

## Fenny Compton Neighbourhood Plan (Submission Plan)

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

I still have considerable work to undertake in fully assessing the submitted Plan but my purpose here is to better understand the authors' intentions behind some of the policy content. Where representations have raised issues, I will aim to pick up below the most significant of these so that you may provide further comments where you feel the need. In particular I am not sure that you received the two Appendices attached to two representations. **Yes we did receive the two appendices.** 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 2021; since the Plan cannot be backdated and, as far as I can see, the Policies are not dependent on data anchored in 2011, the Plan period ought to commence in 2021. Your comments are invited.

**Our preference has always been to date the plan 2021 – 2031 but we were advised against this by Stratford District Council who maintained that plans must be dated 2011 – 2031**

### A general comment about the wording of Policies

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

"Plans should:

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

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

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

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

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 shows 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).

### **Executive Summary**

A representation comments that the sentence "The exact number of houses allocated in the Neighbourhood Development Plan will depend on how many can be accommodated in a sustainable way" is inappropriate because the Plan doesn't allocate any sites. Whilst I

appreciate that it is difficult to summarise a Plan concisely, the phrase is later repeated under "Introduction". The local authority questions the previous paragraph because "the situation could change in subsequent versions of the Site Allocations Plan". I suggest that paragraphs 4 & 5 are replaced by 'The District Council is identifying reserve housing sites through its Site Allocations Plan. Fenny Compton is identified as a location where it will consider identifying reserve housing sites.'

It is also misleading to suggest that the distinction made by the BUAB is as stark as "a policy line which separates urban land, on which development may be acceptable, from the countryside, within which it is not". 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." The summary should not mislead. I note that you accept that the wording needs to be changed.

### **Key Principles**

It is helpful for the Plan to explain how key principles underpin the range of policies in the Plan. However, again, summaries should not mislead and I fear that the abbreviated versions of the Policies used in the tabulation here are sometimes inaccurate and there is an evident danger that they some readers will not delve deeper into the Plan document to read the actual wording. The local authority has highlighted the misleading impression given

about the renewable energy policy and, whilst I think it would be appropriate for the Policy titles to be put against the Key Principles, the Policies should be presented only once and in full (and the Contents Page provides the related page numbers). Your comments are invited.

**We would be happy with any proposed revisions in this area.**

## **Development Outcomes**

I am advised that, during the period of this Examination, a revised 2022 Stratford on Avon Site Allocations Plan will be published. Although it would likely entail a further round of Neighbourhood Plan consultations, the Qualifying Body may wish to consider the impact of the new draft on its Plan.

I note that the local authority has commented: "this would have been an ideal opportunity for the Plan to have regard to the proposals within the SAP and, in particular, identify any specific local issues that need to be addressed, or requirements that ought to be met. Of course, this can be done without prejudice to the Parish Council's position in respect of the SAP. In purely practical terms, it would be extremely useful if the District Council and its partners can be made aware of any local issues or requirements that may affect the delivery of those sites." The response from the Qualifying Body only appears to address the matter of affordable housing. I note that you have agreed to amend page 10 to acknowledge that the Council "will consider identifying reserve housing sites for potential future development".

## **Introduction**

The local authority has queried the opening sentence of paragraph 1.2.2; in view of the stage now reached this sentence can actually now be deleted and "live" removed from the second sentence. The end of paragraph 1.2.2 is not entirely accurate; it should read 'Once in place, planning applications for development in the Neighbourhood Area are determined in accordance with the Development Plan, which includes the Neighbourhood Plan alongside the Core Strategy, unless material considerations indicate otherwise.'

**We are happy with this change**

I note that the last paragraph of paragraph 1.2.5 details the position "Since the Core Strategy was adopted ....". The Core Strategy details a housing requirement over the period 2011 – 2031 but was not actually adopted until 2016. Does the data quoted relate to the period since 2011 or since 2016?

**This data relates to the period since 2011, and so we acknowledge that for accuracy the sentence needs rewording. In addition, to bring the data completely up to date it should state '29' not '28'**

Paragraph 1.2.8 says that the Plan will "ensure that the essential infrastructure is provided to support the increase in population". Whilst the Plan may identify and help to facilitate the delivery of infrastructure, as no funding is attached directly to the Plan, it cannot "provide". Your comments are invited.

We would be happy with a change in wording here

## 1.6 Fenny Compton built-up area boundary

The BUAB for Fenny Compton is not part of any adopted Plan. As is noted, “the built-up area boundary (BUAB) of the village in Fenny Compton Parish [has been] published by SDC” but the document within which it sits is still in draft form. If the Neighbourhood Plan wishes the BUAB 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 – I presume that is as developed by Stratford-on-Avon Council? In the draft Site Allocations Plan Preferred Options 2020 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, a defined boundary would be in general conformity with the strategic policy. Your comments are invited.

Given the protracted process for SDC’s SAP is still not complete, then yes we should take steps to define the Fenny Compton BUAB within this NDP. We had not gone down this route, because the original timetable for SDC’s SAP should have seen it adopted well before this NDP was complete.

You have acknowledged that the section on the BUAB at paragraph 1.6.4 needs to say that “Any reserve housing sites identified by SDC will be outside the BUAB.”

The related map on page 18 confuses information and policy content. The Conservation Area and the listed buildings have already been designated by others. But the BUAB (as above) and the Local Green Space are items designated within the Neighbourhood Plan. I note that the local authority has commented: “It would be preferable if all policy-related content could be displayed in a single plan (possibly supported by an inset map for Fenny Compton village) to an appropriate scale or scales”. Since you have made “no comment” to this it is difficult to know the basis of any objection and/or whether you prefer clarity to be provided in a different way?

We said no comment because we do not understand how you can include all policy related content on one map. It would be an extremely busy map. Can you point us to another NDP where this has been done successfully? In our view, clarity is better provided by using different maps for different content.

## Figures 6 & 7

I can see these maps derive from the Preliminary Ecological Report for Fenny Compton Parish Council 2018, but their source is not declared. However, outside of their original context I question their relevance. The dominant element of the first map are “potential” sites, but these would appear to have no current status within the planning system. The dominant element of the second map are the coloured land parcels, but these are not covered by the key and are therefore unexplained. If there is to be an illustration then this needs exclusively to show the important designations as listed in paragraphs 1.7.9 & 1.7.10.

A representation similarly comments: "We consider that the two maps listed above and the corresponding paragraph at 1.7.10 should be deleted from the Neighbourhood Plan as they are insufficiently evidence based and could prevent otherwise sustainable development from coming forwards. We support the plan's intention to protect the natural environment, but this can be suitably achieved by Policy NA4 without the need for these maps."

Your comments are invited.

We have the missing key and can provide it for inclusion. We can provide the reference to the source. The report was commissioned by us specifically for the purposes of the NDP. In our view the fact that the areas shown are 'potential' sites following survey by a competent authority, should carry some weight and therefore development on these potential sites should be avoided.

### **Strategic Vision 2.2 Key Principles**

This seems to be a repeat of the content of the table on pages 7-9 and I wonder whether a double statement within a few pages of each other is appropriate? You have commented: "The duplication is a by-product of providing an exec summary" but the Executive Summary is a separate entity?

The exec summary (including the table on pages 7-9) was added later and this led to the duplication. We would be happy to take out 2.2 to resolve the duplication

### **2.3 Development Outcomes**

This similarly seems to be a repeat of earlier content, abbreviated. If it is retained then I believe that the local authority has a valid point that the potential for SAP site allocations ought to be acknowledged, as agreed elsewhere. The local authority has also suggested expanded explanatory content that you have agreed.

We would be happy with this proposed update.

### **Design and Infrastructure Policy DE1: Sensitive Building Design**

As noted earlier, policies need to be "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals". The following appear to lack clarity:

i) The first heading is "Village Design Statement" but that is not referenced as such in the supporting documents so how is it intended that people (including me) access it? I wonder whether, as a 2008 document, it has been reviewed and whether its inclusion within an otherwise redundant Plan document, is undermining? The expectation that "This [the VDS] should be consulted" may be appropriate where a scheme is to be subject to a planning consent but, by their nature, permitted development schemes will not be scrutinised and therefore use of the Statement can only be encouraged. I note that you have accepted that criterion c) should read 'conserve or enhance designated heritage assets' to comply with NPPF terminology.

We would be happy to reference the VDS directly rather than via the 2008 plan. It is presently publicly available here, via SDC, quite separate to the 2008 plan:

[Fenny Compton Village Design Statement \(stratford.gov.uk\)](http://stratford.gov.uk)

ii) Material usage: paragraph 3.0.2 notes that "The buildings of Fenny Compton centre are predominantly made of local Hornton Stone." Is this Policy element suggesting that all

new buildings need to be constructed of this stone and imitate historic buildings? iii)

Location of Development: "sit well" may mean very different things to different people.

Your comments on these lines of thought are invited.

We are unable to find the section of text highlighted in yellow – please could you advise.

In terms of 'sit well' – we had anticipated that this would be open to interpretation through the planning process, with representations from residents and the parish council to any applications, and all under the guidance of the planning officers. There are several examples of how this has been successfully achieved in recent years with new build or redundant building conversions within the village centre.

### **Policy DE2: Sustainable Development**

Policy DE2 would seem to be the appropriate place to define the BUAB and, as the local authority identifies, reference Figure 5.

A representation comments: "You could add to your objective a specific point in this section about new developments needing to consider their flood risk and sustainable drainage systems when building on Greenfield and brownfield sites." It is noticeable that a number of facets of sustainable development have been separated out leaving this section as a rather distorted version of sustainability.

i) Future Housing: I note that you have responded to the local authority's comment: "It's an illustrative list to help the reader understand without needing to seek out the full AS10 policy wording". But Policies must be precisely worded otherwise awkward questions will arise as to why elements are omitted or wording varied.

We are happy that the section after 'for example', is removed.

A representation has commented: "we do not consider that Policy DE2 meets the basic conditions as: it does not conform with the NPPF's requirement at paragraph 62 for policies to plan for people wishing to commission or build their own homes; it would not achieve socially sustainable development as it fails to meet the needs of these people; and it would not conform with the emerging development plan." As noted earlier, Neighbourhood Plans are only obliged to consider matters of local importance to the community, and are not obliged to be in conformity with future plans. As also noted earlier, 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. Please comment if you wish.

The policies have been based on evidence and requirements gathered from residents through the surveys undertaken in the course of drafting this plan. There is no evidence for any demand for self-build or custom build schemes from the existing residents. Hence the policy being worded in this way.

Just because this plan identifies no sites specifically for self build properties adjacent to the BUAB, it does not mean that the plan precludes self build properties being built within the BUAB, of which there are one or two recent examples.

### 3.3 Explanation

I note that you have agreed to include in paragraph 3.3.2 a reference to the date of the current Housing Survey and the need to keep this under review and in 3.3.3 and acknowledgement of the implications for the SAP. You may wish to suggest a form of words. It would also seem appropriate to add a paragraph acknowledging that Core Strategy Policy AS10 includes provision for “Small-scale schemes for housing, employment or community facilities to meet a need identified by a local community in a Parish Plan, Neighbourhood Plan or other form of local evidence, on land within or adjacent to a village.”

Yes we would be happy with that addition.

### Policy DE3: Designing-out Crime

As is acknowledged, national and local policies address the issue of designing out crime. No evidence is provided to show that crime is a particular issue within Fenny Compton and I therefore query the relevance of Policy DE3 when it can add nothing at a neighbourhood level to the existing body of policies. As the local authority notes, paragraph 3.4.3 provides information, not policy content. Your comments are invited.

We were strongly encouraged to include this policy by one of the statutory consultees during the reg 14 consultation. We would be relaxed about taking it out, but we do hope that the statutory consultees will be made aware of your feedback and do not request other parishes make this addition to their plans.

### Promoting Road Safety Policy RO1: Appropriate traffic management measures

Given that Neighbourhood Plan policies must “relate to the development and use of land” (Section 38A of the Planning and Compulsory Purchase Act 2004) traffic management is a difficult topic outside of the context of particular sites. In relation to the wording of Policy RO1, it is difficult to envisage why it is considered that existing local policies are insufficient to “minimise any impact they will have on the local highway network”.

In response to the local authority questioning of the parking standard stipulated in Policy RO1 you state: “The evidence for this comes from the local surveys undertaken in drafting

this plan. On-street parking problems are caused throughout the old part of the village because of insufficient off-street parking.” But adding additional requirements to new housing will not and cannot resolve existing parking problems on narrow streets. The Policy can only require parking provision appropriate to the new development itself, without having to address such issues as development viability. The local authority has satisfied itself that the local parking standard is appropriate to local scales of car ownership. The Neighbourhood Plan could have, had an opportunity been identified, allocated a site for additional off-street parking.

The reference to on-street parking problems in the old part of the village was made to highlight the problems caused when the number of off-road parking spaces does not equate to one space per bedroom. We are not suggesting that adoption of this policy would solve the existing problems but it could prevent the problem from worsening.

In addition there is a wealth of evidence of insufficient off-road parking on housing developments built within the last 20 years which demonstrates that existing parking space policies are insufficient. In these areas, on-road parking problems and pavement parking problems are caused where properties have one car per bedroom, hence the policy wording. Again we are seeking to avoid this problem worsening and being prevented for new developments.

We do not think it would be appropriate to identify potential sites for off-street parking to be provided within the plan but we could insert a sentence to refer to pursuing opportunities for further off-street parking in the village centre if sites were to become available.

In relation to paragraph 4.1.3, as the local authority comments: “it is unclear whether traffic calming methods could be dealt with through new development – this is more related to work carried out by County Highways outside the planning process”.

Our view is that these matters need to be considered together. A good example of this is an ongoing discussion about road safety measures associated with the new development of 100 houses on the Compton Buildings site. The road which separates this development from the adjacent playing fields has a 60mph speed limit. The pavement from the site into the village along which children would hopefully walk to school and other facilities is inadequate and narrow. There is also no streetlighting. We believe that even though the planning process does not cover these matters, they should be considered alongside each other, hence the policy wording.

Your comments on these lines of thought are invited.

## **Supporting Parish Amenities Policy PA1: Protection of Village Community Assets**

Paragraph 5.1.1 should ideally be presented positively, eg ‘To be supported, development proposals should retain and improve the existing community facilities listed below and



shown on Figure 9, unless ....'. I note that you have committed to improving the related map so that the facilities and their extent can readily be identified.

We are happy with this change

### **Policy PA2: Development of New Community Facilities**

The NPPF says that Plan Policies should be “prepared positively, in a way that is aspirational but deliverable” (NPPF paragraph 16). Whilst it is helpful that the Neighbourhood Plan identifies particular areas of community facilities that could be improved, the all encompassing list included in the Policy wording is unlikely to be regarded as “deliverable”. Since no assessment has been made of existing or future sites that may accommodate extensions or additions, the Policy can only provide support ‘in principle’. Design considerations are probably adequately addressed in other Policies. A single policy for community facilities may suffice? Your comments are invited.

We are open minded on this point about combining them into one.

In the “Explanation” section the reference to “e.g. levies” is unclear.

This reference is to CIL – we would be happy if this were to be clarified in the document

### **Promoting Recreational Spaces Policy RE1: Protecting Village Recreational Assets**

As with Policy PA1, the opening paragraph should ideally be presented positively. The reference to the “school paying (*sic*) field” can be omitted subject to later consideration of the Local Green Space designation. As with the PA Policies, an improved map is needed – developers cannot be expected to protect features the extent of which are undeclared - and a single policy for Recreation may suffice? Your comments are invited.

We are open minded about combining the policies. We would be happy with an improved map

### **Flood Prevention Policy FL1: Ensuring Development Manages the Flood Risk**

A representation from WCC Flood Risk Management suggests that this section should be titled ‘Flood Management’ not “Flood Prevention”; certainly that would better accord with the Policy title.

We would be happy with this change

Whilst the wording of this Policy seems well considered, at the end of the last sentence the wording gets a little jumbled. Warwickshire County Council Flood Risk Management has made a few comments; they would prefer the word ‘rivers’ to “streams” and in place of “SuDS should be built into all new developments” they would prefer this to be strengthened to ‘SuDS will be expected to be built into all new developments’.

We would be happy with these changes, however is there an official definition of the term river in this context? In any ordinary use of the word, river would not be correct in the context of the scale of watercourses through this village.

The supporting "Explanation" notes "a recent consultant's survey" but no source reference is provided for this; the related map appears to be the public map of flood risks. Paragraph 7.2.5 appears to be rather cryptically worded? WCCC flood management comments: "You mention in this section that an alleviation scheme is being constructed to manage flows from the stream on the west side of the village. This should be re-worded as the current scheme is to provide property flood resilience (PFR) at a property level for those identified at flood risk to better protect them from multiple sources of flooding. WCC is currently working with residents on the delivery of the PFR scheme."

Given all of the very recent work undertaken by WCC and their flood consultants as a part of the property flood protection scheme, we would propose that we reference their survey and map.

As mentioned in the previously provided comments, when this plan was first drafted, WCC's intention was to construct an alleviation scheme. This has subsequently changed to property protection but this has occurred since the reg 14 consultation so we have had no opportunity to update this. Clearly we are happy this be corrected now.

WCC flood management has also commented: "You have included a map detailing the risk of flooding from surface water. It would be good to include a similar map demonstrating the risk of flooding from rivers as well as other sources." However, if such maps are included then the titles and keys need to be absolutely clear as to what is being shown. Given that these maps are regularly being updated and any prospective developer would need to access current versions, there would be greater value in providing a hyperlink(s) to the relevant on-line mapping and data. Further, WCC has commented: "Online mapping shows there to be a watercourse running directly through the middle of the village. It would be good to see a bullet point outlining how development will be managed around this watercourse."

Your comments are invited.

We would be happy to remove the map and switch to hyperlinks to the relevant up to date maps and data. We would suggest that we reference the most up to date maps used as a part of the recent WCC flood property protection scheme.

With reference to your point about adding a bullet point outlining how development will be managed around the watercourse – we believe this level of detail is outside the scope of this plan and we would rely on the district council's planners to oversee development in these areas

## **Environmental Sustainability [the heading itself says "Enviromental"] Policies**

### **EN1 – EN3**

We would be happy to correct the spelling mistake

As the local authority has suggested for Policy EN2, these Policies are of no obvious value in light of the changes to the Building Regulations which come into force on 15 June 2022. It is Government Policy that the energy and water efficiency of buildings is a matter for the Building Regulations and not the planning system. If encouraging retrofitting is the object

then, as is suggested under "Explanation", most installations would be 'permitted development', and again therefore the Policies would not be effective. The Village Design Statement might need to be updated to accommodate this aspect of design? Your comments are invited.

Given the imminent updates to the building regulations we would be happy for these policies to be removed.

### **Promoting Business and Employment Policy BU1: Minor Commercial Developments**

I note that this Policy is intended to apply at specific locations – which are to be mapped, not least for my benefit when I visit the area – but also "Any existing brownfield site that becomes available". This potentially could encompass a wide range of sites, inside and outside of the BUAB, isolated sites, sites in residential settings, sites next to tourist attractions, many of which may have better, alternative uses. Whilst I appreciate that other policies will effect restrictions to keep uses appropriate to their location, this part of the Policy fails to provide that aspect of positive guidance that paragraph 16 of the NPPF expects. The source of the definition of "minor commercial" is not declared.

Our definition of minor commercial is defined in 9.1.1 – i.e. 100m<sup>2</sup>.

A representation comments: "Given that the potential wildlife sites [on the referenced map on page 20] have in some cases not been surveyed and in all cases have not been surveyed for at least 10 years, we consider that it is inappropriate to require minor commercial developments to not have any adverse impact on these sites without knowing if the sites are of any value to wildlife. We therefore recommend that the policy is amended to require applications to be supported by suitable ecological surveys." This issue would not arise with exclusively infill sites.

Some further clarity with the intention of the Policy is required; in particular this is needed to explain the intended distinction between Policies BU1 & BU2.

The surveys undertaken provide evidence of local support for minor commercial developments. At the same time that survey made it clear that such development should not adversely affect wildlife sites.

The difference between BU1 and BU2 is that BU1 is focused on the place or the property. BU2 is about people and employment.

### **Policy BU2: Promoting New Employment Opportunities**

I note that this Policy makes no distinction between sites within or adjacent to the BUAB and other sites in the countryside. Whilst I note that paragraph 85 of the NPPF says: "Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its

surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport)" Policy BU2 is lacking in any *local* details or considerations.

Figures 14 and 16 provide the local details to support this policy. These figures outline the types of new employment opportunities the residents would like to see.

### **Policy BU2: Home Working**

I believe that this Policy should be numbered BU3 and that "should be encouraged" should read 'are encouraged'?

We are happy with these updates

### **Promoting Connectivity Policy CN1: High-speed Homes Policy CN2: Connected Infrastructure**

It is not apparent that there is a distinguishing feature between these two Policies, and also between these two Policies and Core Strategy Policy CS.26.

The first policy is covering infrastructure within the home. The second policy covers infrastructure outside the home. It is important that this distinction is made because they are overseen by different agencies.

### **Natural Environment Policy NA1: Protection of Valued Landscapes**

As a representation notes, "the NPPF at paragraph 174 .... draws a clear distinction between valued landscapes (which should be protected and enhanced) and other countryside (the intrinsic character and beauty of which should be recognised)". The representation goes on to say: "The FCNP is not supported by any evidence to demonstrate why the parish should be considered a 'valued landscape' aside from a survey of local residents. Such a survey can be useful in identifying value but is not by itself sufficient without technical assessment."

Apart perhaps from in the Policy title, it is apparent that there is no intention to use "valued" in the NPPF manner. However, I believe it is fair to say that it is far from "evident how a decision maker should react to development proposals" in the context of Policy NA1 – partly because it is apparent that the drafting is incomplete. In response to a query from the local authority you have responded: "[Figures 20 & 23 are] representing different but connected things. The stars in Fig 20 represent the viewpoints from within the village. The coloured lines in Fig 23 represent the scope of the valued landscapes." From the Plan text it would appear that the "viewpoints" do not represent any intrinsically special locations but "it was from these standpoints Valued Landscape views were determined". There appear to be 3 aspects of the landscape (from Figure 23) that are particularly valued (and of which the photographs are merely illustrative):

- Views of the village from the south-east,
- Views from the centre of the village towards the south-east
- Views from the west of the village towards the west and south-west.

Within these vectors it is considered that development proposals must demonstrate how they have regard to, are appropriate to, and are designed to integrate with the topography and the distinct character of the landscape. As appropriate, particular attention will be required for impacts on the settings of heritage assets, village approaches and settlement edges.

Is that a fair summary of the intention of the Policy?

Yes it is. Perhaps vistas and skylines are better words to use than valued landscapes.

Based on the value residents place on these viewpoints and landscapes as demonstrated in the surveys, we took a lead in how this policy should be framed and presented from the Ilmington Neighbourhood Plan, Policy DC4.

[Ilmington Neighbourhood Plan: Referendum Version - March 2020 \(stratford.gov.uk\)](http://stratford.gov.uk)

### **Policy NA2: Local Green Spaces**

The NPPF (now paragraphs 101 – 103) says that “Policies for managing development within a Local Green Space should be consistent with those for Green Belts”. Green Belt policies do not extend to protecting land for “its significance and value to the local community” or say that the “special circumstances” arise when the harms to the LGS are outweighed. Paragraph 147 of the NPPF simply says that inappropriate development “should not be approved except in very special circumstances”.

I will need to visit the proposed LGS to make my own assessment but from the descriptions in the Plan and evidence document, whilst I am convinced that the space is demonstrably special to a local community and holds a local significance because of its recreational value (including as a playing field), I am yet to be convinced that it has a “particular” local significance. The significance should be intrinsic to the space being designated and not ‘borrowed’ from other neighbouring or associated features; in this regard the Guidance says “There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation” (Paragraph: 018 Reference ID: 37-01820140306).

The local authority has queried the Policy element relating to flood protection works: “How can a flood resilience scheme not affect the primary function of a school playing field? Is this paragraph required/necessary?” The test for a Local Green Space would not relate to that “primary function” but would be whether the works would represent “very special circumstances”; this could not be prejudged in advance of the proposals. However, The NPPF expects that the designation should “be capable of enduring beyond the end of the plan period” (paragraph 101).

Your comments are invited.

When you visit, you will notice the topography of the field. It slopes down in two directions. To the north west and importantly to the south west to form a dry valley alongside that boundary which during periods of significant rainfall, floods, and turns into a significant

watercourse, which runs out of the kissing gate and into the road. There are ongoing investigations into whether natural flood management schemes could help in this area and the catchment higher up. Given the small proportion of the school field affected by this (c10%), NFM could easily be done without affecting the primary function of the other 90% of the school playing field.

### **Policy NA3: Verges, Trees and hedges**

This Policy manages to be vague and very specific in equal measure. There seems to be nothing about the Neighbourhood Area that need give rise to the dominance of BS details; the local authority can be relied up to ensure that the appended planning conditions are appropriate to the proposals. The essential thrust of the paragraph 11.5.1 appears to be 'Appropriately to their location and scale, development proposals are encouraged to protect all healthy trees and hedges. Where this is not appropriate, new trees and hedges should be planted to replace those lost and retain the character of the site. New planting should be of a suitable size and of native species appropriate to the locality.'

Your comments are invited.

Yes this is fine.

### **Policy NA4: Conserving the Natural Environment**

I note that you have agreed that the last part of paragraph 11.7.3 re: tree and hedge planting is a duplication of Policy NA3 and should be removed.

A representation comments: "It is unclear whether the Neighbourhood Plan Environmental Survey referred to is the Preliminary Ecological Report prepared as part of the evidence base for the FCNP. If so our comments .... stand (i.e. this document presents evidence from out of date surveys that cannot be relied upon), but if there is some other report that is not readily available on the FCNP or District Council website, then this clearly needs to be published and consulted on." If the Plan is to identify and recognise specific "ecological networks" then it needs to include a map or similar defining these; neither Figures 6 nor 7 provide the relevant information. Similarly, paragraph 11.7.2 of the Policy refers to "primary hedge lines" but in the absence of mapping or at least a definition then the Policy cannot be implemented (the Preliminary Ecological Report does map hedgerows but, as far as I can see, they use other categorisations).

I note that the Core Strategy references "The Warwickshire, Coventry and Solihull Local Biodiversity Action Plan" but the Neighbourhood Plan does not show that as a source reference. In the absence of relevant and proportionate supporting evidence it would seem that Policy NA4 can say no more than Core Policy CS.6? However, the Neighbourhood Plan does have the opportunity to update this because the NPPF now requires net gains for biodiversity eg 'Development proposals will be expected to minimise impacts on biodiversity and secure a net gain in biodiversity by:

- i) safeguarding and, where possible, enhancing existing habitats as set out in SDC Core

Policy CS.6, and ii) making provision, where appropriate, for measures that will secure the creation and management of additional habitats, to strengthen networks of habitats, to foster landscape scale conservation, to address the priorities of the Local Biodiversity Action Plan and to support an increase in the local populations of species of principal importance.'

A Policy element about hedgerows would be possible if the terms used on the map and in the Policy can be aligned.

Your comments on these lines of thought are invited.

**Yes we would be happy with that biodiversity net gain revision**

**By way of further context – the weblink below provides further background information on the relevance of the surveys the policies are based on. It also provides context around the age of the surveys and why they are still important.**

[Habitat Biodiversity Audit \(HBA\) | Warwickshire Wildlife Trust](#)

### **Caring for Heritage Assets Policy HE1: Conserving or Enhancing the Historic Environment**

I note that this Policy cherry-picks elements of the NPPF policy at paragraphs 194 and 197. The problem with this approach is that elements are omitted that may mislead the reader. The sentence "Development within and adjacent to all heritage assets will be strictly controlled" has been added but is at odds with the thrust of the NPPF Policy.

In the absence of any local detail in the Policy it can realistically say no more than: 'Development proposals that affect a heritage asset (whether or not designated) and/or its setting, an archaeological asset or the Fenny Compton 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.'

**We are happy with this change**

In the "explanation" section, paragraph 12.1.2 does not accurately represent the way in which Conservation Areas are regarded, and that can be left to the Policy itself without the need for a second version.

**Are you proposing 12.1.2 be removed? If so, we are happy with that**

Paragraph 12.2.3 notes "Other important sites in the Parish" but they don't appear to be "sites" and their status is not explained?

**Would 'features' be a better word to use?**

### **Appendices**

Apart perhaps from the "Fenny Compton Neighbourhood Plan photographic archive" all the source references would benefit from a hyperlink to their location rather than a request

system of the Parish Council. As noted earlier, if the Village Design Statement is to be an integral part of a Policy, then it needs to be separately identified or included with the Plan document.

**We are happy with this proposal**

### **Public Sector Equality Duty**

This would seem to be more appropriately part of the Basic Conditions Statement than the Plan document.

**We are happy with this proposal**

### **Aspirations statement**

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 this annex does make the difference from Plan policies "clearly identifiable". There is a typographical error at the beginning of the section headed "Sports Pavilion".