49 of the NPPF says: “Planning policies for housing should make use of the Government’s optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties.” Therefore the “adoption” of such an approach is to be evidence based.

d)v) Is there any realistic possibility that broadband internet connections will *not* be available?

d)vii) Contrary to what is ‘summarised’ here, Policy NE4 actually says: “The reuse and recycling of water within developments will be encouraged including the use of water butts.”

d)viii) Does this say anything more than existing District Policy?

d)ix) Element e) within Policy BE4 actually says: “Integration of any new development should be strengthened” whereas this ‘summary’ element seems to suggest a physical segregation?

Your comments are invited.

3. Cemex Site

Noted.

Policy H1 – Housing Supply and Development

I note that the Core Strategy does not provide a settlement boundary (BUAB) for Long Itchington as a Local Service Village; however, I can see that one was proposed within the 2019 Site Allocations Plan, which was subsequently withdrawn. No detail is provided in the Neighbourhood Plan as to why and how the boundary illustrated on Figure 5 has been devised. In response to a representation relating to the boundary it is stated: “BUAB ... is as proposed by SDC with a very minor amendment. It was consulted on at District level from 2017 and in the Reg 14 consultation in 2020. SDC define areas outside the BUAB as countryside and have not challenged this in their comments”; however, without the BUAB the village would still be set in “countryside”. SDC has noted in the draft Site Allocations Plan Section 4) that “Policy CS.16 in the adopted Core Strategy has established the principle of using Built-Up Area Boundaries (BUABs) as a mechanism for managing the location of development” and “it is appropriate to define BUABs for Local Service Villages to coincide with the physical confines of these settlements as the two are clearly meant to be interchangeable in accordance with Part D in Policy CS.16.” It is therefore unclear why differences of boundary have arisen between the Site Allocations Plan and the Neighbourhood Plan. I note that there is a discrepancy between the map included on the Parish Council website and the map shown as Figure 5 in that the former includes a boundary for Model Village which is noted as excluded in the Plan.

I note that the draft Site Allocations Plan Policy SAP.6 includes in principle for “self-build and custom housebuilding schemes adjacent to the BUABs of Stratford-upon-Avon, Main Rural Centres and Local Service Villages subject to compliance with the provisions of Policy SAP.5 [Unallocated Self-build and Custom-build Housing Sites] in this Plan.” This may

illustrate that the Neighbourhood Plan may have unrealistic expectations of what a BUAB can achieve.

In relation to Policy H1, final paragraph, Housing Supply and Development SDC has commented “There is concern that this Policy remains more restrictive than Policy CS Policy AS.10, which lists other uses which are acceptable in countryside locations (i.e. criteria (d) to (j).” As this comment is “accepted” how would the Qualifying Body expect Policy H1 to be modified?

Referring back to the NPPF expectation that a Neighbourhood Plan should “be prepared positively”, your comments are invited on the nature of and justification for the specific settlement boundary as illustrated.

Explanation

Paragraph 2.4(b) acknowledges that there are “Core Strategy and national planning policies against development in open countryside and those intended to protect against coalescence between existing settlements”. And yet paragraph 2.5 (there are two paragraphs numbered 2.4) asserts: “Any approval of development within these areas could incrementally weaken the argument to protect the countryside and lead to the eventual coalescence of the built environment resulting in an urban character for the Neighbourhood Area.” Explanations need to be factually based if they are to be helpful to the implementation of Policy. Also, assertions do not gain credibility through repetition. Your comments are invited.

Much of the content from paragraph 3 onwards would appear to be more appropriate for/repetitious of the “Evidence” sub-section.

Evidence

This section appears to concentrate on providing evidence of what is *not* in the Policy rather than what is eg the settlement boundary. The factors provided in justification for the Plan not allocating a site for housing are not unreasonable, but those could have been provided under the “Statement of Support” section; here the evidence needs to concentrate on what is in the Policy, albeit evidence that Policies merely duplicate the content of higher-level Policies is not helpful. Paragraph 4 notes a particular environmental concern of the NPPF but that same document makes it very clear that sustainable development “has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.” Your comments are invited.

Policy H2 – Re-development of Previously Developed Land

Despite the title, Policy H2 is the first Policy to introduce the preference for development to be “typically up to 10 units” but the basis for this figure and how that might fit with the existing layout of the settlement is unexplored. In response to a representation from SDC it is commented that “10 is quoted as an order of magnitude figure – we say typically not definitively. A 10 unit development is, as we understand it, [is] the threshold at which affordable units must be provided. The glossary in the July 2021 NPPF states that major developments are said to be 10 dwellings or more, or sites over 0.5 hectares in size. (NPPF p69-70).” In fact, the NPPF sets the threshold for affordable housing as: “Provision of affordable housing should not be sought for residential developments that are not major developments” (para 64). As you note the NPPF defines major development as “For housing, development where 10 or more homes will be provided” (Glossary). Therefore, the Policy H2 expectation of “up to 10 units” will always fall short of the NPPF threshold.

It is also the first Policy to reference support for “selfbuild, custom-build plots and live-work units that meet an identified local need in respect of dwelling types and tenures to add to stock diversity”, but that is also the subject of Policy H5?

The SDC representation comments “it is onerous to require the applicant to demonstrate a local need for the redevelopment of previously developed land (unless the site is outside of the BUAB).” It is also contrary to Core Strategy Policy CS15 which says, inter alia, “Development will take place: through small-scale schemes on unidentified but suitable sites within their Built-Up Area Boundaries (where defined) or otherwise within their physical confines.” Significant evidence would be needed to move away from the principle established in the Core Strategy. Your comments are invited.

Element a) of the Policy notes “This criterion does not apply to the potential redevelopment of the brownfield elements of the Cemex site identified in Core Strategy Policy AS.11” but that was already the subject of a specific section and included in Policy H1? Element b) unfortunately runs contrary to the provisions of current permitted development rights which allow a range of uses providing employment to change to residential without great planning formality. The SDC representation has commented that element c) “is unnecessary and should be removed as it does not add anything to the Policy”; whilst the Qualifying Body has indicated a disagreement, I see no basis provided for this rejoinder. In element d) it is unclear how “an enhancement in the character” of the site might be assessed. In commenting on an SDC representation relating to element d) the Qualifying Body has said “we are aiming to protect the neutrality of environmental assessments”; I need some further explanation of what “neutrality” means in this context.

Explanation

Whilst it is noted in paragraph 4 that “the capital value of the land is likely to be lower than greenfield sites” it is equally likely that the costs of redevelopment will also be higher, and that is what is primarily being reflected in the capital value. It is important that content is factually accurate. As I believe SDC is also noting in their comments about “ambiguity”, this Policy seems to make an artificial distinction between “Previously Developed Land” and land within the BUAB; the referenced Policy CS15 does not require land to be previously developed. Your comments on these lines of thought are invited.

Evidence

No evidence is provided that there are or are likely to be sites that fall within the definition of previously developed land (other than the Cemex site which is a special case). This might call into question whether the Policy is deliverable – your comments are invited.

Policy H3 - Affordable Housing

I would question whether this Policy says anything more than is already said in the Core Strategy?

Explanation

It would appear that a decision has been made not to identify a preferred location for a prospective Exception Site for affordable housing?

Paragraph 3 suggests that Core Strategy Policy CS18 will apply to “small scale sites” whereas the Policy is actually more specific as to the threshold to be used.

Evidence

Paragraph 1 here is somewhat confused. The critical aspect of the Needs Survey would be what affordable housing requirement was identified at a snapshot in time. Have new permissions or construction since 2016 met or exceeded the requirement for affordable housing?

I note that part of the final paragraph has been split by the box for Policy H4.

Policy H4 – Development on Private Garden Land

I note that a distinction is being made here between ‘previously developed land’ and ‘garden land’ that may be consistent with the definition of previously developed land in the NPPF Glossary. But no distinction is made between rear garden land, which generally has access issues, and side garden land that may be suitable for infilling? Development of rear garden land in the countryside would be excluded in most circumstances, but the Policy does not say that it is intended to apply to the BUAB only?

It is unclear why considerations, such as the Conservation Area, are highlighted in Policy H4 but not in Policy H2, and vice-versa in respect of development scale. Elements b) and c) of this Policy are expressed negatively but a positive expectation would be equally feasible? It is unclear how this Policy is intended to operate in conjunction with Policy H1 since the latter appears to restrict infill to Long Itchington alone. Conversely, land “used as a paddock or grazing land” could be developable in Long Itchington under Policy H1 but is ruled out in the “Explanation” section of Policy H4? As SDC notes, market housing is not mentioned in either Policies H2 or H4 and yet a local needs survey might well identify such a need.

Your comments are invited.

Explanation

As above.

Evidence

Is there evidence of successful infilling within Long Itchington and/or other settlements of the Neighbourhood Area that would show how this Policy is intended to work?

Policy H5 – Housing Stock Diversity

What does this Policy add to the twice referenced Core Strategy Policy CS19?

a) This element seems to say two things; housing proposals should:

- i) add to “the choice of type and tenure of housing”, and
- ii) “meet the identified needs of local people”;

but these two may be incompatible. Local needs may be for more of what already exists. What is the core message here?

b) As queried by SDC, does this element add anything specific for the Neighbourhood Area?

c) It is asserted that “The policy recognises the permitted development rights of homeowners” but unfortunately it does not in that the Government has recently introduced changes to permitted development rights to allow, subject to limited restrictions, the adding of additional storeys to existing dwellings. Element c) in the Policy would therefore be in conflict. Further the principle of the approach would seem to be in conflict with the

adaptability principle of element b)?

(www.planningportal.co.uk/info/200130/common_projects/158/additional_storeysexting_upwards)

Explanation

A Neighbourhood Plan should not be a campaigning document, it must be factual and evidence based – paragraph 7 (and paragraph 7 under “Evidence”) adopts the wrong tone in this respect. As noted above, the approach to increasing the level of bungalows will probably need to focus on firm evidence of need, and viability.

Evidence

I fear there is here an overload of percentages, not all being very comparable, and the use of population and household data intermixed. Whilst there may be some evidence that “Proposals that support achieving the goal of wider choice should be supported”, on the face of it the need for 9 bungalows as identified in the Needs Survey has been matched by the prospect of 11 bungalows in new developments (even after the loss of 2 bungalows to conversion), but this is before consideration of complicating factors such as location, tenure and affordability; many of the new bungalows may be for sale and remote from important services. Ideally the Plan would identify a site or sites suitable against all of these considerations but, even with this, it may be difficult to devise a deliverable Policy. Your comments are invited.

Community Aspiration: Access to a Range of Housing and a Sustainable Community

This section appears to be a further explanation of what Policy H5 should be aiming to achieve? It doesn't seem to commit the Parish Council to any action in pursuit of the “aspiration”? Does not the achievement of the aspiration require the identification of a site suitable in all respects for the delivery of a local needs housing scheme? The only other viable option may be delivery *within* the type of larger-scale scheme that is not the community's preference?

6.2 The Built Environment

Policy BE1 - New Development

Since the Neighbourhood Plan Policies must be read together, this Policy effectively says ‘development proposals must accord with the NPPF and the Core Strategy’. But this is a statement of fact, not a Policy. What was the intention? In response to an SDC comment the Qualifying Body has said: “This deals with non-residential development and needs to remain”. However, other Policies address other types of development than residential.

Explanation

As noted for Policy H1, the settlement boundary is not explained. A settlement boundary is not the line separating, absolutely, appropriate from inappropriate development; as the Core Strategy acknowledges, it is a means of guiding development. As noted earlier, the draft Site Allocations Plan Policy SAP.6 includes in principle for “self-build and custom housebuilding schemes adjacent to the BUABs of Stratford-upon-Avon, Main Rural Centres and Local Service Villages subject to compliance with the provisions of Policy SAP.5 [Unallocated Self-build and Custom-build Housing Sites] in this Plan.”

Evidence

The suggestion that any new development “would prejudice the quality of life and sense of wellbeing of a substantial majority of local people” is an assertion, not evidence.

Policy BE2 – Scale, Form, Layout and Design

This Policy would seem to give a more appropriate indication of what is “appropriate development” than Policy BE1. However, the Village Design Statement is clear that it applies only to Long Itchington and Model Village, whereas the Policy implies a wider coverage. Is there no assessment of the character of other settlements?

Explanation

“To allow incremental urbanisation would be to deny the views that have been clearly expressed”; however, “views” must be translated into effective and positive planning Policy. Unfortunately, therefore, the sentence is unhelpful in a public planning document.

Evidence

The Policy itself references “the standards set out in Part A, ‘How to Achieve Good Design’ of Stratford on Avon’s Development Requirements Supplementary Planning Document 2019” (although it would seem that the date should be 2020?); since this is not specifically related to Long Itchington and it may change or be updated it would be better to reference it as supportive evidence. I note that the Qualifying Body has also accepted the suggestion from SDC that the new NPPF content on good design is referenced. Your comments are invited.

Policy BE3 – Assessment of the Impact of Development on the Neighbourhood Area

It is unclear why this element has been separated away from Policy BE2 since that also relates to the Neighbourhood Area. Community Infrastructure Levy (CIL) and Section 106 Agreements are mechanisms designed to allow for the impact of developments to be mitigated. Therefore, a Policy expectation that development has “no adverse impact”, in the terms set out in the “Explanation” that follows, does not have appropriate regard for national Policy. I would further suggest that a development of 2 (or even 5) dwellings would not have a measurable impact on any infrastructure and therefore cannot reasonably be expected or called “significant” – other Plan Policies suggest that up to 10 dwellings may be appropriate.

I note that a resident in representations has commented in relation to Policy BE3 that “the development bar is being set so high as to prevent development in and around the village”. Apart from the apparent conflict with the national expectation to plan positively, making the delivery of small-scale development more onerous would appear to run contrary to the Plan objectives? Cumulatively, several such developments will inevitably have an impact, hence the way in which the CIL obligations are framed, to build a pot of infrastructure money from each development. Your comments are invited.

Explanation

“The policy emphasises the importance of assessing the impact of any significant development on the rural setting, character and distinctiveness of the Neighbourhood Area as a whole”; but was it not the function of Policy BE2 to address such matters?

Evidence

No evidence is provided to substantiate the basis for the residents' concerns.

Policy BE4 - Design Standards

Policy BE2 also covers design, including reference to the Stratford SPD, and there is evident overlap with Policy BE3. What is the thinking behind separating this Policy from others but including overlapping content? It seems odd that the Policy should reference the "summary Statement" which is said to summarise this and other housing-related Policy content.

a) I note that in response to SDC comments the Qualifying Body has acknowledged that amendment is required because "It should be about protecting and enhancing the setting of existing buildings in the context of the layout, style and character of the immediate environment dependent on the location within the relevant settlement." But does that say anything particular to the Neighbourhood Area and was it not the subject of Policy BE2?

e) In response to the SDC comment that "This Policy does not seem to allow for the possibility that development might integrate better if it is not provided with a footway. It is quite restrictive." the Qualifying Body has acknowledged the need for "where appropriate/practicable". Given the scale at which development is being encouraged, it is likely that this expectation will actually be "appropriate/practicable"?

f) The Qualifying Body has clarified that it is "not intended to allow reduced parking standards"; therefore, the wording needs to be clearer as to the nature of "negotiation".

Addressing the SDC query relating to the (unnumbered) need for "secure cycle storage facilities", would not 'incorporate cycle storage' suffice?

In relation to the penultimate element of the Policy, enforcement of the Building Regulations is not a matter for planning policy.

In relation to the final element, although incorrectly referenced by SDC, it would seem their concern relates to the wildlife corridor connectivity with "the adjoining countryside" when it cannot be assumed that every site will be immediately adjacent to countryside.

Your comments are invited on the above lines of thought.

Explanation

It is difficult to reconcile the apparent conflict between "developments in locations predominantly developed before the advent or growth in ownership of private cars require different [parking] standards to avoid congestion of roadways and pavements that can be caused by on-road parking by occupiers or their visitors" and "This policy is intended to ensure that any new, small scale development is sympathetic and complements the style and character of the particular area in which it is located." Your comments are invited.

Evidence

The overlap with Policy BE2 and the relevance of the same references is also evident here.

Policy BE5 - Alternative Use of Land and Buildings

Given that national policy allows a significant number of changes of use without great formality, what local issue is this Policy aiming to address?

a) There is a reference here to “previous use”, presumably to cover for vacant buildings, but this is confusing since a use before the current one would no longer have any relevance to a use change. Since a vacant building still retains its ‘use class’, omitting “previous use” would assure better clarity.

b) There is no obvious mechanism for “other identified needs” to be ascertained, whatever this phrase is intended to convey; sometimes entrepreneurs create novel services.

c) The Policies referenced here apply to all proposals?

d) As noted by SDC, there is a need to insert ‘unacceptable’ between ‘no’ and ‘detrimental’ on the first line of criterion d) as any development is bound to cause some impact on the locality. The test is whether it is harmful or not.

Your comments are invited on the above lines of thought.

Explanation

It may be considered arguable whether Policy BE5 will encourage or hinder the reuse of vacant or empty buildings.

Evidence

Is there a local problem with vacant/empty buildings?

Policy BE6 – Conservation of Heritage Assets

The first element of this Policy suggests that every development proposal will affect a heritage asset, but this is not likely to be the case. The last element of the Policy is the only one that is particular to the Neighbourhood Area (although it is expressed negatively); the other elements repeat higher level policies, sometimes in slightly different words which could give rise to confusion, as noted by SDC in their comments; because it addresses both heritage assets and the Conservation Area sometimes the terminology is inconsistent. The first element of the Policy seems sufficiently explanatory of the Policy intent without duplicating other, existing policies? Your comments are invited.

Explanation

It is helpful that Figure 2 is referenced.

Evidence

I note that the Conservation Area is one of the “zones” identified in the Village Design Statement.

Policy BE7 – Designing Out Crime and Anti-Social Behaviour

The Policy wording here is not particular to the Neighbourhood Area. No evidence is provided about actual levels of criminal behaviour to explain why this topic may be singled out for a specific Policy in the Plan. Your comments are invited.

Explanation and evidence
See above.

6.3 Employment and Business

Policy EB1 – Development of Land and Buildings for Business Use

Although a location map of businesses is provided later in the Plan, this Policy does not derive from any consideration of the existing employment sites, their present acceptability, their potential to expand acceptably nor the potential availability of sites. It therefore seems to say nothing more than the NPPF or Core Strategy? In the absence of a detailed examination of the locality, the Policy should perhaps be restricted to supporting new employment opportunities 'in principle'. Although it is not stated explicitly, the cross reference to Policy BE3 would imply that proposals should, nebulously, have "no adverse impact on the wider Neighbourhood Area or the quality of life of the community within it." Your comments are invited.

A representation comments in relation to this Policy: "Please note this should be referencing Long Itchington, not Loxley!" Since the Policy does not explicitly reference either some explanation is needed please.

Explanation and evidence
See above.

Policy EB2 – Tourism

I would question whether places of worship, community centres and sports facilities are significantly related to tourism; other aspects of Policy would be applied to these within the Core Strategy. Whilst the tourist facilities are located on a map, this Policy does not derive from an assessment of the existing sites, their present acceptability, their potential to expand acceptably nor the potential availability of new sites. In the absence of a detailed examination of the locality the Policy should perhaps be restricted to support 'in principle'. Your comments are invited.

Explanation and evidence
See above.

Policy EB3 – Change of Use of Employment/Business Land and Buildings

It is unclear why both Policy BE5 and EB3 are not considered to cover the same ground. This Policy presumably is intended to relate to changes to uses outside of, not within, the employment/business classes? However, permitted development rights now allow or facilitate changes of use from offices and commercial to residential or a school. If the Core Strategy Policy is considered inadequate in some respect (not identified), then any Neighbourhood Policy would need to be caveated with 'where a planning consent is required', or similar.

As presently written the Policy is very difficult to interpret; it is said that only one of the criterion needs to be met for a change of use away from employment/business to be supported. Elements a) – d) seek to retain employment uses but element e) merely requires that need for another use is identified. In relation to Policy H2 it was said: "This policy does

not encourage a change of use of land and buildings in active business use to uses that do not generate local job opportunities”, but apparently Policy EB3 provides a route for this to happen? It is vital that Policies are not internally conflicting.

In relation to the criteria in turn:

- a) There may be no obvious, independent data source for establishing a “sufficient” supply of “suitable” land and for identifying unmet local demand.
- b) This element appears to be effectively by-passed by element e)?
- c) Should the “can” here read ‘would’?
- d) How is a “local identified need” assessed? Why do the premises to which the retained business is relocating need to be “more suitable”?
- e) Policy H2 defines local need as “in respect of dwelling types and tenures to add to stock diversity in the Neighbourhood Area”.

Your comments are invited on these lines of thought.

Explanation

It is unclear as to why this Policy should be “read in conjunction with Policy BE6” – I believe BE5 is intended.

Evidence

The Core Strategy Policy as quoted would appear to be less caveated about when local businesses should be retained?

Policy EB4 – Change of Use of Agricultural Buildings to Commercial or Residential Use

Again, it is unclear why both Policy BE5 and EB4 are not considered to cover the same ground. No evidence is provided to suggest that the approach of national Policy in combination with Core Policy (to the extent that is compliant with national Policy) needs to be added to or varied for the Neighbourhood Area. Where differences of wording occur between neighbourhood and national policy, this can give rise to unhelpful confusion. Your comments on these lines of thought are invited.

Explanation and evidence

See above.

Policy EB5 – Infrastructure

This Policy brings together a number of disparate infrastructure elements that are already appropriately addressed in national Policy. In so doing conflicts with the detail of national policy are likely to arise; for instance, NPPF paragraph 158 says: “When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions”. If a Policy is needed at all, the essential message would seem to be summed up in “Explanation” paragraph 3 but, to the extent that infrastructure proposals constitute development, that has already been addressed in overarching Policies. The local authority has added: “these types of infrastructure are the

responsibility of other service providers and cannot be controlled via ‘traditional’ planning policies since they have their own specific regimes for gaining consent for such works.”

Your comments on these lines of thought are invited.

Explanation and evidence

See above.

6.4 The Natural Environment

Policy NE1 – Valued Landscapes and Views

I note that Policy NE1 is said to reinforce Policies H1 & BE1 but, if appropriately worded, a Policy should not need ‘reinforcing’. Earlier it is implied that these same Policies reinforce the equivalent Core Strategy Policy which already assures that “the distinctive character and rural setting of the settlements” will be retained. From where is the suggestion that settlements will be merged and which settlements are they? What are the “important local features” to which the Policy refers? A Neighbourhood Plan is the opportunity for these to be identified.

The new issue that this Policy raises is the protection of views, but even through the growth and decay of trees, views will change. The expectation of the planning system is that the impact of development on important views will be assessed and addressed so that, in particular, the distinctive rural aspects of settlements are safeguarded. ‘Protection’ therefore does not equate with ‘unaltered’ and the Policy should not suggest that.

Your comments on these lines of thought are invited.

Explanation

Whilst Figure 9 identifies the views that are illustrated, no indication is provided as to why these views are selected from all the various views that are available. Also, as SDC identifies, “valued landscapes” are not distinguished as such. From the descriptions it is apparent many/most views are selected to “protect the rural setting of the settlement and limit the mass of continuous development” – which rather implies that the only merit of these views is that they surround Long Itchington, and that no other settlement has valued views. This would seem to undermine the value of the views that are evidently distinctive – which I will see for myself when I visit the area. Your comments are invited.

Evidence

As above.

Policy NE2 – Local Green Spaces

I note that 16 areas are proposed for designation as Local Green Space. I note that not all communities are identified for Local Green Spaces. I also note that the areas have been independently appraised; but the critical assessment is against the criteria listed in the NPPF (now paragraph 102), as further detailed in the Planning Practice Guidance. My initial view is that the independent appraisal has somewhat lost sight of the NPPF requirement that the designation should only be used where an area is “demonstrably special to a local community *and* holds a *particular* local significance” [*my emphases*]. It is therefore not

sufficient that an area is only demonstrably special or that it is demonstrably special to the local community but of no particular significance. Thus, it is not the expectation that all green space will be designated simply because it contributes to a sense of well-being or the natural environment; that may be said to be a general attribute of every green space. In response to a representation the Qualifying Body has commented: “The objective here is to protect the open nature of development and prevent the dense layout seen in phase 1 of the Stockton Road development”; but many of the spaces identified are too small to be capable of development.

Important community green infrastructure may be identified for planning policy protection – including spaces that are “contributing to the rural nature of the neighbourhood area which residents value so highly” - but Local Green Space designation is a special protection for particular spaces, equivalent to the protection afforded to the Green Belt. On that latter point, incidentally, Green Belt protection does not extend to protecting an area for “its significance and value to the local community”, as suggested in the last paragraph of the Policy. I request that the Qualifying Body reviews the Local Green Space proposals in the light of these observations; I appreciate that this may lead to two Policies rather than one. I will then look at the spaces during my visit with the further observations to hand.

I note in relation to LGS11 that SDC, as the owner of the land, object to the land being designated as a Local Green Space on the basis that “there is a need for the Council to retain its existing assets and the value they represent”; however, LGS designation does not affect the ownership of the land and land can be designated provided the NPPF criteria are met.

I agree wholeheartedly with the SDC observation that Figure 11 is unusable at its present scale. Once the issue of which areas qualify for Local Green Space designation has been resolved, then two maps may be appropriate and the Appendix C maps will each need to be presented at around A4 scale so that the boundary of each can unambiguously be identified.

Explanation

As above.

Evidence

For Local Green Space designation, this must be confined to the NPPF criteria and not the other general considerations as noted.

Policy NE3 – Wildlife Habitats and Biodiversity

I note that none of this Policy is Neighbourhood Area-specific; and yet paragraph 2 under “Explanation” lists a number of significant features that might collectively be said to form the most significant parts of a network. In response to a representation the Qualifying Body has commented: “standards are reasonable to protect/enhance biodiversity particularly highlighted at the moment by the UK’s poor performance in this area”; but it is not the function of Neighbourhood Plans to compensate for some perceived national failing, they are to address neighbourhood-level issues. The Policy itself refers to “valued landscapes, natural features, wildlife corridors and other biodiversity-rich areas” - it is surprising that many/most of these are not mapped?

Explanation & Evidence

As above.

Policy NE4 - Flooding and Water Management

Whilst developments within the Neighbourhood Area must have regard to the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 and the Severn River Basin Management Plan 2015 these are not implemented through a Neighbourhood Plan. In what ways, if any, is Core Strategy Policy CS4 considered inadequate for the Neighbourhood Area? I note that in their response to the SEA Screening the Environment Agency commented: “We note, there is an area benefitting from a flood defence in the centre of Long Itchington (properties around Church Road) and therefore, policies to ensure the protection of this asset should be included within the NP (Policy NE4 – Flooding and Water Management)”; need more be said?

To require that “All proposals must include an independent hydrology survey that demonstrates adequate capacity in existing drainage infrastructure (for foul and storm water)” would be wholly disproportionate for most infill developments, of one or two new dwellings say, and in many other instances where the drainage capacity is known to be available. Your comments are invited.

I note some misunderstanding by the Qualifying Body of the comments provided by SDC. I believe that the SDC use of “DM” refers to ‘Development Management’ and not ‘Drainage Management’. In effect SDC is noting that they will rely on appropriate expert input rather than themselves assess factors such as run-off rates and Policy wording needs to be appropriate to the actual way in which Policy will be applied.

Explanation & Evidence

As above.

Policy NE5 – Environmental Pollution

Despite the widely drawn title, the Policy content, explanation and evidence appear to concentrate, almost exclusively, on vehicle congestion and vehicle pollution. The latter, at a national level, is being tackled by a planned switch to electric vehicles. SDC notes that there is no mechanism to assess the impact of a single dwelling on the road network. For Policy NE5 to be an appropriate Neighbourhood Plan policy I would need to be presented with some evidence particular to the Neighbourhood Area that there is now, or could be within the lifetime of the Plan, air, noise, or water pollution; in comparative terms it would seem unlikely that the Neighbourhood Area would rank amongst the significantly polluted Parishes?

Explanation & Evidence

As above.

Policy NE6 – Renewable Energy and Energy Efficiency

Have the practicalities of providing on-site renewable energy schemes on sites of up to 10 dwellings been explored?

The NPPF paragraph 155 says: “plans should: b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would

help secure their development”. This would avoid varying interpretations of ‘adverse impact’. Has a positive approach to what seems to be regarded as an important topic been examined?

As noted here, the energy efficiency of dwellings is a matter for the Building Regulations, not Neighbourhood Plans.

Your comments are invited.

Explanation & Evidence

As above.

6.5 Community

Policy C1 – Protection of Existing Community Facilities

As the Neighbourhood Plan is a land-use plan it seems unhelpful that the existing community facilities that Policy C1 seeks to protect are not identified and mapped. Further, when it is said that “This is particularly important in view of the substantial increase in local population resulting from the scale of recent housing building in the Neighbourhood Area” it is perhaps surprising that no attempt has been made to identify a site or sites suitably located should capacity need to be expanded beyond the present sites. In the absence of any local detail, it would seem that Policy C1 can say no more than national or local policy already provides. Your comments are invited.

Explanation & Evidence

As above.

Community Aspiration:

There are two boxes detailing community aspirations but I’m not sure I can distinguish an effective difference between the two?

Policy C2 – Support for New Community Facilities

As with Policy C1, In the absence of any local detail Policy C2 effectively says no more than national or local policy already provides? The choice of wording “Any proposal to develop land, buildings or structures *that results in facilities*” (*my emphasis*) has led a resident in their representation to object on the basis that “Developments should be considered on their merits and not how much money the developer would 'gift' to the Parish Council [for community facilities]”; the representation is correct and it is vital that Policy wording does not mislead. Your comments are invited.

Explanation & Evidence

As above.

6.6 Sport, Leisure and Recreation

Policy SLR1 – Sports Grounds and Children’s Play Areas

As with Policy C1, In the absence of any local detail Policy SLR1 can say no more than national or local policy already provides. Although it doesn’t add any local details, SDC has commented that “Paragraph 2, this does not allow for the possibility that some harm to the list may be offset by other advantages (such as renewable energy generation, new school,

new playing field). It should allow the possibility of compensatory gains.” An application of this principle may require some detailed knowledge of local priorities.

Explanation & Evidence

As above.

Policy SLR2 – Access to the Countryside

It is difficult to conceive of a proposal to provide a new path/right of way offending “policies in this Plan relating to location, scale, form and design” and it is doubtful that any planning consent would be required. I note that the SDC point about the potential for mitigation has been accepted in relation to this Policy. Your comments are invited.

Explanation

Section 106 Agreements can only seek support for improvements that would make proposals policy-compliant – it would seem unlikely that off-site footpath improvement would fall into this category.

Evidence

As above.

Policy SLR3 – Allotment Gardens

If it is accepted that the existing Allotment Gardens should be Local Green Spaces then they would be protected by that designation without the need for a further Policy, particularly one negatively framed. The second part of the Policy refers to ‘development’ that would improve the allotment facilities, but that would need to be compliant with Green Belt policies if the Local Green Space designations proceed. I note that there is no provision, either in general or specific terms, for additional allotment space? Your comments are invited. I note that it has been accepted that the reference to Figure 9 should be to Figure 10.

Explanation & Evidence

As above.

APPENDICES

Whilst Appendix C is vital to the understanding of Policy NE2, Appendices A & B are essentially background evidence that some people may wish to dip into but no Policy is dependent of their detail; these latter Appendices could therefore be omitted from the Plan document. Your comments are invited.