

Tanworth in Arden Neighbourhood Plan (Submission Plan)

As you are aware, I have been appointed to conduct the Examination of the Tanworth in Arden 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; I note you have helpfully identified these.

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 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 is positively being sought is unstated.

1. INTRODUCTION

Figure 1

The Neighbourhood Plan is required to include a map of the designated "Neighbourhood Area". I note that Figure 1 provides the required detail.

Inset Proposals Maps

I note that paragraph 1.18 says: “The Inset Proposals Maps below show the application of the key NDP policies to Earlswood, Tanworth and Wood End...”. It is implied but not stated that there are no applications of Policy outside of the inset map areas. “Designated” and “Potential” Wildlife Sites are identified but no evidence/reference is provided as to where/how the boundaries of each of these have been defined - see further consideration of this under Section 6. In contrast, the Local Green Spaces selected for designation at Policy NE3 are not shown. Similarly, the locations of the non-designated heritage assets, as set out in Appendix B, are not shown – see later consideration of this under Section 5.

Your comments on these lines of thought are invited.

2. HOUSING

Policies H1 & H2 - Meeting Local Housing Needs

I am concerned about the supporting evidence detail here. The document “Report on Identifying Possible Housing Sites” (2017) looks at a wide range of possible sites but doesn’t explicitly assess them against the listed criteria, the Report merely notes the factors that have been vital to the recorded conclusion. A local resident is unconvinced that a fair assessment of traffic impacts has been made – “Why choose an area that is already very busy with people attending the amenities” - what is your evidence? In your responses to representations you comment “The two sites identified for housing are outside the flood risk zones” – where is your evidence? How has the capacity of each site been assessed? In terms of the detail, there is nothing to suggest that the sites selected are available for development and viable for development, particularly since the dwellings are to be limited to smaller houses only. From the local authority representation I gather that discussions may have begun with Warwickshire Rural Housing Association on the deliverability of these sites? As noted above, the NPPF requires that policies be “deliverable”.

A 2016 Housing Survey is unlikely to convince a developer; however, I gather that a 2021 Survey has been undertaken and I would be pleased to receive a copy. I believe it is too restrictive for local needs to be defined solely by Parish Council survey but I accept that, by definition, a Local Needs Scheme should seek to address local needs.

Paragraph 54 of the NPPF is clear that “planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.” Is there any evidence to suggest that layout and design could not be sufficient factors to limit the extent of future dwelling extensions whilst allowing occupiers freedoms to adapt their properties as family circumstances change? In your response to the local authority representation you acknowledge that “In practice the scope for extensions is limited”, perhaps because in many instances the decision will be in the hands of the Housing Association?

In response to the local authority representation you comment: “As regards Criterion 1 the difference recognises that one site is essentially for homes for rent while the other is for market homes”. Is such a stark differentiation between the two sites justifiable?

Your comments on these lines of thought are invited.

Policy H3 - Village Boundaries

Paragraph 2.22 says: "In accordance with Core Strategy Policy CS15 (d), the District Council requires a defined BUAB for each of the LSVs, either identified in an NDP or by the Council in its proposed Site Allocations Plan." I presume the reference is to Policy CS15 D, but there is no equivalent wording there? Having said that, I can see that the draft Site Allocations Plan 2019, now withdrawn, provided for BUABs for LSVs, including those washed over by Green Belt. The local authority 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.

In relation to comments in representations on the BUAB issue you say: "The PC's understanding is that the purpose of the BUAB is to define as a matter of fact the physical boundary of a village." However, in relation to the boundary at Vicarage Hill, Tanworth you rather differently comment (my emphases added in italics): "As explained, in para 2.23 of the NDP there is a different *judgement* about the limit of the built up area as experienced on the ground. Furthermore this a critical gap between Tanworth and Wood End, *an area of important views* and any development would be detrimental." The issue would appear to relate to a difference of interpretation of 'garden land'? As the local authority has noted, in the absence of a stated methodology it is hard to establish whether there is a consistent application of principles, including in relation to the inclusion of yet-to-be-built-out developments with a planning consent. You comment: "Para 2.23 sets out the approach to the BUABs - that is to follow the District Councils methodology even though that changed and even though the SDC produced three versions of BUABs (in 2017, 2019 and 2020)." So I need to understand, and it needs to be stated, which methodology has been followed and, against the most recent 2020 draft BUABs, what is the explanation for each difference please, including Wood End and Earlswood. A map of the final proposed BUAB to accompany this, indexed to the explanation, would also be helpful prior to my visit to the area.

Policy H4 - Brownfield Sites

In relation to Brownfield Sites, Core Strategy Policy CS 10 says the following would not be inappropriate: "The limited infilling or the partial or complete redevelopment of a previously developed ('brownfield') site, whether redundant or in continuing use (excluding temporary buildings), subject to it not having a materially greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development." What is Policy H4 designed to say that that is particular to the Neighbourhood Area? The local authority has been obliged to comment: "Annex 2 of the NPPF details other types of land that do not constitute previously developed land. It is considered that this paragraph should include all of these types of land for completeness."; this illustrates the difficulty of wording Policies that are well covered at other policy levels. A representation to which you have not responded says: "part e should either be deleted or amended as it is not clear or specific enough".

Policy H5 - Use of Garden Land

Paragraph 2.28 notes “garden development outside the three main villages is not acceptable because of the Green Belt policies” but the Core Strategy Policy Map shows the whole of the Neighbourhood Area as within the Green Belt? Does this Policy perhaps arise because of a wish to qualify Policy H4 that can be covered by an amendment to that Policy? Your comments are invited.

Policy H6 – Management of change in the housing stock

The detailing of element 2 in this Policy is neither justified nor evidenced in terms of what the Policy can expect to achieve; why 1975 (whereas the NPPF defines “original building” as: “A building as it existed on 1 July 1948”); and why 30% for *all* dwellings when the Policy is about smaller dwellings and paragraph 4.1.9 of the Core Strategy notes: “The Council previously applied a 30% maximum threshold relating to the scale of a house extension and replacement dwelling. However, it is considered that a specific maximum figure is in many senses arbitrary and a more appropriate means of maintaining openness is to consider proposals on a case-by-case basis, from the starting point that maintaining openness and preventing urban sprawl is of upmost importance. Such an approach would also conflict less and be more consistent with changes to the General Permitted Development Order (GPDO) regarding the ability of homeowners to extend their homes without necessarily requiring planning consent.”? A positive approach to your ‘social objective’ is surely to provide additional housing of the required nature, which is what earlier Policies addressed? Your comments are invited.

3. ECONOMY

I am uncertain whether the Policies under this heading add anything Area-specific to the general Policies set out in the Core Strategy. Policy E1 does not seem to derive from any assessment of the existing employment base, the suitability of sites and their capacity for expansion? Policy E2 does not identify the particular businesses to which it relates and the most recent Government revision of Use Classes adds to the significant range of changes that can take place without great planning formality; the ambition of the Policy is therefore probably unachievable? With Policy E3 it is hard to envisage instances where the home-working use would give rise to the need for additional parking whilst still remaining domestic in character – are there successful examples within the Parish that the Policy is intending to emulate? As with Policy E1, Policy E4 does not seem to derive from any assessment of the existing tourism base, the suitability of sites and their capacity for expansion?

Your comments on these lines of thought are invited.

4. INFRASTRUCTURE

Policy I1 Parking Provision at Railway Stations

It is difficult to see on what basis this Policy might be deliverable. Paragraph 4.4 notes that “Wood End and The Lakes [stations] would require new parking areas to be found and developed”, but no such land has been identified. The same paragraph suggests that the Train Operating Company is not envisaging any expansion of services. No significant

population expansion is envisaged, a reduction in outward commuting is preferred and no significant tourism expansion is proposed. How is it envisaged that the Policy will achieve more than the status quo?

Policy I2 Improving broadband and mobile telephone service

Policy I3 Access to high speed broadband

It is unclear why there is a need for two Policies here but further, the two in combination would not appear to say anything more in land use terms than the NPPF and Core Strategy. In particular paragraph 77 of the NPPF assures: "Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development" and there are listed a number of specific areas for this evidence to cover. Arguably, residents' concerns are already suitably addressed?

In response to a local authority comment you have responded: "There are lots of occasions where planning decisions require balancing one set of desirables against another without detailed criteria being set out." But planning decisions are intended to be evidence based and criteria guide the evidence to be brought into play?

Supporting Actions

At this juncture in the Plan document there is the first instance of a "Supporting Action". Planning Policy Guidance says: "Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, [but] actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex." (Planning Policy Guidance Paragraph: 004 Reference ID: 41-004-20170728). I note that, in addition to specific headings, italic letters are used to distinguish the relatively infrequent "Supporting Actions" from the "Policy" entries. I accept that this has proportionately achieved the Guidance expectation that "non land use matters should be clearly identifiable". The contrast between land use and non land use elements would be helped further by your agreement to the local authority suggestion for: "putting the policy wording in shaded boxes in order for it to stand out from remaining text. Also, make the policy numbers/titles more prominent."

5. THE BUILT ENVIRONMENT

Policy BE 1 Responding to Local Character and Design Principles

I note the very specifically Neighbourhood Area related Character Assessments included as an Appendix to the Plan. I wonder therefore, given the improved 2021 NPPF and helpful Core Strategy design policy contexts, why it was felt necessary to set out generic "design principles" which seem to cut across the local contexts provided by the Character Assessments. I note that Historic England has commented: "The Character and Landscape Assessment Statements in Appendix A will no doubt prove invaluable in guiding the design proposals of intending developers. In this and other respects Historic England considers that the Plan takes an exemplary approach." I note that you agreed with the comment in a representation that "each plot should be taken on its merits and character".

Your comments are invited.

Policy BE 2 Car parking

No evidence is provided to suggest that domestic parking is such a significant issue in the Neighbourhood Area that a particular Policy is required?

Policy BE 3 Preservation of Historic Heritage

I note that Appendix B lists the non-heritage assets to which Policy BE 3 refers. Appendix B provides a helpful, if brief, reasoning for the selection of those features now identified. I don't believe a mechanism presently exists for Appendix B to be regarded as a 'live list' but that would not prevent the use of a Supporting Action to provide a route for the identification of additional historic features. For my benefit when visiting the area, but also to benefit the Plan, a map locating the features listed in the Appendix would be helpful. For clarity and as a record of the condition of the features at the date of Plan publication, a photograph or photographs would be helpful in the document. Your comments on these lines of thought are invited.

6. NATURAL ENVIRONMENT

Policy NE 1 Landscape, and Valued Views

Given the Green Belt and Special Arden Landscape status of the Area, development would not generally be envisaged. Accordingly, I believe that the opening sentence of the Policy ought not to imply general support and would be better worded as: 'To be supported, development proposals must take full account of the local landscape character summarised in Appendix A' [corrected from 1]. However, with that sentence alone, Policy NE 1 has said no more than Policy BE1. I can see that the "views" identified in Appendix C add to and complement the landscape character assessments but nothing suggests that all of the views, without exception, are of such significance that the sort of small-scale development that might be anticipated could not be suitably mitigated. It would therefore seem that the second element of the policy, relating to the views, may be overstating the "protection" to be afforded. Your comments are invited.

Policy NE 2 Protection of Local Wildlife Sites and Local Nature Reserves

As noted earlier, no source details are provided for the designation or prospective designation of the sites referenced in this Policy through identification on the Proposals Map. I note that you have now indicated that this Policy and its supporting "Explanation" should be deleted and I believe that is appropriate. However, if you wished to record the location of the relevant sites within the Neighbourhood Area that might be done within the earlier "Parish" section, but the data source(s) would need to be referenced.

I note that with this Policy and the next, the paragraph numbering has strayed into the Policies themselves, which is unhelpful when the Policies are quoted outside of the Plan content.

Policy NE3 Local Green Spaces

The justification for the designation of the identified Local Green Spaces is helpfully set out in Appendix D. I note that you have agreed to redraw the boundary to LGS 1 and it would be helpful to have the revised boundary with your response to these enquiries. As you are

aware, there has been an objection to the designation of LGS4. Public access is not a requirement for LGS designation and the Planning Guidance is clear that designations should not be used to protect already protected public footpaths. The reasons for designation should be intrinsic to the space itself and not 'borrowed' from adjacent spaces. A representation comments: "the land itself is not demonstrably special in terms of its beauty. It is ordinary farmland, like many other parcels of agricultural land around the village." Please could you expand on the reasons why the space is (my emphasis added) "demonstrably special ... *and* holds a particular local significance" (NPPF criterion). If there is a need to designate land for the future expansion of the graveyard the significantly more evidence would be required in justification.

Following my further assessment of the sites during an unaccompanied visit to the area I may raise further queries. As noted by the local authority, the read-across between the Policy and the related maps would be improved by making the numbering exactly the same in both contexts.

APPENDICES

All of the Appendices provide helpful and appropriate background to their respective Plan Policies and will be helpful to readers of the Plan.