

Bishop's Itchington Neighbourhood Plan (Submission Plan)

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

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

Plan Period

I note that the stated Plan period runs from 2011 but the Plan was not submitted until 2022; since the Plan cannot be backdated and, as far as I can see, the Policies are not dependent on data anchored in 2011, the Plan period ought to commence in 2022. Your comments are invited.

A general comment about the wording of Policies

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

"Plans should:

- b) be prepared positively, in a way that is aspirational but deliverable;.....
- d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; and
- f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)."

I will raise issues in relation to these expectations below. In particular, policies should say what *is* wanted, not what *is not*.

The Neighbourhood Plan can add important detail that is particular to the Neighbourhood Area planning decisions. The most obvious example is that, within the national and local support for the retention of valuable green spaces, the Neighbourhood Plan can designate named areas of particular local significance, thus interpreting higher-level policies in the neighbourhood context. Similarly, Core Strategy support for Local Needs Housing Schemes might be realised locally with the allocation of land at the community's preferred location and at a scale appropriate to local housing needs. However, these things are not to be done simply because a survey shows that the community wants them, but because evidence has been gathered that demonstrates the nature and scale of neighbourhood issues. The "proportionate evidence" to which the NPPF (para 35) refers is not evidence of wishes, but factual evidence of how (say) green spaces are significant or what level of local demand there is for additional housing. Having said that, there may be instances where Core

Strategy Policies can be better contextualised for the Neighbourhood Area; for instance, a policy about the retention of community facilities may benefit from local knowledge and detail exactly the facility properties included, so there is absolute clarity about what the policy means for the Neighbourhood Area. If the wording of Core Strategy Policies is varied in other ways, the differences must be explained and justified, otherwise unintended differences will mean that it is not “evident how a decision maker should react to development proposals” (NPPF para 16). Inconsistencies between policies within the Neighbourhood Plan itself also give rise to similar confusion and lack of clarity. Overall, the expectation is that Plan content should “serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)” (NPPF para 16).

3. INTRODUCTION

I note that paragraph 3.3 says: “The policies within this plan will allow the village to develop through steady, moderate growth”. How do you envisage this happening?

4. NEIGHBOURHOOD PLAN PROCESS AND PREPARATION

Whilst it is worth noting for the record that the Neighbourhood Area boundary has been altered during the planning process, I think that showing the original 2014 boundary is more likely to cause confusion than be helpful information. Your comments are invited.

7. BISHOP’S ITCHINGTON NDP PLANNING POLICIES

A revised 2022 Stratford-on-Avon Site Allocations Plan has now been published. Although it might entail a further round of Neighbourhood Plan consultations, the Qualifying Body may wish to consider the impact of the new draft on its Plan – as is suggested in paragraph 7.8. A representation comments: “Paragraph 3.5 of the Neighbourhood Plan advises that the emerging plan is being prepared to be in accordance with the Stratford-upon-Avon Core Strategy, and the District’s Emerging Site Allocations Plan We disagree that the BINDP has been prepared to take account of the reasoning and evidence informing the emerging Site Allocations Plan for the following reasons. The Core Strategy states that Reserved [*sic*] Housing Sites will need to be identified. The Council’s Strategic Housing Policy, therefore, says 20% of new homes will be identified in the Part 2 Plan. The emerging Site Allocations Plan included two draft allocations in Bishop’s Itchington. In light of the draft allocation how can the BINDP be prepared in accordance with the Core Strategy and Site Allocation Plan if it does not reflect these allocations? The statement in paragraph 3.5 is therefore incorrect.”

More generally another representation comments: “the Respondent cannot agree that the BINDP has been positively prepared in accordance with Paragraph 16 of the NPPF and considers it likely to unnecessarily constrain development, contrary to the Government’s objective to boost significantly the supply of homes (NPPF, Paragraph 60)”. This is among a number of representations that query the absence of an allocation of land for housing. I cannot disagree with your response that “There is no requirement to allocate sites for housing in a neighbourhood plan”. However, allocating sites through the Neighbourhood Plan that would otherwise be made through Local Plan processes would allow for local, site-specific considerations to be made explicit. A representation puts it differently: “The Parish have the opportunity to ensure that the Housing needs of the Parish are met in their entirety. A housing survey should be carried out and the Parish should select a site for any

resulting identified need, as per [NPPF] Paragraph 14(b), which will ensure the full protection of the Paragraph”.

Your comments on these lines of thought are invited so that I can understand the context for the Plan.

Policy BINDP1 - New development within Bishop’s Itchington

The BUAB for Bishop’s Itchington is not part of any adopted Plan. As is noted, the BUAB “is the same as that put forward by Stratford District in the Site Allocations Plan (Figure 5)” but the document within which it sits is still in draft form. If the Neighbourhood Plan wishes the BUAB, as an amended version of Figure 5, to be recognised then it needs to include a Policy defining the BUAB; and the supporting text needs to explain the methodology for arriving at the boundary, which I understand follows that developed by Stratford-on-Avon Council. In the draft Site Allocations Plan Preferred Options 2022 it is noted (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.” Therefore, defining a boundary would be in general conformity with the strategic policy. Your comments are invited.

Having addressed the above point, Policy BINDP1, as written, is largely a statement of fact not policy. It states the basis on which the Core Strategy provides for new housing. However, as the local authority has noted, it is unclear to what the phrase “and elsewhere in the development plan” is intended to reference. Paragraph 7.19 references details that are particular to Bishop’s Itchington and therefore the Policy might include a requirement that development proposals demonstrate appropriate regard for the map in Appendix 2 and its source document. Your comments are invited.

Policy BINDP2 - Local Needs Housing

You have not explained why you do not agree with the local authority that there is an internal conflict between Policies BINDP 1 & 2. Policy BINDP1 provides, *inter alia*, for infill housing development in general within the BUAB and for Local Needs Housing Schemes adjacent to the BUAB, where suitably located etc.. Therefore, in theory at least, a Local Needs Housing Scheme within the BUAB is already supported in principle by Policy BINDP1. But, as it is unlikely that there would be a site sufficient to accommodate anything approaching 10 units, and such a scheme would be competing for land at full market price, it is improbable that any such development would be viable. A reason for Core Strategy policies providing for at-boundary developments to meet local needs is to give such schemes a fighting chance of being viable. Whilst the addition of the words “bona fide” has been explained, it is not clear what loophole to providing housing to meet local needs is believed to be being closed. For the purposes of delivering a Local Needs Scheme, any variation to the provisions in Core Strategy Policy AS.10 would need to be justified with local evidence, not simply community opinion.

Is there any evidence to suggest that there is capacity within the BUAB for new infill housing and affordable housing in particular? Is there any evidence to suggest that the supply of new affordable housing – estimated need in 2016 as 14 dwellings - has or has not kept pace

with demand? As noted by the local authority, the use of “up to 10 dwellings” appears to be an arbitrary figure and unrelated to evidence of need?

The Policy element relating to the inclusion of “market housing” seems to follow the thrust of NPPF paragraph 78: “Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this”. However, a site *within* the BUAB would not be an “exception” site. Within the BUAB any housing development is acceptable in principle. Further, the first element of Policy BINDP2 relates to “community-led housing”, not affordable housing specifically, and therefore a mix of housing might be expected?

Further explanation is therefore required for me to understand the intention behind Policy BINDP2.

There is clearly one ‘total’ error within Table 3 and you have agreed other corrections that the local authority has advised. I would be grateful for a revised version of Table 3.

Policy BINDP3 – Local Economy

Presumably this Policy is intended to encourage ‘commercial and tourist’ development – at least in the short term, *any* construction project might be said to “contribute to the local economy”? What type of working from home schemes is it considered likely will require a planning application but will have acceptable impacts on residential amenity, car parking, and in terms of vehicle trips to and from the site? Is there evidence of demand for home working within the Parish that this Policy is addressing because without a clear picture a nebulous policy may lack the clarity that the decision-maker will require?

Supporting Actions

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 a different colour and distinct heading does make the difference from Plan policies “clearly identifiable”.

8. NATURAL AND BUILT HERITAGE

Policy BINDP4 – Design

It is unclear why paragraph 2 of this Policy is expressed negatively when it could equally well be expressed positively? The supporting text explains that the Policy criteria “are in addition to any policy requirements elsewhere in the development plan” but many/most are duplications of other policy content. To what extent is the content of Policy BINDP4 considered to be particular to the Neighbourhood Area? How does the prospective applicant know what are “good quality examples” to be followed? The NPPF (paragraph 127) says: “Design policies should be grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development”. This aspect appears to be absent from Policy BINDP4? A

representation comments: “The Parish could consider grouping similar factors into sub-points, to make the Policy easier to interpret, or creating a Design Code [or Guide] document to be read alongside the Neighbourhood Plan”. The Development Requirements Supplementary Planning Document produced by Stratford on Avon District Council is referenced – to what extent does this need being supplemented with local detail?

The referencing in the Plan is generally excellent but referencing to the Development Requirements Supplementary Planning Document seems to have been omitted.

Policy BINDP5 – Landscape Character and Views

Appendix 2 does not identify “features” but rather areas of high and high/medium sensitivity to development. There must therefore be a possibility that some areas will not be capable of accepting new construction of the scale/nature envisaged by proposals, even after mitigation has been considered. National and local policies already acknowledge this. The feature of Policy BINDP5 that is specific to the Neighbourhood Area is the identification of viewpoints – although the directional arrows on the Policies Map appear to be the reverse of what was intended (according to the photos)? Although the Policy initially suggests that these views are to be “protected”, subsequent detail makes it clear that the specific use of a Landscape Visual Impact Assessment is intended, which should inform proposals and any appropriate mitigation).

In the absence of details as to how and why the particular “significant” views have been selected, this Policy is unlikely to carry much weight in the decision-making process. Both the applicant and the decision-maker need to know what features justify giving these views special attention, even within a setting that is identified as generally having high/medium sensitivity to development?

Your comments are invited.

Policy BINDP6 – Built and Natural Heritage Assets

Paragraph 8.19 says that “Policies BINDP5 and BINDP6, by identifying these specific local assets, add development management policy criteria to strategic planning policy”. But where does Policy BINDP6 identify sites that are particular to the Neighbourhood Area? I note that it does reference field remnants of ridge and furrow but those are also included within Policy BINDP9. It is perhaps surprising that Figure 8 is not referenced in the Policy.

A representation suggests a rewording of part of the Policy with additional detail: “- minimises impact on the archaeology of the area including the abandoned medieval village, ridge and furrow and other known archaeological features. Heritage assets with archaeological interest should be appropriately assessed on a case-by-case basis to determine their significance. Where considered necessary, by the appropriate bodies, further study/survey/investigation may be required. Where there is low significance, development should be considered acceptable, and suitable recording or in situ preservation of the archaeological assets could be incorporated”. Your comments are invited.

Much of the supporting text would appear to have been displaced from Policy BINDP5?

9. LOCAL COMMUNITY

Policy BINDP7 - Protecting and Enhancing Community Facilities

Whilst Policy BINDP7 is helpful in identifying what are referred to as “community facilities”, their locations on the Policies Map appear to have been wrongly referenced (5/1 etc). As the local authority has noted, some of the facilities listed are commercial rather than community in nature (the pub being something of a hybrid) and one listed is a sports facility (the subject of BINDP8); I note that the village surgery is omitted from the list. Purely commercial premises are not covered by Core Strategy Policy CS.25 but I do note that CS.23 includes: “Throughout the District, the change of use of a property from one falling within Class A1 [now E] of the Town and Country Planning (Use Classes) Order to one within another class will be resisted unless the proposal satisfies the provisions of Policy CS.25 Healthy Communities”. However, the Core Strategy is out of date and retail uses can now change between different uses and even to residential with no or little planning formality through national changes to permitted development rights. Policy encouragement for the retention of shop premises, and certainly for the retention of particular retail uses, may therefore be thwarted by those permitted development rights.

Your comments on these lines of thought are invited.

Policy BINDP8 - Sports Facilities

Unlike Policy BINDP7, BINDP8 does not identify the nature or location of local facilities. Therefore, it would seem that the Policy says nothing more than its Core Strategy equivalent? As noted by Sports England, there is a danger in rewording Policies from other levels of the planning policy hierarchy; you have indicated that you are proposing a revision to this Policy?

Policy BINDP9 - Local Green Space (LGS)

I will need to view these spaces during a visit to the Area but, on the basis of the descriptive material provided, it would seem likely that the areas are appropriate for LGS designation. Could you please confirm that the owners of these sites have been consulted about the proposed designation.

As noted by the local authority, the related Figure needs correction as does the Policies Map which shows the LGSs as 7/1 etc.

Policy BINDP10 – Other Open Spaces

I will look at these open spaces during my visit to the area. Whilst I understand that the spaces contribute to “the visual appearance of the village”, it seems improbable that they are likely to be affected by development?

Other local community issues

No comment.

10. TRAFFIC AND TRANSPORT

Policy BINDP11 - Maintenance of existing footpaths/bridleways/ cycling routes

Whilst the basis for this Policy is understood – even though Rights of Way are already protected in law – the application of the Policy would benefit from a map, in like fashion to those provided to support other Policies. The title would also benefit from replacing “Maintenance” with ‘Retention’ or similar.

A representation comments, fairly: “it would be prudent to make provision within the policy to include that Public Rights of Way may be diverted as part of new developments subject to the necessary approval from the County Council “. You may wish to indicate the circumstances in which diversion would be acceptable? Potential housing sites may inform your preferred approach.

Your comments are invited.

Policy BINDP12 - Electric Vehicle (EV) Charging Infrastructure for New Homes

Given that there are other sources of technical and design guidance, and some is referenced, it is difficult to understand why Policy BINDP12 is quite so prescriptive on installations? Individuals may have legitimate preferences? A representation goes further: “we disagree that the Plan should make it a requirement for every new house to provide an electric charging point. The use of electric vehicles is still in its infancy and as such, there is no overriding technology or more specifically charging connection that is standard across all manufactures yet.” Your comments are invited.

17 BIBLIOGRAPHY

The Bibliography is helpful but the “Ministry of Housing, Communities & Local Government” is now the ‘Department for Levelling Up, Housing and Communities’.

POLICIES MAP

Apart from the errors in relating Policy content to map as noted above, the key reference to Policy BINDP1 seems superfluous?