

**LONG ITCHINGTON, BASCOTE & BASCOTE HEATH  
NEIGHBOURHOOD PLAN 2011 - 2031**

**The Report of the Independent Examiner to Stratford on Avon District Council  
on the Long Itchington, Bascote & Bascote Heath Neighbourhood Plan**

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16<sup>th</sup> May 2022**

## Summary

I was appointed by Stratford on Avon District Council, in agreement with the Long Itchington Parish Council, in August 2021 to undertake the Independent Examination of the Long Itchington, Bascote & Bascote Heath Neighbourhood Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 9<sup>th</sup> April 2022 after resolving my initial enquiries of the Qualifying Body.

The Neighbourhood Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in the Long Itchington Neighbourhood Area. There is an evident focus on safeguarding the very distinctive, local character of the area whilst accommodating future change and growth.

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Stratford on Avon District Core Strategy 2011-2031.

Subject to a series of recommended modifications set out in this Report I have concluded that the Long Itchington Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.

I recommend that the referendum should be held within the Neighbourhood Area.

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## **Introduction**

This report sets out the findings of the Independent Examination of the Long Itchington, Bascote & Bascote Heath Neighbourhood Plan 2011 – 2031 (subsequent references will be abbreviated to the Long Itchington Neighbourhood Plan). The Plan was submitted to Stratford on Avon District Council by Long Itchington Parish Council in their capacity as the ‘qualifying body’ responsible for preparing the Neighbourhood Plan.

Neighbourhood Plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently incorporated within the National Planning Policy Framework (NPPF) in 2012 and this continues to be the principal element of national planning policy. A new NPPF was published in July 2021 and it is against the content of this NPPF that the Plan is examined. The changes between the 2019 and 2021 revisions of the NPPF have not been significant in the examination of Policies in this Plan.

This report assesses whether the Long Itchington Neighbourhood Plan is legally compliant and meets the ‘basic conditions’ that such plans are required to meet. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text. This report also provides a recommendation as to whether the Long Itchington Neighbourhood Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Long Itchington Neighbourhood Plan would then be used in the process of determining planning applications within the Plan boundary as an integral part of the wider Development Plan.

## **The Role of the Independent Examiner**

The Examiner’s role is to ensure that any submitted Neighbourhood Plan meets the legislative and procedural requirements. I was appointed by Stratford on Avon District Council, in agreement with Long Itchington Parish Council, to conduct the Examination of the Long Itchington Neighbourhood Plan and to report my findings. I am independent of both Stratford on Avon District Council and Long Itchington Parish Council. I do not have any interest in any land that may be affected by the Plan.

I possess the appropriate qualifications and experience to undertake this role. I have over 40 years’ experience in various local authorities and third sector bodies as well as with the professional body for planners in the United Kingdom. I am a Chartered Town Planner and a panel member for the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). I am a Member of the Royal Town Planning Institute.

In my role as Independent Examiner I am required to recommend one of the following outcomes of the Examination:

- the Long Itchington Neighbourhood Plan is submitted to a referendum; or
- the Long Itchington Neighbourhood Plan should proceed to referendum as modified (based on my recommendations); or
- the Long Itchington Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. If recommending that the Neighbourhood Plan should go forward to referendum, I must then consider whether or not the referendum area should extend beyond the Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 Act (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

These are helpfully covered in the submitted Basic Conditions Statement and, subject to the contents of this Report, I can confirm that I am satisfied that each of the above points has been properly addressed and met.

In undertaking this Examination I have considered the following documents:

- Long Itchington, Bascote & Bascote Heath Neighbourhood Plan 2011 - 2031 as submitted
- Long Itchington Neighbourhood Plan Basic Conditions Statement (May 2021)
- Long Itchington Neighbourhood Plan Consultation Statement (undated)
- Strategic Environmental Assessment and Habitats Regulations Assessment of the Long Itchington, Bascote and Bascote Heath Neighbourhood Plan (July 2020)
- Content at: [www.stratford.gov.uk/planning-building/Long-Itchington-neighbourhood-plan.cfm](http://www.stratford.gov.uk/planning-building/Long-Itchington-neighbourhood-plan.cfm)
- Content at: [www.longitchinton.org.uk/neighbourhood-plan/](http://www.longitchinton.org.uk/neighbourhood-plan/)
- Representations made to the Regulation 16 public consultation on the Long Itchington Neighbourhood Plan
- The Stratford on Avon District Core Strategy 2011-2031 adopted in 2016
- The Stratford on Avon draft Site Allocations Plan 2020
- National Planning Policy Framework (NPPF) (2021)
- Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance (PPG) (March 2014 and subsequent updates)

I carried out an unaccompanied visit to the Neighbourhood Area on 9<sup>th</sup> April 2022. I looked at all the various sites and locations identified in the Plan document and their rural setting.

The legislation establishes that, as a general rule, Neighbourhood Plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity, I was satisfied that the Long Itchington Neighbourhood Plan could be examined without the need for a public hearing and I advised Stratford on Avon District Council accordingly. The Qualifying Body and the Local Planning Authority have helpfully responded to my enquiries so that I may have a thorough understanding of the facts and thinking behind the Plan, and the correspondence is being shown on Stratford on Avon District Council's Neighbourhood Planning website for the Long Itchington Neighbourhood Plan.

### **Long Itchington Neighbourhood Area**

A map showing the boundary of the Long Itchington Neighbourhood Area has been provided within the Neighbourhood Plan. Further to an application made by Long Itchington Parish Council, Stratford on Avon District Council approved the designation of the Neighbourhood Area on 6<sup>th</sup> October 2014. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

## Consultation

In accordance with the Neighbourhood Planning (General) Regulations 2012, the Qualifying Body has prepared a Consultation Statement to accompany the Plan.

The Planning Practice Guidance says:

“A qualifying body should be inclusive and open in the preparation of its Neighbourhood Plan [or Order] and ensure that the wider community:

- is kept fully informed of what is being proposed
- is able to make their views known throughout the process
- has opportunities to be actively involved in shaping the emerging Neighbourhood Plan [or Order]
- is made aware of how their views have informed the draft Neighbourhood Plan [or Order].” (Reference ID: 41-047-20140306)

The submitted Consultation Statement confirms that as long ago as October 2015 the Parish Council sought interest from residents in a Plan and priorities for a Vision Statement - some 45 people responded. This was followed by contact with some 26 organisations or businesses, further contributing to the development of a Vision. The Vision Statement was prepared in July 2016. For this and subsequent events, The Diary, which is distributed to all households quarterly and is also on the Parish website, was used to keep the local community informed. Notices of meetings were also posted on the Parish Council website and well as being publicised via the village email list (450 addresses).

I note that later, Household, Individual and Business Surveys were conducted by Researchcraft with questionnaires distributed to and collected from all households and 22 businesses by volunteers. A very impressive 74% response rate was achieved. The results informed and were used as part of the evidence base for Plan policies.

A public meeting was held in July 2017 to give feedback on the questionnaire, an update on progress and the opportunity for a Q&A. The process was repeated in October 2017 in Church. In August 2018 residents were asked to submit photographs of valued landscapes for an exhibition in the Community Centre. Visitors were then asked to comment on why they thought each landscape was valued, alongside the draft Neighbourhood Plan policies which were also on display for residents to read, comment on and discuss with members of the Steering Group. The feedback from this event informed revisions of the draft policies.

Subsequently, a meeting was held in February 2019 in the Green Man Public House, publicised by email, Facebook and posters. The redrafted policies were displayed and the full draft document was available for more detailed perusal. Feedback and comments were then incorporated into draft policies.

The official Regulation 14 six-week consultation period on the Pre-Submission Long Itchington Neighbourhood Plan ran from 5<sup>th</sup> October 2020 to 13<sup>th</sup> November 2020. I note that the consultation followed the Council’s guidelines for conducting a consultation during a pandemic. The many responses to the consultation are shown in the Consultation Statement with details of how these comments influenced the redrafting of the Plan prior to submission.

Accordingly, overall, I am satisfied that the consultation process accords with the requirements of the Regulations and the Practice Guidance and that, in having regard to national policy and guidance, the Basic Conditions have been met. In reaching my own conclusions about the specifics of the content of the Plan I will later note points of agreement or disagreement with Regulation 16 representations, just as the Qualifying Body has already done for earlier consultations. That does not imply or suggest that the consultation has been inadequate, merely that a test against the Basic Conditions is being applied.

## **Representations Received**

Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 16, was undertaken by Stratford on Avon District Council from Thursday 22<sup>nd</sup> July to Friday 10<sup>th</sup> September 2021. I have been passed the representations – 43 in total – which were generated by the consultation and which are included alongside the submitted Plan on Stratford on Avon District Council’s Neighbourhood Planning website. I have not mentioned every representation individually within this Report but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

## **The Neighbourhood Plan**

Long Itchington Parish Council is to be congratulated on its extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2031. I can see that a sustained effort has been put into developing a Plan around a vision “to ensure that the Neighbourhood Area adapts to improve and protect the quality of life for all local people and meet their housing, education, enterprise and employment, leisure and cultural needs.” The Plan document is well presented with a combination of text, maps and Policies that are, subject to the specific points that I make below, well laid out and helpful for the reader. The Plan has perhaps been overextended in terms of subject matter which is supported by evidence, and this is a matter raised in my Report.

It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher-level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community’s intent is sustained in an appropriately modified wording for the policy. It is evident that the community has made positive use of “direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area” (Planning Practice Guidance Reference ID: 41-001-20140306).

Individually I can see that the Policies address legitimate matters for a Neighbourhood Plan as identified with the community. I will later look at the Policies in turn so as to ensure that the Basic Conditions are met, which include an obligation to be in general conformity with Core Strategy strategic policies. Having considered all the evidence and representations submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to amendment to variable degrees, proportionate and sustainable. The Plan sets out the community’s priorities whilst seeking to identify and safeguard Long Itchington’s distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive vision agreed with the community. All such difficult tasks were approached with transparency, with input as required and support from Stratford on Avon District Council (SDC).

However, in the writing up of the work into the Plan document, it is often the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected policy. This is not uncommon in a community-prepared planning document and something that can readily be addressed in many instances. Accordingly, I have been obliged to recommend modifications so as to ensure both clarity and meeting of the ‘Basic Conditions’. In particular, Plan policies as submitted may not meet the obligation to “contain policies that



are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” (NPPF para 16). I bring this particular reference to the fore because it will be evident as I examine the policies individually and consider whether they meet or can meet the ‘Basic Conditions’.

### **Basic Conditions**

The Independent Examiner is required to consider whether a Neighbourhood Plan meets the “Basic Conditions”, as set out in law following the Localism Act 2011; in December 2018 a fifth Basic Condition was added relating to the Conservation of Habitats and Species Regulations 2017. In order to meet the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the Plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

The submitted Basic Conditions Statement has very helpfully set out to address the issues in relation to these requirements in the same order as above and has tabulated the relationship between the policy content of the Plan and its higher tier equivalents. I note that the Plan for the area is the Stratford on Avon District Core Strategy 2011-2031 adopted in 2016. From the accompanying Strategic Environmental Assessment and Habitats Regulations Assessment, I am satisfied that the making of the Plan will not breach the Basic Condition relating to the Habitats and Species Regulations 2017.

I have examined and will below consider the Neighbourhood Plan against all of the Basic Conditions above, utilising the supporting material provided in the Basic Conditions Statement and other available evidence as appropriate.

### **The Plan in Detail**

I will address the aspects of the Neighbourhood Plan content that are relevant to the Examination in broadly the same sequence as the Plan. Recommendations are identified with a bold heading and italics, and I have brought them together as a list at the end of the Report.

Whilst I note that the Plan shows awareness of the content of the National Planning Policy Framework, to which Policies must have regard, and the Stratford on Avon District Core Strategy 2011 - 2031, to which Policies must be in general conformity, I was obliged to raise a general concern with the Qualifying Body about the drafting of Policies. Because of the number of policies with duplicate/overlapping and/or inconsistent content, or content that is merely repetitive of higher-level policies in different words and without local content, there was the need for a thorough reappraisal of the Policy content. This was needed before it could be established that the Plan (in accordance with NPPF paragraph 16):

- is prepared positively, in a way that is aspirational but deliverable;
- contains policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
- serves a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in the NPPF, where relevant).

The Qualifying Body agreed to review the Policies with these requirements in mind and, in line with the outcome of this review, amend Policy wordings accordingly. My recommendations will therefore, almost exclusively, serve to address the NPPF paragraph 16 expectations, to achieve the reduction in Policy content that the Qualifying Body has



agreed as appropriate and to address the revised Policy wordings so as to ensure that they “serve a clear purpose” and are “clearly written and unambiguous”. The revised Policies remain within the original Policy structure as follows:

Housing (H)

Business, Employment and Enterprise (EB)

The Environment – both natural and built (NE & BE)

Community (C)

Sport, Leisure and Recreation (SLR)

### **Front cover**

A Neighbourhood Plan must specify the period during which it is to have effect. I note that there is a prominent reference to the Plan period 2011 – 2031 on the front cover. However, 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. The references to “Submission Version” can now be removed.

### **Table of Contents**

The content listing will need to be reviewed in the light of my Recommendations below.

### **Foreword**

No comment.

### **1. Introduction**

In view of my Recommendation below, some parts of paragraph 1.7 require amendment. The Neighbourhood Plan is required to include a map of the designated “Neighbourhood Area”; I note that Figure 1 provides the required detail. However, the map required is of the designated ‘Neighbourhood Area’, not the “Neighbourhood Plan Area” as the title to Figure 1 has it.

#### ***Recommendation 1:***

*1.1 On the front cover and any later references amend the Plan period from “2011 – 2031” to ‘2021 – 2031’ and remove references to “Submission Version”.*

*1.2 Review the Table of Contents in the light of my Recommendations, deleted content in particular.*

*1.3 Under the heading “1. Introduction”, from paragraph 1.7 replace “The relationship between this Neighbourhood Plan and the emerging SAP is set out in detail in Section 2 of this document” with ‘The timescales for the SAP are currently being reviewed’ and include a link to the SAP website.*

*1.4 Amend the title of Figure 1 to read ‘Designated Neighbourhood Area’.*

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

I expressed to the Qualifying Body a concern about this “Statement”. Whilst this effectively draws attention to the objection to the SAP by the Parish Council that has already been lodged, it does start the Plan in a confrontational tone, which is inappropriate bearing in mind the Basic Condition requirements, from the NPPF, for positive planning and general conformity with the Local Plan strategic policies. Whilst I acknowledge that ‘conformity’ relates to the existing Core Strategy rather than the emerging SAP, the latter sits under the former’s strategic context. The Qualifying Body has explained that they “included this statement after Reg 14 [consultation] on SDC’s advice” ie that would have been prior to May 2021. But, as the Statement says, it was decided then that “it would be unreasonable to delay the progress of this Neighbourhood Plan until after the SAP issue is resolved” and the SAP is a strategic planning matter for the local authority. Despite pressure from prospective

developers, further evident within the Regulation 16 Consultations responses, it had also been decided that the Plan would not include new site allocations for housing. As the Planning Guidance confirms, “Neighbourhood plans are not obliged to contain policies addressing all types of development” (Paragraph: 040 Reference ID: 41-040-20160211), and that includes housing. However, a Basic Condition test is that a Plan must “contribute to the achievement of sustainable development”, and Planning Guidance notes that “In order to demonstrate that a draft neighbourhood plan or Order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or Order guides development to sustainable solutions” (Paragraph: 072 Reference ID: 41-072-20190509). Since the Statement potentially conflicts with the latter expectation, in part has been overtaken by events and, largely speaking, seems to explain what is *not* in the Plan which does not contribute positively, I conclude that the Statement should be removed. It is clear that the Qualifying Body recognises that strategic housing allocations may be made through the Site Allocations Plan once adopted.

**Recommendation 2:**

*Delete Section 2 “Statement on the Emerging Site Allocations Plan (SAP)” and amend the numbering of subsequent sections accordingly.*

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

This background summary is helpful. However, I commented to the Qualifying Body that, 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. The Qualifying Body has commented: “We can do so (although clearly this data will be out of date very quickly)”. I therefore conclude it would be best to remove the original date-specific reference.

**Recommendation 3:**

*Under the heading “3. Location and Geographic Context of the Long Itchington Neighbourhood Area” delete “The frequency of service was reduced in January 2019.”*

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

This section too provides helpful background information, though its factual basis lapses somewhat 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. I note that errors in Figures 2 & 3 had been acknowledged by the Qualifying Body in response to representations but no corrections provided.

The Qualifying Body has commented: “We will ... explain the data source. The census is not helpful as historically it has included Ufton dwellings (Ufton is not part of our parish). We are confident that our own figures are more accurate.” The approach needs to be declared.

**Recommendation 4:**

*Under the heading “4. The Origins and Growth of the Long Itchington Neighbourhood Area”:  
4.1 In paragraph 4.4 delete “and introduced housing which is a considerable distance from amenities and services”.*

*4.2 Ensure that Figure 2 is a complete record for the Neighbourhood Area; amend the title to ‘Designated Heritage Assets Location Map’.*

*4.3 Correct the data in Figure 3 and provide a data source reference or references for Figures 3 and 3a.*

## **5. The Vision for the Long Itchington Neighbourhood Area**

I noted to the Qualifying Body that 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 – and with a 74% response rate to the survey these are evidently well expressed – it is unclear to what extent the assertions in the second half of the paragraph have any factual basis.

### **Recommendation 5:**

*Under the heading “5. The Vision for the Long Itchington Neighbourhood Area”, in paragraph 5.6 replace “For example” with ‘For example the residents believe they have experienced’.*

## **6. Neighbourhood Plan Policies**

I noted, along with the local authority, 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 numbered 1.1 etc it will be difficult to reference paragraphs clearly. The Qualifying Body acknowledged the need for this to be amended.

### **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.

### **2. Statement of Support for New Housing Development**

Whilst this Statement is evidently designed to be helpful, its inclusion does illustrate/highlight:

- i) the complexity introduced by a large number of narrowly focused Policies (as referenced, often in duplicate) and the potential for simplification if the Summary were to become the basis of 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 local authority’s 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;
- v) it will/has quickly become outdated.

The Qualifying Body has commented: “We accept that revision is needed in order to simplify and ensure a reduction in repetition which should address the issues you raise.” Accordingly, rather than review the elements of the Statement one by one, I recommend that the positively worded Policies should speak for themselves (simplified to remove overlap and duplication) and therefore make any summary unnecessary.

### **3. Cemex Site**

No comment.

### **Recommendation 6:**

*6.1 Under the heading “6. Neighbourhood Plan Policies” renumber paragraphs as 6.1 etc. (that will actually be 5.1 etc after the removal of Section 2).*

*6.2 Under the heading “Methodology” add to paragraph (as renumbered) 6.1.1: “All Policies in the Plan should be read together and alongside the Policies in the Core Strategy.”*

### 6.3 Delete the box “Summary Statement – Supported New Housing Development”.

## 6.1 Housing

### Policy H1 – Housing Supply and Development

The Qualifying Body agreed that the primary purpose of Policy H1 is to define *where* development would be supported. 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 2020 draft Site Allocations Plan Preferred Options. No detail is provided in the Neighbourhood Plan as to how the boundary illustrated on Figure 5 has been devised. In response to a representation relating to the boundary the Qualifying Body has 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, even without the BUAB the village would still be set in “countryside”. The local authority itself 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 draft Site Allocations Plan and the Neighbourhood Plan.

I note that the draft Site Allocations Plan Policy SAP.7 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.6 [Meeting Self-Build and Custom Housebuilding Needs] in this Plan.” This may illustrate that the distinction between BUAB and “countryside” can be ‘softer’ than, say, a Green Belt boundary.

In relation to Policy H1, the local authority 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)).” The local authority representation also 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.

On the basis of these comments the Qualifying Body agreed that there should be revised wording for Policy H1, hence my recommendation. Their Policy proposed the inclusion of the phrase “(typically up to 10 units)”. In response to a representation from the local authority, the Qualifying Body commented that “10 is quoted as an order of magnitude figure – we say typically not definitively”. But as this Policy relates to development within the BUAB, and it is intended that the scale of any development is appropriate to a village setting, “up to 10 units” probably exaggerates what could ‘typically’ be built as infill. This phrase is therefore omitted from my recommendation whilst ‘small scale and appropriate to a village setting’ is retained.

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

### **Evidence**

This sub-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 here the evidence needs to concentrate on what is in the Policy. Paragraph 4 notes a particular environmental concern of the NPPF but that document makes it very clear that sustainable development “has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.”

### **Recommendation 7:**

*7.1 Change the heading “Policy H1 – Housing Supply and Development” to ‘Policy H1 - Housing within the BUAB’.*

*7.2 Reword Policy H1 as follows:*

*‘A Built Up Area Boundary (BUAB) is established for the village of Long Itchington as defined in Figure 5. All areas outside the BUAB are classed as Countryside (with the exception of the Cemex site identified as Site 3 in Core Strategy Policy AS.11) where new dwellings are strictly controlled in accordance with Policy AS.10 of the Core Strategy.*

*Proposals for new dwellings within the BUAB, preferably reusing previously developed land, are supported provided they are:*

- a) at a small scale and appropriate to their village setting;*
- b) compatible with adjacent uses and the immediate surroundings, and*
- c) lead to an enhancement in the character and appearance of the site.*

*7.3 Move Figure 5 to be close to Policy H1.*

*7.4 Revise the “Explanation” sub-section for Policy H1 as follows:*

*7.4.1 Delete the second sentence of paragraph 2.5.*

*7.4.2 In paragraph 3 replace “published in February 2019 and updated in June 2019 (Section 2)” with ‘(2021)’.*

*7.5 Revise the “Evidence” sub-section for Policy H1 as follows:*

*7.5.1 Insert a new paragraph 3 (renumbering subsequent paragraphs accordingly): ‘Policy CS.16 in the adopted Core Strategy establishes the principle of using Built-Up Area Boundaries (BUABs) as a mechanism for managing the location of development and that it is appropriate to define BUABs for Local Service Villages to coincide with the physical confines of these settlements as the two are meant to be interchangeable in accordance with Part D in Policy CS.16. The BUAB defined for Long Itchington is derived from the methodology and boundary used in the 2020 draft Stratford on Avon Site Allocations Plan.’*

*7.5.2 In the existing paragraph 3, close the brackets after “64” and delete the second sentence.*

*7.5.3 Delete paragraph 4.*



*7.6 Delete Policy H2 and its supporting material as its essential element has been incorporated within Policy H1.*

As amended Policy H1 meets the Basic Conditions.

The Qualifying Body has expressed a preference for next considering Policy H5.

### **Policy H5 – Housing Stock Diversity**

As referenced, Policy H5 (now to be renumbered H2) is in general conformity with Core Strategy Policy CS.19. However, looking at the Policy wording element by element:

- 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.
- b) As queried by the local authority, this element does not appear to add anything that is 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).

On the basis of these comments the Qualifying Body agreed that there should be revised wording for Policy H2, as renumbered, hence my recommendation.

### **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 approach in this respect. Increasing the level of bungalows needs 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 assessed as suitable against all of these considerations. In the absence of this, the Policy detail and supporting evidence must be consistent.

### **Recommendation 8:**

*8.1 Move “Policy H5 – Housing Stock Diversity” and its supporting text to follow Policy H1; renumber the Policy as H2.*

*8.2 Reword the renumbered Policy as follows:*

*‘a) Development proposals should retain and/or add to the choice of type and tenure of housing, including bungalows, self-build, custom-build and live/work units.*

*b) Developers of new housing are encouraged to build sustainable and flexible living into house design to meet the requirements of people throughout their lives. In particular, accommodation should be easily adaptable to suit changing household needs and circumstances, including to cater for home working, people with disabilities and older residents who may need care and support.*

*c) Single storey living and/or accessible dwellings with a predominance of ground floor accommodation would be supported where an evidenced local need is identified.'*

8.3 Revise the "Explanation" sub-section for Policy H2 as follows:

8.3.1 In the last sentence of paragraph 6 replace "must" with 'should'.

8.3.2 Delete paragraph 7.

8.4 Revise the "Evidence" sub-section for Policy H2 as follows:

8.4.1 In paragraph 1 close the brackets after "62".

8.4.2 In the final sentence of paragraph 2 delete "the whole of".

8.4.3 Delete paragraphs 5 & 7 and renumber the remaining paragraphs accordingly.

As renumbered and amended Policy H2 meets the Basic Conditions.

### **Policy H3 - Affordable Housing**

I questioned whether this Policy said anything more than is already said in the Core Strategy. On this basis the Qualifying Body agreed that there should be revised wording for Policy H3, hence my recommendation

#### **Explanation**

It would appear that the Qualifying Body had made a decision not to identify a preferred location for a prospective Exception Site/Local Needs Scheme for affordable housing. The Qualifying Body explained that was: "because any such site would depend on the type and number of affordable housing units required at that time". The identification of a 'reserve site' (Planning Policy Guidance Paragraph: 009 Reference ID: 41-009-20190509) had apparently been ruled out.

Paragraph 3 suggests that Core Strategy Policy CS.18 will apply to "small scale sites" whereas the Policy is actually more specific as to how a threshold will be applied.

#### **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. It is undeclared whether new permissions or construction since 2016 have met or exceeded the requirement for affordable housing as such.

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

#### **Recommendation 9:**

*Under the heading "Policy H3 - Affordable Housing":*

*9.1 Reword Policy H3 as follows:*

*'Development proposals for the provision of small-scale affordable housing (as defined in Core Strategy Policy CS.18) are supported either within the BUAB or as a Local Needs Scheme adjacent to the BUAB when the identified needs of the local community are being addressed. Where appropriate, housing tenures will be secured in perpetuity through a legal agreement.'*



9.2 Revise the “Explanation” sub-section for Policy H3 by, in paragraph 3, replacing “, small scale housing developments” with ‘housing’.

9.3 Revise the “Evidence” sub-section for Policy H3 as follows:

9.3.1 Replace paragraph 1 with ‘Further Housing Needs Surveys, similar to that undertaken in 2016, will be undertaken to identify unmet needs for affordable housing. These may provide evidence in support of a Local Needs Scheme as provided for in Core Strategy Policy CS.15, or other local initiative.’

9.3.2 Delete paragraphs 3 & 4 (since these don’t relate to the Neighbourhood Area).

9.4 Amend the formatting to keep together all the text relating to Policy H3.

As amended Policy H3 meets the Basic Conditions.

#### **Policy H4 – Development on Private Garden Land**

I note that a distinction is being made here between ‘previously developed land’ and ‘garden land’ that is 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. The Qualifying Body confirmed that it was the latter that was intended.

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 (if it exists) in Long Itchington under Policy H1 but is ruled out in the “Explanation” section of Policy H4. As the local authority notes, market housing is not mentioned in either Policies H2 or H4 and yet a local needs survey might well identify such a need.

On the basis of these comments the Qualifying Body agreed that there should be revised wording for Policy H4, hence my recommendation.

#### **Evidence**

I asked the Qualifying Body whether there was any 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. They responded with the example of Chater’s Orchard, infill on former garden of Lyndhurst (the Birches), Stonebridge Lane which I was able to view during my visit.

#### **Recommendation 10:**

*Under the heading “Policy H4 – Development on Private Garden Land”:*

*10.1 Reword Policy H4 as follows:*

*‘Development proposals for housing on private garden land within the BUAB will be supported providing it can be demonstrated that the proposal:*

*a) preserves or enhances the character of the setting, with particular attention to context if the site is within the Long Itchington Village Conservation Area;*

*b) achieves a good fit with the existing settlement pattern;*

c) addresses and remedies any potential harm to the amenity of the host dwelling and neighbouring properties; and

d) provides satisfactory arrangements for access and off-road parking.’

10.2 Revise the “Explanation” sub-section for Policy H4 by deleting paragraph 2 and renumbering subsequent paragraphs accordingly.

10.3 Revise the “Evidence” sub-section for Policy H4 by adding a third paragraph as follows: ‘An appropriate and successful example of infill development was provided by Chater’s Orchard, infill on former garden of Lyndhurst (the Birches), Short Lane.’

As amended Policy H4 meets the Basic Conditions.

**Community Aspiration: Access to a Range of Housing and a Sustainable Community**  
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 accept that the use of distinctive boxing for the Community Aspirations as well as the clear heading do make the difference from Plan policies “clearly identifiable”.

This entry doesn’t seem to commit the Parish Council to any action in pursuit of the “aspiration”. However, as a note of the evidence from residents’ survey the Qualifying Body feels it serves a purpose. A correction arises from the change of Policy numbers from earlier recommendations.

**Recommendation 11:**

*Under the heading “Community Aspiration: Access to a Range of Housing and a Sustainable Community” amend references to “H5” to read ‘H2’.*

## **6.2 The Built Environment**

### **Policy BE1 - New Development**

Since the Neighbourhood Plan Policies must be read together, as written 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. It was agreed by the Qualifying Body that Policy BE2 was the more effective Policy and therefore Policy BE1 should be deleted.

**Recommendation 12:**

*Delete the heading “Policy BE1 - New Development” and the related text.*

### **Policy BE2 – Scale, Form, Layout and Design**

Good design has gained more emphasis in the 2021 NPPF (section 12). This Policy gives a more appropriate indication of what is “appropriate development” than Policy BE1; Policy BE1 having been deleted Policy BE2 can now be renumbered. However, the Village Design Statement is clear that it applies only to Long Itchington and Model Village whereas the Policy, quite appropriately, implies a wider coverage. On the basis of these comments the Qualifying Body agreed that there should be revised wording for Policy BE2, hence my recommendation

### **Explanation**

“To allow incremental urbanisation would be to deny the views that have been clearly expressed”; however, personal “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 should be fully referenced in the supporting evidence. I note that the Qualifying Body has also accepted the suggestion from the local authority that the new NPPF content on good design is referenced.

### **Recommendation 13:**

*13.1 Renumber and reword the heading “Policy BE2 – Scale, Form, Layout and Design” as ‘Policy BE1 – Design Standards’.*

*13.2 Reword the renumbered Policy BE1 as follows:*

*‘Development proposals must demonstrate that their scale, form, layout and design are consistent with and sympathetically reflect the rural setting of the Neighbourhood Area. The architectural character and distinctiveness of buildings and structures should be the inspiration for new buildings. Innovative design proposals will be supported providing that they add to and do not detract from the distinctive character of their location. Further guidance is available in the Village Design Statement (for Long Itchington) and Stratford-upon-Avon’s Supplementary Planning Document ‘How to Achieve Good Design’.*

*In particular, proposals should be prepared against each of the following key recommendations (also contained in the Village Design Statement 2000):*

- a) Maintain the open, rural character of settlements by protecting all existing open spaces including green verges forming part of the adopted highway within the BUAB;*
- b) The characteristics of new buildings should reflect the scale and form of the settlement;*
- c) Tree planting and landscaping must be an integral part of the design and construction of any development;*
- d) Healthy, mature, native trees and hedges must be protected and supplemented by new planting of indigenous species;*
- e) Integration of any new development should be strengthened by connections to existing footpaths and cycleways where appropriate;*
- f) Adequate, off-road parking should be incorporated in accordance with Part O of the adopted Development Requirements SPD. Depending on the location of the development site, its relationship with neighbouring properties and the extent of existing on-street parking, additional parking provision may be appropriate. Vehicle parking should be screened from public view as far as is practicable; large expanses of hard surfacing should be avoided.*
- g) All new dwellings should incorporate cycle storage wherever practicable in order to promote sustainable transport.*
- h) Design features should be incorporated to protect and enhance wildlife corridors within and between the sites of buildings, green spaces and, where applicable, the adjoining countryside.*

*13.3 Revise the “Explanation” sub-section for the renumbered Policy BE1 as follows:*

*13.3.1 Delete the last sentence of paragraph 2.*

*13.3.2 Revise paragraph 5 to, in the first sentence replace “will” with ‘should’; in the last sentence replace “published in February 2019 and updated in June 2019” with ‘as revised in 2021’.*

*13.3.3 Replace paragraph 6 with ‘Current design guidance for the Stratford on Avon District is provided by Part A, ‘How to Achieve Good Design’ of Stratford on Avon’s Development Requirements Supplementary Planning Document 2020.’*

13.4 Revise the “Evidence” sub-section for the renumbered Policy BE1 by using the “Evidence” content from Policy BE4.

As renumbered and amended Policy BE1 meets the Basic Conditions.

### **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. 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 comment that a development of 2 (or even 5) dwellings would not have a measurable impact on any infrastructure and therefore cannot reasonably be expected to be called “significant” – other Plan Policies had suggested 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.

Having regard to these comments the Qualifying Body agreed that this Policy should be deleted.

#### **Recommendation 14:**

*Delete the heading “Policy BE3 – Assessment of the Impact of Development on the Neighbourhood Area” and the related text.*

### **Policy BE4 - Design Standards**

This Policy has been replaced by Policy BE2.

#### **Recommendation 15:**

*Delete the heading “Policy BE4 - Design Standards” and the related text (although some has been reused for Policy BE1).*

### **Policy BE5 - Alternative Use of Land and Buildings**

Given that national use classes policy allows a significant number of changes of use without great formality, it is unclear what local issue this Policy might be aiming to address. No evidence is provided that there any local problem with vacant/empty buildings.

Looking at the Policy wording element by element:

- 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 are unlikely to apply to all proposals.
- d) As noted by the local authority, 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.

Having regard to these comments and the difficulty of arriving at appropriate content, the Qualifying Body agreed that this Policy should be deleted.

**Recommendation 16:**

Delete the heading “Policy BE5 - Alternative Use of Land and Buildings” and the related text.

**Policy BE6 – Conservation of Heritage Assets**

Both the NPPF and the Core Strategy have strong policies on the protection of heritage assets, both designated and non-designated. 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 the local authority in their comments; because it addresses both heritage assets and the Conservation Area, which have different national policies, sometimes the terminology is inappropriate. The first element of the Policy seems sufficiently explanatory of the Policy intent without duplicating other, existing policies.

On the basis of these comments the Qualifying Body agreed that there should be revised wording for Policy BE6, now to be renumbered BE2, hence my recommendation.

**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.

**Recommendation 17:**

17.1 Within the heading “Policy BE6 – Conservation of Heritage Assets” replace “BE6” with ‘BE2’.

17.2 Reword the renumbered Policy BE2 as follows:

*‘Development proposals that affect a heritage asset (whether or not designated) and/or its setting, an archaeological asset or the Long Itchington Village Conservation Area must assess and address their impacts and any mitigation in accordance with NPPF requirements. Proposals should demonstrate how they will conserve or enhance the historic environment.*

*Proposals, including changes of use, that enable the appropriate and sensitive restoration or conservation of heritage assets will be supported in principle.’*

As renumbered and amended Policy BE2 meets the Basic Conditions

**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. Having regard to these comments the Qualifying Body agreed that this Policy should be deleted.

**Recommendation 18:**

Delete the heading “Policy BE7 – Designing Out Crime and Anti-Social Behaviour” and the related text.

**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 or the potential availability of expansion sites. It therefore seems to say nothing more than the NPPF or Core Strategy. However, in combination with the thrust of Policy EB3 there seems to be the basis for a suitable Business Policy. In the absence of a detailed examination of the locality, the Policy should necessarily be restricted to supporting new employment opportunities 'in principle'. The cross reference to Policy BE3 is now redundant.

On the basis of these comments the Qualifying Body agreed that there should be revised wording for Policy EB1, hence my recommendation

**Recommendation 19:**

*19.1 Amend the heading "Policy EB1 – Development of Land and Buildings for Business Use" to 'Policy EB1 – Business Uses'.*

*19.2 Reword Policy EB1 as follows:*

*'Development proposals for new business uses appropriate to their location and within the BUAB, or the expansion or redevelopment of existing business sites that will lead to local employment opportunities, are supported in principle providing that their design and impact at their location are assessed and addressed, with mitigation where appropriate.'*

*If a change of use is proposed on the basis that an employment site is no longer suitable for any employment/business use, it should be accompanied by a detailed analysis of the reasons why it is unsuitable and evidence of a minimum of 6 months active marketing to attempt to secure a new business occupier on reasonable open market terms. A proposal for an alternative use of part of a site will be supported where it is demonstrated that sustainable economic viability of the retained business or growth of local employment opportunities would be achieved.'*

*19.3 Revise the "Explanation" sub-section for Policy EB1 as follows:*

*19.3.1 In the first paragraph delete the last two sentences.*

*19.3.2 Add the second paragraph from the "Evidence" for Policy EB3 to become the third paragraph of the "Evidence" for Policy EB1.*

*19.3.3 Add a fourth paragraph 'Figure 8 identifies the locations of existing key businesses' and move Figure 8 closer to Policy EB1.*

*19.4 Revise the "Evidence" sub-section for Policy EB1 by replacing it with the two paragraphs from the "Evidence" section for Policy EB3.*

As amended Policy EB1 meets the Basic Conditions

**Policy EB2 – Tourism**

As noted by the Qualifying Body, this policy is consistent with Policy CS.24 of the Core Strategy in its objective to promote tourism development that is "... sensitive to the character of the area and designed to maximise the benefits for the communities affected in terms of job opportunities and support for local services." I questioned 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. The Qualifying Body responded: "We disagree because a wide range of features and facilities attract visitors to our Neighbourhood Area"; I believe that this potentially gives rise to confusion across Development Plan policies but, given the general nature of the wording of Policy EB2, any confusion will be minimal.

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 be restricted to support 'in principle'.

On the basis of these comments the Qualifying Body agreed that there should be revised wording for Policy EB2, hence my recommendation

**Recommendation 20:**

*Under the heading "Policy EB2 – Tourism" reword Policy EB2 as follows:*

*'Development proposals that encourage or support the growth of the local economy from tourism are supported in principle providing that their design and impact at their location are assessed and addressed, with mitigation where appropriate.'*

As amended Policy EB2 meets the Basic Conditions

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

I noted that national 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 and its criteria are very difficult to interpret; it is said that only one of the criteria 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.

On the basis of these comments the Qualifying Body agreed that Policies EB1 and EB3 should be merged, to the extent that either can be shown to have regard to national policy.

**Recommendation 21:**

*Delete the heading "Policy EB3 – Change of Use of Employment/Business Land and Buildings" and the related text.*

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

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.

On the basis of these comments the Qualifying Body agreed that Policy EB4 should be deleted.

**Recommendation 22:**

*Delete the heading "Policy EB4 – Change of Use of Agricultural Buildings to Commercial or Residential Use" and the related text.*

**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."

On the basis of these comments the Qualifying Body agreed that Policy EB5 should be deleted.

**Recommendation 23:**

*Delete the heading "Policy EB5 – Infrastructure" and the related text.*

## **6.4 The Natural Environment**

### **Policy NE1 – Valued Landscapes and Views**

The NPPF (paragraph 174(a) commits to "protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils". I note that Policy NE1 is said to reinforce Policies H1 & BE1 but, if appropriately worded, a Policy should not need 'reinforcing'. I note that Core Strategy Policy CS.8 already assures that "the distinctive character of the market towns, villages and hamlets, including their settings" will be retained.

The local 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.

On the basis of these comments the Qualifying Body agreed that there should be revised wording for Policy NE1, hence my recommendation

### **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 the local authority 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. The Qualifying Body agreed to review the range of views identified and to reduce the number to reflect the most significant views identified through consultation.

### **Recommendation 24:**

*Under the heading "Policy NE1 – Valued Landscapes and Views":*

*24.1 Reword Policy NE1 as follows:*

*'Development proposals must demonstrate how they are appropriate to and integrate with their landscape setting including locally significant features where appropriate. Development proposals should assess and address their potential impact on the important views of the landscapes shown on the map in Figure 9, particularly to minimise harms to heritage assets, village approaches and the green spaces around and between settlements.'*

*24.2 Revise the "Explanation" sub-section for Policy NE1 as follows:*

*24.2.1 Delete the second sentence of paragraph 1.*

*24.2.2 From paragraph 4 delete "landscapes and".*

24.3 Amend Figure 9 and the related photos to accord with the revised and reduced document (4 views) submitted by the Qualifying Body on 29<sup>th</sup> March 2022 (omitting new views not the subject of public consultation).

24.4 Revise the “Evidence” sub-section for Policy NE1 as follows:

24.4.1 Replace “Paragraph 170 (a) of the National Planning Policy Framework published in February 2019 and updated in June 2019” with ‘Paragraph 174(a) of the National Planning Policy Framework 2021’.

24.4.2 Add evidence from the “Stratford on Avon District Landscape Sensitivity Assessment for Villages” (2012), if available, ensuring that a full document reference is provided.

As amended Policy NE1 meets the Basic Conditions

### **Policy NE2 – Local Green Spaces**

I note that 16 areas are proposed for designation as Local Green Space. Even so, 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 must be against the criteria listed in the NPPF (now paragraph 102), as further detailed in the Planning Practice Guidance. Unfortunately, the independent appraisal failed to recognise a particular aspect of the NPPF requirements - 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 green spaces will be designated simply because they contribute to a sense of well-being or the natural environment; those may be said to be general attributes 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 and the protection is being afforded to existing not future spaces.

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” (as the Plan suggests) - 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 simply for its “value to the local community”, as suggested in the last paragraph of the Policy. I requested that the Qualifying Body review the Local Green Space proposals in the light of these observations; I noted that this may lead to two Policies rather than one. I then looked at the spaces during my visit with the Appendix C details and the Qualifying Body’s further observations to hand.

The Qualifying Body, after further reflection, decided that only the following would be retained for Local Green Space designation, the balance to be regarded as “Incidental Green Spaces” to be covered by a new Policy:

- LGS 3 – Allotment Gardens
- LGS 5 - Model Village open green space and cricket ground
- LGS 6 - Communal green space, Beechcroft south of The Green
- LGS 7 - The Green and Village Pond
- LGS 8 - Green End recreation ground and playground
- LGS 9 - LILAC Field
- LGS 11 – Playground and open green space west of Leigh Crescent.

I was satisfied that none of these sites interfered with the delivery of sustainable development as envisaged by the draft SAP. Having viewed these Spaces during my visit I reached the following conclusions:

LGS 3 – I queried with the Qualifying Body whether the Space included the Cemetery land since this formed a natural part of this significant open space at the heart of Long Itchington. The Qualifying Body agreed that the two spaces are visually together. The NPPF criteria are met by this green space.

LGS 5 – I agree that this significant open space is an important one at the heart of Model Village and the NPPF criteria are met.

LGS 6 – I agree that this small but well-presented space meets the NPPF criteria.

LGS 7 – I agree that this quintessentially village centre space meets the NPPF criteria.

LGS 8 – I agree that this important recreation space meets the NPPF criteria.

LGS 9 – I agree that this more natural extension to the recreation space meets the NPPF criteria. However, as the car parking area is distinctly separated from the green area, that should be excluded from the designation.

LGS 11 – Figure 10 does not make it clear that the children’s playground is to be regarded as part of the Space. I note that Stratford on Avon District Council, 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. The Qualifying Body has commented in relation to LGS11 that it is “very important due to the lack of gardens in the immediate area”. However, that does not of itself mean that the NPPF criteria are met. My assessment from the visit is that the space is more incidental to its setting than demonstrably special and of a *particular* local significance; other local playgrounds have been treated as incidental spaces. Therefore, the NPPF criteria are not met.

The other identified spaces, now including LGS 11, meet the description of Incidental Green Spaces and will be the subject of a new Policy NE3 – see below. I did express a concern about the inclusion of LGS 12 which is of a different nature being attached to a public house, albeit also adjacent to the canal. The Qualifying Body provided evidence that the land owners had been consulted on the prospective designation of the land and, on that basis, I accept that it should be included as an Incidental Green Space.

I agree with the local authority observation that Figure 11 is unusable at its present scale. Two (or more) maps for Figure 11 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. There should be only two elements to the key for these maps: Local Green Space and Incidental Green Space. The spaces should be consecutively numbered as two sets (and the related Appendix C brought into line with this renumbering).

### **Evidence**

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

### **Recommendation 25:**

*Under the heading “Policy NE2 – Local Green Spaces”:*

*25.1 Reword Policy NE2 as follows:*

*‘The following areas are designated as Local Green Spaces; these are identified on the map in Figure 10:*

- LGS 1 – Allotment Gardens and Cemetery
- LGS 2 - Model Village open green space and cricket ground
- LGS 3 - Communal green space, Beechcroft south of The Green
- LGS 4 - The Green and Village Pond
- LGS 5 - Green End recreation ground and playground
- LGS 6 - LILAC Field

*Development on these Spaces will not be supported other than in very special circumstances.'*

25.2 Amend Figure 10 and the maps in Appendix C to ensure that the above numbering is used to identify the related spaces and that the scale of each map is useable to identify the boundaries of each space (particularly where sites are split by roads eg LGS4), with absolute clarity in Appendix C. Revise the Site Assessments given in Appendix C to renumber the spaces and separate out the two designation headings and their criteria for designation.

25.3 Revise the "Explanation" sub-section for Policy NE2 as follows:

25.3.1 Delete the second sentence of paragraph 1.

25.3.2 Delete paragraph 2.

25.3.3 Reword paragraph 3 as: 'Each designated space meets the requirements of paragraph 102 of the National Planning Policy Framework.'

25.3.4 Delete the second sentence of paragraph 5.

25.4 Revise the "Evidence" sub-section for Policy NE2 as follows:

25.4.1 Reword paragraph 1 as: 'Each area identified in this Policy has been independently assessed and recognised as meeting the NPPF paragraph 102 criteria. In addition, none of the sites preclude planning for future sustainable development and all are capable of enduring beyond the life of the Plan.'

25.4.2 In paragraph 4 replace "access to existing local green spaces is protected" with 'local green spaces are protected'.

As amended Policy NE2 meets the Basic Conditions

### **Policy NE3 – Incidental Green Spaces**

This additional Policy covers the spaces now excluded from the Local Green Space designation but still being recognised as an important feature in a village setting. I was satisfied that none of these sites interfered with the delivery of sustainable development as envisaged by the draft SAP.

#### **Recommendation 26:**

26.1 Add a new heading and Policy after the text for Policy NE2 as follows:

#### **'Policy NE3 – Incidental Green Spaces**

*The following areas are designated as Incidental Green Spaces which are open areas considered vital to the rural and green character of the community in which they are situated:*

- IGS 1 - Dale Close estate, play area and open green space
- IGS 2 - Green area south of Galanos / east of Sabin Close
- IGS 3 - Open green space south of Church Road
- IGS 4 – Green and ponds at Bishops Drive and Cox Crescent
- IGS 5 - Playground and open green space west of Leigh Crescent
- IGS 6 – Green space southwest of Leigh Crescent

*IGS 7 – Cluster of incidental green communal spaces and verges from the junction of Collingham Lane and Stockton Road to Leigh Crescent*  
*IGS 8 – Green space Wulfstan Drive*  
*IGS 9 – Keepers Meadow green spaces*  
*IGS 10 – Spinney Fields green spaces*

*These spaces and their cumulative effect are of particular value in areas where dwellings do not provide garden space. Inclusion of incidental green space is vital to all new housing proposals, at a scale appropriate to the size of the site. Development proposals must demonstrate, dependent on their scale, use and location, how they are maintaining, enhancing and adding Incidental Green Spaces.'*

*26.2 Renumber subsequent Policies accordingly.*

*26.3 Amend Figure 10 and the maps in Appendix C to ensure that the above numbering is used to identify the related spaces and that the scale of each map is useable to identify the boundaries of each space, with absolute clarity in Appendix C. Use a different colour or pattern to distinguish IGS from LGS designations. Revise the Site Assessments given in Appendix C to renumber the spaces and separate out the two designation headings and their criteria for designation.*

*26.4 Add an "Explanation" sub-heading with the following text:  
'Each area of Incidental Green Space listed in the Policy, recognised as an important feature in a village setting, is identified on plans included in the independent assessments set out in Appendix C to this Plan.'*

*26.5 Add an "Evidence" sub-heading with the following text:*

*'1. Each area identified in this policy has been independently assessed and recognised as contributing significantly to the character of the Neighbourhood Area.*

*2. Chart 38 of the QS results shows that 76% of respondents consider that open spaces within built up areas are 'Extremely' or 'Very' important to their enjoyment of the Neighbourhood Area environment.*

*3. The Houses of Parliament POSTnote 538 published in October 2016 entitled 'Green Space and Health' contends that 'Local green spaces may provide important areas for social interaction and integration ...and ...may also have more immediate benefits for mental health and wellbeing'.*

*4. Policy CS.7 of the Core Strategy states that: - 'The availability of open spaces, waterways and other green infrastructure features will be maintained and improved as a contribution towards:*

- quality of life and attractive communities*
- biodiversity and the provision of habitats*
- landscape character and quality.'*

Policy NE3 meets the Basic Conditions

### **Policy NE3 - Wildlife Habitats and Biodiversity**

As a result of the insertion of the additional Policy above, the original Policy NE3 will need to be renumbered to Policy NE4.

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 issue, they are to address neighbourhood-level issues within the context of national policy.

On the basis of these comments the Qualifying Body agreed that there should be revised wording for Policy NE4, as renumbered, hence my recommendation.

**Recommendation 27:**

*Under the renumbered heading “Policy NE4 – Wildlife Habitats and Biodiversity” reword Policy NE4 as follows:*

*‘Development proposals should protect and, where possible, enhance the natural environment including valued landscapes, natural features, wildlife corridors and other biodiversity-rich areas. Inclusion of proposals to create, enhance and restore adjacent habitats for biodiversity is encouraged.*

*When constructing boundaries, hedges should be used in preference to walls and close-boarded fences; where used, the latter should incorporate suitable ground-level access to protect and enhance wildlife corridors.*

*Development proposals should ensure that the natural features and functions of watercourses and their wider corridors are retained and, where relevant, reinstated. Appropriate habitat buffers should also be assured.*

*All landscaping proposals should incorporate the planting of native tree and hedge species as well as nectar-rich plants.’*

As renumbered and amended Policy NE4 meets the Basic Conditions

**Policy NE4 - Flooding and Water Management**

As a result of the insertion of the additional Policy above, the original Policy NE4 will need to be renumbered to Policy NE5.

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. 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)”.

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. The basis for flood protection planning is set out in the NPPF in some detail (section 14).

I note some misunderstanding by the Qualifying Body of the comments provided by the local authority. I believe that the local authority use of “DM” refers to ‘Development Management’ and not ‘Drainage Management’. In effect the local authority has noted 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 way in which Policy will actually be applied.

On the basis of these comments the Qualifying Body agreed that there should be revised wording for Policy NE5, as renumbered, hence my recommendation.

**Recommendation 28:**

Under the renumbered heading “Policy NE5 - Flooding and Water Management”:

28.1 Reword Policy NE5 as follows:

*‘Development proposals should meet the requirements of Core Strategy Policy CS.4 and be sensitive to the impact of Climate Change. In particular, proposals should be designed to reduce the risk of flooding. A site-specific flood risk assessment may be required dependent on the scale, use and location of proposals, in line with the requirements of national policy and guidance, but may also be required based on locally available evidence.*

*Proposals that improve or enhance existing flood defence works benefitting land or properties in proximity to the River Itchen and its associated watercourses will be supported. No proposal should have an adverse impact on the effectiveness of existing flood defence works, including restriction of essential access to watercourses or flood defence structures for maintenance purposes. No development should be undertaken within a minimum of 8.0 metres of any point either along the banks of the River Itchen or the toe of any flood defence structure.*

*Information accompanying the proposals should demonstrate how any mitigation measures will be satisfactorily integrated into the design and layout of the development.*

*Dependent on the scale and nature of any development proposal, appropriate Sustainable Drainage Systems (SuDS) should be incorporated 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 attenuation, such as swales, ponds and other water based ecological systems, should be used wherever feasible. Where it can be demonstrated that these are not practicable, development proposals are encouraged to maximise opportunities to use SuDS measures which require no additional land take, such as green roofs. Surface water drainage schemes should have regard to Warwickshire’s Surface Water Management Plan (SWMP).*

*All development proposals are encouraged to control discharge runoff generated on site to the Greenfield runoff rate for all periods up to the 1 in 100 years plus climate change critical storm event using above ground sustainable drainage systems.*

*The reuse and recycling of water within developments is encouraged including the use of water butts.’*

28.2 Revise the “Explanation” sub-section for the renumbered Policy NE5 as follows:

28.2.1 Add to paragraph 1: *‘In the light of historical issues, the Parish Council encourages positive discussions between all parties and, where appropriate, the undertaking of hydrology surveys at an early stage.’*

28.2.2 Amend paragraph 3 by replacing “help to achieve the standard set out in this Policy by minimising run-off” with *‘help to minimise run-off’*.

28.2.3 In paragraph 5 replace “should be provided with” with *‘are encouraged to install’*.

28.3 Revise the “Evidence” sub-section for the renumbered Policy NE5 by replacing paragraph 2 with:

*‘Paragraph 159 of the National Planning Policy Framework 2021 states that “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)”. Paragraph 160 states that in determining the suitability of proposals, authorities should “... should consider cumulative*



*impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities.”*

As renumbered and amended Policy NE5 meets the Basic Conditions

### **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. The local authority notes that there is no mechanism to assess the impact of a single dwelling on the road network. For Policy NE5 on Environmental Pollution 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.

On the basis of these comments the Qualifying Body agreed that Policy NE5 on Environmental Pollution should be deleted.

#### **Recommendation 29:**

*Delete the heading “Policy NE5 – Environmental Pollution” and the related text.*

### **Policy NE6 – Renewable Energy and Energy Efficiency**

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 could avoid varying interpretations of ‘adverse impact’. In the absence of identifying specific areas within the Neighbourhood Area Policy NE6 can do no more than encourage the appropriate use of renewable energy, hence that is the basis for my recommendations.

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

#### **Recommendation 30:**

*Under the heading “Policy NE6 – Renewable Energy and Energy Efficiency”:*

*30.1 Reword Policy NE6 as follows:*

*‘Dependent on their scale and nature, development proposals are encouraged to contribute to environmental sustainability through the inclusion of on-site renewable or low carbon producing technologies with the aim of maximising as far as practicable their contribution to the development’s energy demands.*

*Proposals for renewable energy generation schemes will be supported providing that:*

*a) they have no adverse impact on the Valued Landscapes and Views identified in Policy NE1;*

*b) the design, scale and form of the proposal meets all other relevant policies set out in the Development Plan.*

*New dwellings must be constructed to a high standard of energy efficiency and thermal insulation in accordance with Building Regulations and have regard to Stratford on Avon’s Development Requirements SPD 2020, Part V Climate Change Adaptation and Mitigation.’*

*30.2 Revise the “Explanation” sub-section for Policy NE6 by deleting “to prove” from paragraph 2.*

As amended Policy NE6 meets the Basic Conditions

## **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. In the absence of any local detail, it would seem that Policy C1 can say little more than national or local policy already provides, but this should be phrased positively as far as possible. The “Explanation” sub-section provides some local background.

#### **Explanation**

The definition of “community” facilities provided here is too loose; I propose the addition of ‘non-commercial’.

#### **Recommendation 31:**

*Under the heading “Policy C1 – Protection of Existing Community Facilities”:*

*31.1 Reword Policy C1 as follows:*

*‘To be supported, proposals that affect an existing community facility must:*

*a) Evidence that the altered facility will better meet the needs of the community; or*

*b) Provide a replacement in an equivalent location and form.*

*Development proposals should not result in the complete or partial loss of a community facility.’*

*31.2 Revise the “Explanation” sub-section for the renumbered Policy C1 by adding ‘non-commercial’ between “supports a” and “service”.*

As amended Policy C1 meets the Basic Conditions

### **Community Aspiration: Community Engagement**

No comment.

### **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; it is the “Explanation” section that provides some local background. 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. The Qualifying Body responded to agree that revised wording is needed.

#### **Recommendation 32:**

*Under the heading “Policy C2 Support for New Community Facilities” reword Policy C2 as follows:*

*‘In principle, development proposals that support the retention of community hubs and community assets or facilitate the expansion of their use are supported.’*

As amended Policy C2 meets the Basic Conditions

### **Community Aspiration: Community Centre Options**

No comment.

## **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; it is the “Explanation” section that provides some local background. Although it doesn’t add any local details, the local authority has commented regarding “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.” The Qualifying Body responded: “The community does not want financial compensatory gains. The policy seeks to ensure no loss of facilities.” However, that is not solely what the Policy provides for.

#### **Recommendation 33:**

*Under the heading “Policy SLR1 – Sports Grounds and Children’s Play Areas”:*

*‘In principle, proposals for the development of new sports grounds and children’s play areas or improvements to existing facilities will be supported.*

*To be supported, proposals that affect an existing facility must:*

*a) Establish that the proposed development meets an identified need of local people, for instance for housing, social or community facilities; and*

*b) Include for the replacement of the existing facility in an equivalent location and to a standard at least equivalent to the one affected.*

*Development proposals should not result in the complete or partial loss of a sports ground or children’s play area.’*

As amended Policy SLR1 meets the Basic Conditions

### **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 local authority point about the potential for mitigation has been accepted in relation to this Policy. On the basis of these comments the Qualifying Body agreed that there should be revised wording for Policy SLR2, hence my recommendation.

#### **Explanation**

Section 106 Agreements can only seek support for improvements that would make proposals policy-compliant – therefore care must be used in suggesting this funding route.

#### **Recommendation 34:**

*Under the heading “Policy SLR2 – Access to the Countryside”:*

*34.1 Reword Policy SLR2 as follows:*

*‘In principle, development proposals that create new public rights of way, provide a link between existing ones or improve access to the network for people with special needs will be supported.*

*To be supported, development proposals should assess and address, with mitigation where appropriate, their potential to impact on access to, or enjoyment of the network of public footpaths, bridleways, the ‘SUSTRANS’ disused railway route and the canal towpath.’*

*34.2 Revise the “Explanation” sub-section for Policy SLR2 by deleting paragraph 6 (and amending subsequent paragraph numbers accordingly).*

As amended Policy SLR2 meets the Basic Conditions

### **Policy SLR3 – Allotment Gardens**

The Qualifying Body has advised that there are two existing allotments, one at the centre of Long Itchington and the other in the countryside outside. As the central Allotment Gardens are now designated as a Local Green Space then they are protected by that designation without the need for a further Policy. By their location in the countryside, the other allotments on Collingham Lane are a significant distance from any likelihood of “development”, the core concern of Policy SLR3. Accordingly, the Qualifying Body agreed that this Policy should be deleted.

#### ***Recommendation 35:***

*Delete the heading “Policy SLR3 – Allotment Gardens” and the related text.*

### **Appendices**

The Appendices provide helpful and appropriate background to their respective Plan Policies and will be helpful to readers of the Plan. Any amendments to individual Appendices have been addressed earlier. The local authority has commented: “Whilst it is useful to refer to the Housing Needs Survey in the NDP, given it is somewhat dated, consideration should be given as to whether it needs to be included in full as an appendix.” Their concern has validity but it can be left to the Qualifying Body to decide on whether to exclude Appendix B and renumber subsequent Appendices accordingly.

### **Glossary**

The reference to the NPPF needs to be updated.

### **Acknowledgements**

This section needs either to be completed or removed.

#### ***Recommendation 36:***

*Under the heading “Glossary” amend the reference to the NPPF to refer to the 2021 version. Ensure that the listing is complete eg SuDS.*

## **Other matters raised in Representations**

A few representations to the consultation on the submitted plan in accordance with Neighbourhood Planning Regulations included suggestions of other sites or matters that the Plan might address. However, a Neighbourhood Plan must specifically address the development and use of land (Planning Practice Guidance ref: 41-004-20140306). Within that constraint there is no checklist of content that a Neighbourhood Plan must contain or subject matter that it must address; the range of content is entirely at the discretion of the local community and the local issues as they see them. It is not my role as Examiner to test the soundness of a Plan in terms of its coverage but rather to consider the content presented against the Basic Conditions. I cannot therefore recommend additional content in the manner that some representations have suggested.

Some representations indicate support for all or parts of the draft Plan and this helps in a small way to reassure that the extensive public consultation has been productive.

## **European Union (EU) and European Convention on Human Rights (ECHR) Obligations**

A further Basic Condition, which the Long Itchington Neighbourhood Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

There is no legal requirement for a Neighbourhood Plan to have a sustainability appraisal. The Strategic Environmental Assessment and Habitats Regulations Assessment of the Long Itchington, Bascote and Bascote Heath Neighbourhood Plan carried out by Lepus Consulting for Stratford on Avon District Council (July 2020) considered whether or not the content of the Plan required a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plan and Programmes Regulations 2004. In accordance with Regulation 9 of the SEA Regulations 2004, the Report concluded: “significant effects on the environment are considered to be unlikely to occur as a result of the NDP. ... It is recommended that the Long Itchington NDP should not be screened into the SEA process” and “This screening report has explored the potential effects of the proposed Long Itchington NDP with a view to determining whether a habitats regulations assessment is required. ... It is recommended that the Long Itchington NDP should not be screened into the HRA process.” In making their recommendation, the Consultants had regard to Schedule 1 of the Regulations and carried out consultation with the relevant public bodies which concurred with the conclusion of the Assessment. Further, having read the Submitted Draft NDP, the SEA Screening Document and responses from the three statutory consultees, Stratford on Avon District Council concurred with the view that a SEA is not required for the Long Itchington Neighbourhood Plan.

Particularly in the absence of any adverse comments from the statutory body or the Local Planning Authority (either at the Screening or the Regulation 16 Consultation) I can confirm that the Screening undertaken was appropriate and proportionate, and that the Plan has sustainability at its heart.

In regard to the European Convention on Human Rights, the Basic Conditions Statement that accompanies the Neighbourhood Plan states: “The proposed Neighbourhood Development Plan has been prepared in accordance with the public sector obligations set out in the Equalities Act 2010.” No evidence has arisen or been put forward to demonstrate that this is not the case.

Taking all of the above into account, I am satisfied that the Long Itchington Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with, the ECHR.

## Conclusions

This Independent Examiner's Report recommends a range of modifications to the Policies, as well as some of the supporting content, in the Plan. Modifications have been recommended to effect corrections, to ensure clarity and in order to ensure that the Basic Conditions are met. Whilst I have proposed a significant number of modifications, the Plan itself remains fundamentally unchanged in the role and direction set for it by the Qualifying Body.

I therefore conclude that, subject to the modifications recommended, the Long Itchington Neighbourhood Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the Plan for the area;
- is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

**On that basis I *recommend* to Stratford on Avon District Council that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Long Itchington Neighbourhood Plan to proceed to referendum.**

### Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by Stratford on Avon District Council on 6<sup>th</sup> October 2014.



**Recommendations:** (this is a listing of the recommendations exactly as they are included in the Report)

Rec	Text	Reason
1	<p>1.1 On the front cover and any later references amend the Plan period from “2011 – 2031” to ‘2021 – 2031’ and remove references to “Submission Version”.</p> <p>1.2 Review the Table of Contents in the light of my Recommendations, deleted content in particular.</p> <p>1.3 Under the heading “1. Introduction”, from paragraph 1.7 replace “The relationship between this Neighbourhood Plan and the emerging SAP is set out in detail in Section 2 of this document” with ‘The timescales for the SAP are currently being reviewed’ and include a link to the SAP website.</p> <p>1.4 Amend the title of Figure 1 to read ‘Designated Neighbourhood Area’.</p>	For clarity and accuracy
2	Delete Section 2 “Statement on the Emerging Site Allocations Plan (SAP)” and amend the numbering of subsequent sections accordingly.	For clarity and to meet Basic Condition 1
3	Under the heading “3. Location and Geographic Context of the Long Itchington Neighbourhood Area” delete “The frequency of service was reduced in January 2019.”	For clarity and accuracy
4	<p>Under the heading “4. The Origins and Growth of the Long Itchington Neighbourhood Area”:</p> <p>4.1 In paragraph 4.4 delete “and introduced housing which is a considerable distance from amenities and services”.</p> <p>4.2 Ensure that Figure 2 is a complete record for the Neighbourhood Area; amend the title to ‘Designated Heritage Assets Location Map’.</p> <p>4.3 Correct the data in Figure 3 and provide a data source reference or references for Figures 3 and 3a.</p>	For clarity and accuracy
5	Under the heading “5. The Vision for the Long Itchington Neighbourhood Area”, in paragraph 5.6 replace “For example” with ‘For example the residents believe they have experienced’.	For clarity and accuracy
6	<p>6.1 Under the heading “6. Neighbourhood Plan Policies” renumber paragraphs as 6.1 etc. (that will actually be 5.1 etc after the removal of Section 2).</p> <p>6.2 Under the heading “Methodology” add to paragraph (as renumbered) 6.1.1: “All Policies in the Plan should be read together and alongside the Policies in the Core Strategy.”</p> <p>6.3 Delete the box “Summary Statement – Supported New Housing Development”.</p>	For clarity and accuracy and to meet Basic Condition 1



7	<p>7.1 Change the heading “Policy H1 – Housing Supply and Development” to ‘Policy H1 - Housing within the BUAB’.</p> <p>7.2 Reword Policy H1 as follows:  ‘A Built Up Area Boundary (BUAB) is established for the village of Long Itchington as defined in Figure 5. All areas outside the BUAB are classed as Countryside (with the exception of the Cemex site identified as Site 3 in Core Strategy Policy AS.11) where new dwellings are strictly controlled in accordance with Policy AS.10 of the Core Strategy.</p> <p>Proposals for new dwellings within the BUAB, preferably reusing previously developed land, are supported provided they are:</p> <ul style="list-style-type: none"> <li>a) at a small scale and appropriate to their village setting;</li> <li>b) compatible with adjacent uses and the immediate surroundings, and</li> <li>c) lead to an enhancement in the character and appearance of the site.</li> </ul> <p>7.3 Move Figure 5 to be close to Policy H1.</p> <p>7.4 Revise the “Explanation” sub-section for Policy H1 as follows:  7.4.1 Delete the second sentence of paragraph 2.5.</p> <p style="padding-left: 40px;">7.4.2 In paragraph 3 replace “published in February 2019 and updated in June 2019 (Section 2)” with ‘(2021)’.</p> <p>7.5 Revise the “Evidence” sub-section for Policy H1 as follows:  7.5.1 Insert a new paragraph 3 (renumbering subsequent paragraphs accordingly):  ‘Policy CS.16 in the adopted Core Strategy establishes the principle of using Built-Up Area Boundaries (BUABs) as a mechanism for managing the location of development and that it is appropriate to define BUABs for Local Service Villages to coincide with the physical confines of these settlements as the two are meant to be interchangeable in accordance with Part D in Policy CS.16. The BUAB defined for Long Itchington is derived from the methodology and boundary used in the 2020 draft Stratford on Avon Site Allocations Plan.’</p> <p style="padding-left: 40px;">7.5.2 In the existing paragraph 3, close the brackets after “64” and delete the second sentence.</p> <p style="padding-left: 40px;">7.5.3 Delete paragraph 4.</p> <p>7.6 Delete Policy H2 and its supporting material as its essential element has been incorporated within Policy H1.</p>	For clarity and accuracy and to meet Basic Conditions 1 & 3
8	<p>8.1 Move “Policy H5 – Housing Stock Diversity” and its supporting text to follow Policy H1; renumber the Policy as H2.</p> <p>8.2 Reword the renumbered Policy as follows:</p>	For clarity and accuracy and to meet Basic

	<p>'a) Development proposals should retain and/or add to the choice of type and tenure of housing, including bungalows, self-build, custom-build and live/work units.</p> <p>b) Developers of new housing are encouraged to build sustainable and flexible living into house design to meet the requirements of people throughout their lives. In particular, accommodation should be easily adaptable to suit changing household needs and circumstances, including to cater for home working, people with disabilities and older residents who may need care and support.</p> <p>c) Single storey living and/or accessible dwellings with a predominance of ground floor accommodation would be supported where an evidenced local need is identified.'</p> <p>8.3 Revise the "Explanation" sub-section for Policy H2 as follows:  8.3.1 In the last sentence of paragraph 6 replace "must" with 'should'.  8.3.2 Delete paragraph 7.</p> <p>8.4 Revise the "Evidence" sub-section for Policy H2 as follows:  8.4.1 In paragraph 1 close the brackets after "62".  8.4.2 In the final sentence of paragraph 2 delete "the whole of".  8.4.3 Delete paragraphs 5 &amp; 7 and renumber the remaining paragraphs accordingly.</p>	<p>Conditions 1 &amp; 3</p>
<p>9</p>	<p>Under the heading "Policy H3 - Affordable Housing":</p> <p>9.1 Reword Policy H3 as follows:  'Development proposals for the provision of small-scale affordable housing (as defined in Core Strategy Policy CS.18) are supported either within the BUAB or as a Local Needs Scheme adjacent to the BUAB when the identified needs of the local community are being addressed. Where appropriate, housing tenures will be secured in perpetuity through a legal agreement.'</p> <p>9.2 Revise the "Explanation" sub-section for Policy H3 by, in paragraph 3, replacing ", small scale housing developments" with 'housing'.</p> <p>9.3 Revise the "Evidence" sub-section for Policy H3 as follows:  9.3.1 Replace paragraph 1 with 'Further Housing Needs Surveys, similar to that undertaken in 2016, will be undertaken to identify unmet needs for affordable housing. These may provide evidence in support of a Local Needs Scheme as provided for in Core Strategy Policy CS.15, or other local initiative.'  9.3.2 Delete paragraphs 3 &amp; 4 (since these don't relate to the Neighbourhood Area).</p> <p>9.4 Amend the formatting to keep together all the text relating to Policy H3.</p>	<p>For clarity and to meet Basic Conditions 1 &amp; 3</p>

10	<p>Under the heading “Policy H4 – Development on Private Garden Land”:</p> <p>10.1 Reword Policy H4 as follows:  ‘Development proposals for housing on private garden land within the BUAB will be supported providing it can be demonstrated that the proposal:</p> <p>a) preserves or enhances the character of the setting, with particular attention to context if the site is within the Long Itchington Village Conservation Area;</p> <p>b) achieves a good fit with the existing settlement pattern;</p> <p>c) addresses and remedies any potential harm to the amenity of the host dwelling and neighbouring properties; and</p> <p>d) provides satisfactory arrangements for access and off-road parking.’</p> <p>10.2 Revise the “Explanation” sub-section for Policy H4 by deleting paragraph 2 and renumbering subsequent paragraphs accordingly.</p> <p>10.3 Revise the “Evidence” sub-section for Policy H4 by adding a third paragraph as follows:  ‘An appropriate and successful example of infill development was provided by Chater’s Orchard, infill on former garden of Lyndhurst (the Birches), Stonebridge Lane.’</p>	For clarity and accuracy and to meet Basic Conditions 1 & 3
11	Under the heading “Community Aspiration: Access to a Range of Housing and a Sustainable Community” amend references to “H5” to read ‘H2’.	For clarity and accuracy
12	Delete the heading “Policy BE1 - New Development” and the related text.	To meet Basic Conditions 1 & 3
13	<p>13.1 Renumber and reword the heading “Policy BE2 – Scale, Form, Layout and Design” as ‘Policy BE1 – Design Standards’.</p> <p>13.2 Reword the renumbered Policy BE1 as follows:  ‘Development proposals must demonstrate that their scale, form, layout and design are consistent with and sympathetically reflect the rural setting of the Neighbourhood Area. The architectural character and distinctiveness of buildings and structures should be the inspiration for new buildings. Innovative design proposals will be supported providing that they add to and do not detract from the distinctive character of their location. Further guidance is available in the Village Design Statement (for Long Itchington) and Stratford-upon-Avon’s Supplementary Planning Document ‘How to Achieve Good Design’.</p> <p>In particular, proposals should be prepared against each of the following key recommendations (also contained in the Village Design Statement 2000):</p>	For clarity and accuracy and to meet Basic Conditions 1 & 3

	<p>a) Maintain the open, rural character of settlements by protecting all existing open spaces including green verges forming part of the adopted highway within the BUAB;</p> <p>b) The characteristics of new buildings should reflect the scale and form of the settlement;</p> <p>c) Tree planting and landscaping must be an integral part of the design and construction of any development;</p> <p>d) Healthy, mature, native trees and hedges must be protected and supplemented by new planting of indigenous species;</p> <p>e) Integration of any new development should be strengthened by connections to existing footpaths and cycleways where appropriate;</p> <p>f) Adequate, off-road parking should be incorporated in accordance with Part O of the adopted Development Requirements SPD.</p> <p>Depending on the location of the development site, its relationship with neighbouring properties and the extent of existing on-street parking, additional parking provision may be appropriate. Vehicle parking should be screened from public view as far as is practicable; large expanses of hard surfacing should be avoided.</p> <p>g) All new dwellings should incorporate cycle storage wherever practicable in order to promote sustainable transport.</p> <p>h) Design features should be incorporated to protect and enhance wildlife corridors within and between the sites of buildings, green spaces and, where applicable, the adjoining countryside.</p> <p>13.3 Revise the “Explanation” sub-section for the renumbered Policy BE1 as follows:</p> <p>13.3.1 Delete the last sentence of paragraph 2.</p> <p>13.3.2 Revise paragraph 5 to, in the first sentence replace “will” with ‘should’; in the last sentence replace “published in February 2019 and updated in June 2019” with ‘as revised in 2021’.</p> <p>13.3.3 Replace paragraph 6 with ‘Current design guidance for the Stratford on Avon District is provided by Part A, ‘How to Achieve Good Design’ of Stratford on Avon’s Development Requirements Supplementary Planning Document 2020.’</p> <p>13.4 Revise the “Evidence” sub-section for the renumbered Policy BE1 by using the “Evidence” content from Policy BE4.</p>	
14	Delete the heading “Policy BE3 – Assessment of the Impact of Development on the Neighbourhood Area” and the related text.	To meet Basic Conditions 1 & 3
15	Delete the heading “Policy BE4 - Design Standards” and the related text (although some has been reused for Policy BE1).	To meet Basic Conditions 1 & 3
16	Delete the heading “Policy BE5 - Alternative Use of Land and Buildings” and the related text.	To meet Basic Conditions 1 & 3

17	<p>17.1 Within the heading “Policy BE6 – Conservation of Heritage Assets” replace “BE6” with ‘BE2’.</p> <p>17.2 Reword the renumbered Policy BE2 as follows:  ‘Development proposals that affect a heritage asset (whether or not designated) and/or its setting, an archaeological asset or the Long Itchington Village Conservation Area must assess and address their impacts and any mitigation in accordance with NPPF requirements. Proposals should demonstrate how they will conserve or enhance the historic environment.</p> <p>Proposals, including changes of use, that enable the appropriate and sensitive restoration or conservation of heritage assets will be supported in principle.’</p>	For clarity and accuracy and to meet Basic Condition 1
18	Delete the heading “Policy BE7 – Designing Out Crime and Anti-Social Behaviour” and the related text.	To meet Basic Conditions 1 & 3
19	<p>19.1 Amend the heading “Policy EB1 – Development of Land and Buildings for Business Use” to ‘Policy EB1 – Business Uses’.</p> <p>19.2 Reword Policy EB1 as follows:  ‘Development proposals for new business uses appropriate to their location and within the BUAB, or the expansion or redevelopment of existing business sites that will lead to local employment opportunities, are supported in principle providing that their design and impact at their location are assessed and addressed, with mitigation where appropriate.</p> <p>If a change of use is proposed on the basis that an employment site is no longer suitable for any employment/business use, it should be accompanied by a detailed analysis of the reasons why it is unsuitable and evidence of a minimum of 6 months active marketing to attempt to secure a new business occupier on reasonable open market terms. A proposal for an alternative use of part of a site will be supported where it is demonstrated that sustainable economic viability for the retained business or growth of local employment opportunities would be achieved’</p> <p>19.3 Revise the “Explanation” sub-section for Policy EB1 as follows:  19.3.1 In the first paragraph delete the last two sentences.</p> <p>19.3.2 Add the second paragraph from the “Evidence” for Policy EB3 to become the third paragraph of the “Evidence” for Policy EB1.</p> <p>19.3.3 Add a fourth paragraph ‘Figure 8 identifies the locations of existing key businesses’ and move Figure 8 closer to Policy EB1.</p> <p>19.4 Revise the “Evidence” sub-section for Policy EB1 by replacing it with the two paragraphs from the “Evidence” section for Policy EB3.</p>	For clarity and accuracy and to meet Basic Conditions 1 & 3

20	Under the heading “Policy EB2 – Tourism” reword Policy EB2 as follows: ‘Development proposals that encourage or support the growth of the local economy from tourism are supported in principle providing that their design and impact at their location are assessed and addressed, with mitigation where appropriate.’	For clarity and accuracy and to meet Basic Conditions 1 & 3
21	Delete the heading “Policy EB3 – Change of Use of Employment/Business Land and Buildings” and the related text.	To meet Basic Conditions 1 & 3
22	Delete the heading “Policy EB4 – Change of Use of Agricultural Buildings to Commercial or Residential Use” and the related text.	To meet Basic Conditions 1 & 3
23	Delete the heading “Policy EB5 – Infrastructure” and the related text.	To meet Basic Conditions 1 & 3
24	Under the heading “Policy NE1 – Valued Landscapes and Views”: 24.1 Reword Policy NE1 as follows: ‘Development proposals must demonstrate how they are appropriate to and integrate with their landscape setting including locally significant features where appropriate. Development proposals should assess and address their potential impact on the important views of the landscapes shown on the map in Figure 9, particularly to minimise harms to heritage assets, village approaches and the green spaces around and between settlements.’  24.2 Revise the “Explanation” sub-section for Policy NE1 as follows: 24.2.1 Delete the second sentence of paragraph 1.  24.2.2 From paragraph 4 delete “landscapes and”.  24.3 Amend Figure 9 and the related photos to accord with the revised and reduced document (4 views) submitted by the Qualifying Body on 29th March 2022 (omitting new views not the subject of public consultation).  24.4 Revise the “Evidence” sub-section for Policy NE1 as follows: 24.4.1 Replace “Paragraph 170 (a) of the National Planning Policy Framework published in February 2019 and updated in June 2019” with ‘Paragraph 174(a) of the National Planning Policy Framework 2021’.  24.4.2 Add evidence from the “Stratford on Avon District Landscape Sensitivity Assessment for Villages” (2012), if available, ensuring that a full document reference is provided.	For clarity and accuracy and to meet Basic Conditions 1 & 3
25	Under the heading “Policy NE2 – Local Green Spaces”: 25.1 Reword Policy NE2 as follows: ‘The following areas are designated as Local Green Spaces; these are identified on the map in Figure 10: LGS 1 – Allotment Gardens and Cemetery	For clarity and accuracy and to meet Basic



	<p>LGS 2 - Model Village open green space and cricket ground  LGS 3 - Communal green space, Beechcroft south of The Green  LGS 4 - The Green and Village Pond  LGS 5 - Green End recreation ground and playground  LGS 6 - LILAC Field</p> <p>Development on these Spaces will not be supported other than in very special circumstances.'</p> <p>25.2 Amend Figure 10 and the maps in Appendix C to ensure that the above numbering is used to identify the related spaces and that the scale of each map is useable to identify the boundaries of each space (particularly where sites are split by roads eg LGS4), with absolute clarity in Appendix C. Revise the Site Assessments given in Appendix C to renumber the spaces and separate out the two designation headings and their criteria for designation.</p> <p>25.3 Revise the "Explanation" sub-section for Policy NE2 as follows:  25.3.1 Delete the second sentence of paragraph 1.    25.3.2 Delete paragraph 2.    25.3.3 Reword paragraph 3 as: 'Each designated space meets the requirements of paragraph 102 of the National Planning Policy Framework.'    25.3.4 Delete the second sentence of paragraph 5.</p> <p>25.4 Revise the "Evidence" sub-section for Policy NE2 as follows:  25.4.1 Reword paragraph 1 as: 'Each area identified in this Policy has been independently assessed and recognised as meeting the NPPF paragraph 102 criteria. In addition, none of the sites preclude planning for future sustainable development and all are capable of enduring beyond the life of the Plan.'    25.4.2 In paragraph 4 replace "access to existing local green spaces is protected" with 'local green spaces are protected'.</p>	<p>Conditions 1 &amp; 3</p>
<p>26</p>	<p>26.1 Add a new heading and Policy after the text for Policy NE2 as follows:  'Policy NE3 – Incidental Green Spaces  The following areas are designated as Incidental Green Spaces which are open areas considered vital to the rural and green character of the community in which they are situated:  IGS 1 - Dale Close estate, play area and open green space  IGS 2 - Green area south of Galanos / east of Sabin Close  IGS 3 - Open green space south of Church Road  IGS 4 – Green and ponds at Bishops Drive and Cox Crescent  IGS 5 - Playground and open green space west of Leigh Crescent  IGS 6 – Green space southwest of Leigh Crescent  IGS 7 – Cluster of incidental green communal spaces and verges from the junction of Collingham Lane and Stockton Road to Leigh Crescent  IGS 8 – Green space Wulfstan Drive  IGS 9 – Keepers Meadow green spaces</p>	<p>For clarity and accuracy and to meet Basic Conditions 1 &amp; 3</p>

	<p>IGS 10 – Spinney Fields green spaces</p> <p>These spaces and their cumulative effect are of particular value in areas where dwellings do not provide garden space. Inclusion of incidental green space is vital to all new housing proposals, at a scale appropriate to the size of the site. Development proposals must demonstrate, dependent on their scale, use and location, how they are maintaining, enhancing and adding Incidental Green Spaces.’</p> <p>26.2 Renumber subsequent Policies accordingly.</p> <p>26.3 Amend Figure 10 and the maps in Appendix C to ensure that the above numbering is used to identify the related spaces and that the scale of each map is useable to identify the boundaries of each space, with absolute clarity in Appendix C. Use a different colour or pattern to distinguish IGS from LGS designations. Revise the Site Assessments given in Appendix C to renumber the spaces and separate out the two designation headings and their criteria for designation.</p> <p>26.4 Add an “Explanation” sub-heading with the following text: ‘Each area of Incidental Green Space listed in the Policy, recognised as an important feature in a village setting, is identified on plans included in the independent assessments set out in Appendix C to this Plan.’</p> <p>26.5 Add an “Evidence” sub-heading with the following text: ‘1. Each area identified in this policy has been independently assessed and recognised as contributing significantly to the character of the Neighbourhood Area.</p> <p>2. Chart 38 of the QS results shows that 76% of respondents consider that open spaces within built up areas are ‘Extremely’ or ‘Very’ important to their enjoyment of the Neighbourhood Area environment.</p> <p>3. The Houses of Parliament POSTnote 538 published in October 2016 entitled ‘Green Space and Health’ contends that ‘Local green spaces may provide important areas for social interaction and integration ...and ...may also have more immediate benefits for mental health and wellbeing’.</p> <p>4. Policy CS.7 of the Core Strategy states that: - ‘The availability of open spaces, waterways and other green infrastructure features will be maintained and improved as a contribution towards:</p> <ul style="list-style-type: none"> <li>• quality of life and attractive communities</li> <li>• biodiversity and the provision of habitats</li> <li>• landscape character and quality.’</li> </ul>	
27	<p>Under the renumbered heading “Policy NE4 – Wildlife Habitats and Biodiversity” reword Policy NE4 as follows: ‘Development proposals should protect and, where possible, enhance the natural environment including valued landscapes, natural features, wildlife corridors and other biodiversity-rich areas. Inclusion of proposals to create, enhance and restore adjacent habitats for biodiversity is encouraged.</p>	<p>For clarity and accuracy and to meet Basic Conditions 1 &amp; 3</p>

	<p>When constructing boundaries, hedges should be used in preference to walls and close-boarded fences; where used, the latter should incorporate suitable ground-level access to protect and enhance wildlife corridors.</p> <p>Development proposals should ensure that the natural features and functions of watercourses and their wider corridors are retained and, where relevant, reinstated. Appropriate habitat buffers should also be assured.</p> <p>All landscaping proposals should incorporate the planting of native tree and hedge species as well as nectar-rich plants.'</p>	
28	<p>Under the renumbered heading "Policy NE5 - Flooding and Water Management":</p> <p>28.1 Reword Policy NE5 as follows:</p> <p>'Development proposals should meet the requirements of Core Strategy Policy CS.4 and be sensitive to the impact of Climate Change. In particular, proposals should be designed to reduce the risk of flooding. A site-specific flood risk assessment may be required dependent on the scale, use and location of proposals, in line with the requirements of national policy and guidance, but may also be required based on locally available evidence.</p> <p>Proposals that improve or enhance existing flood defence works benefitting land or properties in proximity to the River Itchen and its associated watercourses will be supported. No proposal should have an adverse impact on the effectiveness of existing flood defence works, including restriction of essential access to watercourses or flood defence structures for maintenance purposes. No development should be undertaken within a minimum of 8.0 metres of any point either along the banks of the River Itchen or the toe of any flood defence structure.</p> <p>Information accompanying the proposals should demonstrate how any mitigation measures will be satisfactorily integrated into the design and layout of the development.</p> <p>Dependent on the scale and nature of any development proposal, appropriate Sustainable Drainage Systems (SuDS) should be incorporated 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 attenuation, such as swales, ponds and other water based ecological systems, should be used wherever feasible. Where it can be demonstrated that these are not practicable, development proposals are encouraged to maximise opportunities to use SuDS measures which require no additional land take, such as green roofs. Surface water drainage schemes should have regard to Warwickshire's Surface Water Management Plan (SWMP).</p> <p>All development proposals are encouraged to control discharge runoff generated on site to the Greenfield runoff rate for all periods up to the 1 in 100 years plus climate change critical storm event using above ground sustainable drainage systems.</p>	For clarity and accuracy and to meet Basic Conditions 1 & 3

	<p>The reuse and recycling of water within developments is encouraged including the use of water butts.’</p> <p>28.2 Revise the “Explanation” sub-section for the renumbered Policy NE5 as follows:</p> <p>28.2.1 Add to paragraph 1: ‘In the light of historical issues, the Parish Council encourages positive discussions between all parties and, where appropriate, the undertaking of hydrology surveys at an early stage.’</p> <p>28.2.2 Amend paragraph 3 by replacing “help to achieve the standard set out in this Policy by minimising run-off” with ‘help to minimise run-off’.</p> <p>28.2.3 In paragraph 5 replace “should be provided with” with ‘are encouraged to install’.</p> <p>28.3 Revise the “Evidence” sub-section for the renumbered Policy NE5 by replacing paragraph 2 with:  ‘Paragraph 159 of the National Planning Policy Framework 2021 states that “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)”. Paragraph 160 states that in determining the suitability of proposals, authorities should “... should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities.”</p>	
29	Delete the heading “Policy NE5 – Environmental Pollution” and the related text.	To meet Basic Conditions 1 & 3
30	<p>Under the heading “Policy NE6 – Renewable Energy and Energy Efficiency”:</p> <p>30.1 Reword Policy NE6 as follows:  ‘Dependent on their scale and nature, development proposals are encouraged to contribute to environmental sustainability through the inclusion of on-site renewable or low carbon producing technologies with the aim of maximising as far as practicable their contribution to the development’s energy demands.</p> <p>Proposals for renewable energy generation schemes will be supported providing that:</p> <p>a) they have no adverse impact on the Valued Landscapes and Views identified in Policy NE1;</p> <p>b) the design, scale and form of the proposal meets all other relevant policies set out in the Development Plan.</p> <p>New dwellings must be constructed to a high standard of energy efficiency and thermal insulation in accordance with Building Regulations and have regard to Stratford on Avon’s Development Requirements SPD 2020, Part V Climate Change Adaptation and Mitigation.’</p>	For clarity and accuracy and to meet Basic Conditions 1 & 3

	30.2 Revise the “Explanation” sub-section for Policy NE6 by deleting “to prove” from paragraph 2.	
31	<p>Under the heading “Policy C1 – Protection of Existing Community Facilities”:</p> <p>31.1 Reword Policy C1 as follows:  ‘To be supported, proposals that affect an existing community facility must:</p> <p>a) Evidence that the altered facility will better meet the needs of the community; or</p> <p>b) Provide a replacement in an equivalent location and form.  Development proposals should not result in the complete or partial loss of a community facility.’</p> <p>31.2 Revise the “Explanation” sub-section for the renumbered Policy C1 by adding ‘non-commercial’ between “supports a” and “service”.</p>	For clarity and accuracy and to meet Basic Conditions 1 & 3
32	<p>Under the heading “Policy C2 Support for New Community Facilities” reword Policy C2 as follows:  ‘In principle, development proposals that support the retention of community hubs and community assets or facilitate the expansion of their use are supported.’</p>	For clarity and accuracy and to meet Basic Conditions 1 & 3
33	<p>Under the heading “Policy SLR1 – Sports Grounds and Children’s Play Areas”:</p> <p>‘In principle, proposals for the development of new sports grounds and children’s play areas or improvements to existing facilities will be supported.  To be supported, proposals that affect an existing facility must:</p> <p>a) Establish that the proposed development meets an identified need of local people, for instance for housing, social or community facilities; and</p> <p>b) Include for the replacement of the existing facility in an equivalent location and to a standard at least equivalent to the one affected.  Development proposals should not result in the complete or partial loss of a sports ground or children’s play area.’</p>	For clarity and accuracy and to meet Basic Conditions 1 & 3
34	<p>Under the heading “Policy SLR2 – Access to the Countryside”:</p> <p>34.1 Reword Policy SLR2 as follows:  ‘In principle, development proposals that create new public rights of way, provide a link between existing ones or improve access to the network for people with special needs will be supported.</p> <p>To be supported, development proposals should assess and address, with mitigation where appropriate, their potential to impact on access to, or enjoyment of the network of public footpaths, bridleways, the ‘SUSTRANS’ disused railway route and the canal towpath.’</p> <p>34.2 Revise the “Explanation” sub-section for Policy SLR2 by deleting paragraph 6 (and amending subsequent paragraph numbers accordingly).</p>	For clarity and accuracy and to meet Basic Conditions 1 & 3

35	Delete the heading “Policy SLR3 – Allotment Gardens” and the related text.	To meet Basic Condition 1
36	Under the heading “Glossary” amend the reference to the NPPF to refer to the 2021 version. Ensure that the listing is complete eg SuDS.	For clarity and accuracy