

**BISHOP'S ITCHINGTON NEIGHBOURHOOD DEVELOPMENT PLAN  
2011 - 2031**

**The Report of the Independent Examiner to Stratford-on-Avon District Council  
on the Bishop's Itchington Neighbourhood Development Plan**

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2<sup>nd</sup> August 2022**

## Summary

I was appointed by Stratford-on-Avon District Council, in agreement with the Bishop's Itchington Parish Council, in May 2022 to undertake the Independent Examination of the Bishop's Itchington Neighbourhood Development Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 28<sup>th</sup> June 2022 after resolving my initial enquiries of the Qualifying Body.

The Neighbourhood Development Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in the Bishop's 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.

Subject to a series of recommended modifications set out in this Report I have concluded that the Bishop's Itchington Neighbourhood Development 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 Bishop's Itchington Neighbourhood Development Plan (NDP) 2011 - 2031. The Plan was submitted to Stratford-on-Avon District Council by Bishop's 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.

This report assesses whether the Bishop's Itchington Neighbourhood Development 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 Bishop's Itchington Neighbourhood Development Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Bishop's Itchington Neighbourhood Development 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 Bishop's Itchington Parish Council, to conduct the Examination of the Bishop's Itchington Neighbourhood Development Plan and to report my findings. I am independent of both Stratford-on-Avon District Council and Bishop's 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 Bishop's Itchington Neighbourhood Development Plan is submitted to a referendum; or
- the Bishop's Itchington Neighbourhood Development Plan should proceed to referendum as modified (based on my recommendations); or
- the Bishop's Itchington Neighbourhood Development 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:

- Bishop's Itchington Neighbourhood Development Plan 2011 - 2031 as submitted
- Bishop's Itchington Neighbourhood Development Plan Basic Conditions Statement (October 2021)
- Bishop's Itchington Neighbourhood Development Plan Consultation Statement (October 2021)
- Strategic Environmental Assessment and Habitats Regulations Assessment of the Bishop's Itchington Neighbourhood Development Plan Screening Document (February 2021)
- Bishops Itchington Neighbourhood Development Plan Screening for Strategic Environmental Assessment, Stratford-on-Avon District Council Conclusion (March 2021)
- Content at: [www.stratford.gov.uk/planning-building/bishops-itchington-neighbourhood-plan.cfm](http://www.stratford.gov.uk/planning-building/bishops-itchington-neighbourhood-plan.cfm)
- Content at: [https://bishopsitchington-pc.gov.uk/council/neighbourhood\\_plan.aspx](https://bishopsitchington-pc.gov.uk/council/neighbourhood_plan.aspx)
- Representations made to the Regulation 16 public consultation on the Bishop's Itchington Neighbourhood Development Plan
- The Stratford-on-Avon District Core Strategy adopted in 2016
- The Stratford-on-Avon District Site Allocations Plan Preferred Options Consultation Version (June 2022)
- 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 28<sup>th</sup> June 2022. I looked at all the various sites and locations identified in the Plan document in 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 Bishop's Itchington Neighbourhood Development 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 Bishop's Itchington Neighbourhood Development Plan.

### **Bishop's Itchington Neighbourhood Area**

A map showing the boundary of the Bishop's Itchington Neighbourhood Area has been provided within the Neighbourhood Plan. Further to an application made by Bishop's

Itchington Parish Council, Stratford-on-Avon District Council approved the designation of the Neighbourhood Area on 2<sup>nd</sup> April 2020. 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 notes that, in preparation for the Neighbourhood Plan (BINDP), a Village Survey was undertaken in June/July 2016. The Survey was distributed to all households and collection boxes were provided for completed survey forms to be dropped off, in addition to volunteers undertaking door-to-door collection of forms. An impressive 340 completed forms were returned – about 40% of households.

In addition to the survey, the Neighbourhood Development Plan (NDP) team made presentations to the village at public events. This included a “NDP Gazebo” at the annual village carnivals, a presentation at the Memorial Hall in 2017 and an open coffee morning following the completion of the Village Survey to review the results, also in 2017.

The official Regulation 14 eight-week consultation period on the Pre-Submission Bishop’s Itchington NDP took place between 1<sup>st</sup> February 2021 and 28<sup>th</sup> March 2021. The consultation was publicised with an article in parish magazine, and email to all those on electronic mailing list. Copies of the Plan and supporting documents were made available on the BINDP consultation web site a link to which was shared on social media, including facebook, Twitter and LinkedIn. A comment form was provided as downloadable from the consultation web page or a paper copy could be obtained from the Parish Clerk. With Covid-19 restrictions a Zoom public meeting was held in March 2021 publicised via handbill, leaflet and using the Parish notice boards. A list of the consultation bodies was provided by Stratford-on-Avon District Council and all those on the list were sent a letter by email or post notifying them of the Regulation 14 public consultation and inviting comments.

Tables in the Consultation Statement record 20 individual responses alongside a column setting out the Parish Council’s consideration of the response and the agreed actions which were used to make amendments to the Regulation 14 Draft.

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 10<sup>th</sup> March to Friday 22<sup>nd</sup> April 2022. I have been passed the representations – 14 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 be relevant to the Examination Basic Conditions.

## **The Neighbourhood Development Plan**

Bishop’s 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 that “In 2031 Bishop’s Itchington will have retained and developed a strong sense of community. This will have been sustained by enabling families to stay close together through all stages of life. New housing and commercial development will have seamlessly integrated with and helped to preserve the peaceful rural environment and the distinct character of the village.” 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 been kept to a manageable length by not overextending the potential subject matter and the coverage of that.

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 Bishop’s 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 the Stratford-on-Avon District Council.

However, in the writing up of the work into the Plan document, it is sometimes 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 most 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 strategic policies are contained within the Stratford-on-Avon District Core Strategy adopted in 2016. From the accompanying Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report 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 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. For completeness, I have incorporated alterations suggested by Stratford-on-Avon District Council and agreed by the Qualifying Body prior to the Examination commencing.

### **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 2022; since the Plan cannot be backdated and the Policies are not dependent on data anchored in 2011, the Plan period ought to commence in 2022. The references to “Regulation 16 Draft” can now be removed. The Qualifying Body agreed with these observations.

### **1. Contents**

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

### **2. Table of Figures**

This table will also need to be reviewed in the light of my recommendations below.

### **3. Introduction**

I note that paragraph 3.3 says: “The policies within this plan will allow the village to develop through steady, moderate growth”. I asked the Qualifying Body how it was envisaged that this would happen. They reassured: “The village has seen significant housing development beyond the target set in the Core Strategy. The BINDP working alongside Core Strategy policies seeks to ensure that for the remainder of the plan period (up to 2031) development is managed in such a way that it is moderate in scale i.e. small scale proposals of less than 10 dwellings. The Parish Council accepts that any planning application is assessed on its merits and that more significant development could take place: the BINDP is NOT seeking to stop development.” The local authority identified a typographical error in paragraph 3.5.

### **4. Neighbourhood Plan Process and Preparation**

I commented to the Qualifying Body that, whilst it may be worth noting for the record that the Neighbourhood Area boundary has been altered during the plan-making process, showing the original 2014 boundary is more likely to cause confusion than be helpful information. The Qualifying Body responded: “This information was included to help residents understand how the boundary had been changed. If it now felt that this information is out dated or redundant the Parish Council are happy for it to be deleted from the BINDP.”

### **5. A History of Bishop’s Itchington**

No comment.

### **6. A Future Vision for Bishop’s Itchington**

In paragraph 6.5 the reference to “next 11 years” needs correcting to ‘Plan period’.

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

*1.1 Amend the Plan period on the front cover and anywhere else in the Plan document from ‘2011 – 2031’ to ‘2022 – 2031’ and remove “Regulation 16 Submission Draft” from the front cover.*

*1.2 Review the Contents and the Table of Figures in the light of recommendations in this Report.*

*1.3 In paragraph 3.5 capitalise “district council”.*

*1.4 Under the heading “4. Neighbourhood Plan Process and Preparation”:*

*1.4.1 Delete paragraph 4.3 and Figure 2 and renumber subsequent paragraphs/Figures accordingly.*

*1.4.2 Delete the second sentence of paragraph 4.5 and amend Figure 3 (now renumbered as 2) accordingly.*

*1.4.3 Delete paragraph 4.6 and renumber subsequent paragraphs accordingly.*

*1.5 Under the heading “6. A Future Vision for Bishop’s Itchington”, in paragraph 6.5, replace “next 11 years” with ‘Plan period’.*

### **7. Bishop’s Itchington NDP Planning Policies**

#### **Introduction**

These brief notes on how to read and use the content are helpful.

#### **Neighbourhood Plan Policies and other Planning Policy**

#### **National Planning Policy and Guidance**

No comments.

## **Stratford-on-Avon District Strategic Planning Policy**

A revised 2022 Stratford-on-Avon Site Allocations Plan was published during this Examination. This version of the SAP has introduced a revised approach to the identification of reserve housing sites. Its Schedule of Main Changes notes: “With regard to location and scale of reserve site provision, it is appropriate and reasonable to take into account the amount of housing development that has already taken place in settlements”. This includes Bishop’s Itchington where there is now no reserve allocation. Therefore, a number of comments in representations about disparities between the Plan and the draft SAP are no longer applicable (if they ever were bearing in mind there is no obligation on Neighbourhood Plans to address housing requirements). Paragraph 7.8 needs to be updated, particularly in relation to its suggestion of future commitments.

### **Policy BINDP1 - New development within Bishop’s Itchington**

The Built Up Area Boundary (BUAB) identified for Bishop’s Itchington is not part of any adopted Plan. It is noted in the Neighbourhood Plan that the BUAB “is the same as that put forward by Stratford District in the draft Site Allocations Plan”, but the document within which it sits is still in draft form. In fact, the local authority notes a disparity between the BUAB shown in Figure 5 (now renumbered as 4) and that shown in the latest Site Allocations Plan – now 2022.

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, which I understand is intended to follow 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 strategic policy.

Aside from 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, however, 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 Landscape Sensitivity maps in Appendix 2 and their source document. The Qualifying Body agreed that a redraft of Policy BINDP1 was required and that some updating of the text would be appropriate.

There is clearly one ‘total’ error within Table 3 and the Qualifying Body agreed other corrections that the local authority advised. The Qualifying Body provided an amended version of Table 3.

### **Recommendation 2:**

*2.1 Under the sub-heading “Stratford-on-Avon District Strategic Planning Policy”:*

*2.1.1 In paragraph 7.5 replace “consultation on Preferred Option took place in autumn 2020” with ‘at the time of the BINDP examination public consultation on a further Regulation 18 Preferred Options version of the Site Allocations Plan was taking place’.*

*2.1.2 Amend paragraph 7.8 to read: ‘The Bishop’s Itchington NDP has, therefore, been prepared taking account of the reasoning and evidence informing the 2020 draft Site Allocations Plan.’*

2.2 Reword Policy BINDP1 as follows:

*'A Built Up Area Boundary (BUAB) is established for the village of Bishop's Itchington as defined in Figure 4 and shown on the Policies Map. New housing development within the BUAB is acceptable in principle. All areas outside the BUAB are classed as Countryside where new dwellings are strictly controlled in accordance with Policy AS.10 of the Core Strategy. Development proposals in the Countryside must demonstrate regard for the Landscape Sensitivity Assessments as mapped in Appendix 2.'*

2.3 In the "Background/Justification" section for Policy BINDP1:

2.3.1 Delete the final sentence of paragraph 7.16.

2.3.2 Amend the second sentence of paragraph 7.17 to read: *'This is the same boundary following the same methodology as that proposed by Stratford-on-Avon District Council in the 2022 Site Allocations Plan.'*

2.3.3 Delete the last sentence of paragraph 7.20.

2.4 Replace Table 3 with the amended version provided by the Qualifying Body as an attachment to their email dated 15<sup>th</sup> June 2022.

2.5 Correct the BUAB shown in Figure 5 (now renumbered as 4) and the Policies Map to fully accord with the map included within the Stratford-on-Avon Council Site Allocations Plan Preferred Options 2022.

2.6 Amend the Key on the Policies Map for Policy BINDP1 to replace "New Development within Bishop's Itchington" with 'Built Up Area Boundary'.

As amended Policy BINDP1 meets the Basic Conditions.

### **Policy BINDP2 - Local Needs Housing**

I noted to the Qualifying Body 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. through Policy AS.10 of the Core Strategy. Therefore, a Local Needs Housing Scheme adjacent to the BUAB is already supported in principle by Policy BINDP1, but not by BINDP2.

Within the BUAB it is unlikely that there would be a site sufficient to accommodate anything approaching 10 units, and as 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. 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. As noted by the local authority, the use of "up to 10 dwellings" appears to be an arbitrary figure, not derived from Core Strategy policies and unrelated to any presented 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.

The Qualifying Body responded: "The Parish Council agree that Policy BINDP2 should operate outside the BUAB, not within this boundary. The 10 dwelling figure is considered to be consistent with the aim for moderate growth of the village. The Parish Council would be

supportive of a less restrictive wording – “usually small scale development proposals e.g. of around 10 dwellings”. Accordingly, my recommendation relates to this clarification.

**Recommendation 3:**

3.1 Reword Policy BINDP2 as follows:

*‘Affordable housing proposals appropriate to the scale of Bishop’s Itchington, normally up to 10 dwellings, will be supported on land within or adjacent to the BUAB, provided a local need has been evidenced in consultation with the community. A legal agreement will ensure that the affordable housing is affordable in perpetuity.*

*Where viability for 100% affordable housing provision cannot be achieved, and provided an evidenced need is also established, an element of local market housing (in accordance with the Stratford-on-Avon Development Requirements SPD) may be included to provide sufficient cross-subsidy to facilitate the delivery of affordable homes.’*

3.2 In the “Background/Justification” section for Policy BINDP2:

3.2.1 In paragraph 7.24 delete the last sentence.

3.2.2 In paragraph 7.26 replace “market housing” with ‘local market housing (in accordance with the Stratford-on-Avon Development Requirements SPD)’.

As amended Policy BINDP2 meets the Basic Conditions.

**Policy BINDP3 – Local Economy**

The two elements of this Policy say nothing more than existing national or local Policies; there is nothing specific to the neighbourhood. My queries did not elicit a local issue to be addressed. However, the Qualifying Body is apparently keen to include an economic element in the Plan so the only amendment I propose is for clarity including, in the absence of anything specific, clarity that support is ‘in principle’.

**Recommendation 4:**

*Within Policy BINDP3 replace “to support” with ‘which contributes to’ and after “supported” add ‘in principle’.*

As amended Policy BINDP3 meets the Basic Conditions.

**Supporting Actions 1 & 2**

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 acceptably distinguish “Supporting Actions” from Plan Policies.

**8. Natural and Built Heritage**

**Policy BINDP4 – Design**

The updated July 2021 NPPF added content supportive of good design. At paragraph 127 it 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”. However, 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”. Whilst the Qualifying Body did not see the need for any grouping, the supporting text actually suggests that the Policy relates to a

number of design aspects. Accordingly, those aspects can be used as sub-headings to help the Policy achieve some needed further clarity.

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

**Recommendation 5:**

*5.1 Reword Policy BINDP4 after the first paragraph as follows:*

*'Development will be supported where it is of good design and does not have an adverse impact on the character of the area. To ensure good, sustainable design is achieved, development proposals should address the following, where relevant:*

*a) local distinctiveness*

- reinforce local distinctiveness by demonstrating that appropriate account has been taken of existing village street layouts, blocks and plots, building forms and styles, materials and detailing and the vernacular of the settlement;*
- respect the height of the buildings in the immediate surrounding area;*
- use, and where appropriate re-use, local and traditional materials sympathetic to the context of the site, or suitable high-quality alternatives that authentically reinforce or positively contribute towards local distinctiveness;*

*b) promoting biodiversity*

- conserve or enhance existing wildlife habitats and incorporate new native planting and landscaping that creates a net gain in biodiversity e.g. by creating new habitats, nesting and foraging opportunities;*

*c) meeting the needs of occupiers, neighbours and other users*

- minimise any detrimental effect on the amenity of occupiers in neighbouring property;*
- create new public open spaces that are enclosed, integrated and overlooked by buildings and are in prominent useable locations; such spaces should use native planting (including wildflowers to encourage pollinators);*
- not have a severe or cumulative adverse effect on the safe and efficient operation of the existing transport and road infrastructure;*
- link to existing Public Rights of Way and, wherever possible, improve pedestrian facilities and linkages in the Parish and beyond to encourage walking and cycling;*
- have appropriate car parking in accordance with locally adopted standards which should be sited in such a way that it is unobtrusive, does not dominate the street scene, and minimises its visual impact;*
- incorporate Secured by Design principles;*

*d) minimising impacts on the local environment*

- be designed in such a way so as to make a positive use of local landform, watercourses, trees, hedgerows and other vegetation and for larger proposals has had suitable regard to landscape setting and settlement pattern;*
- include appropriate boundary treatments that reflect local context and landscaping using predominantly native species to support a net-gain for biodiversity;*
- use existing watercourses and ditches, sustainable drainage systems (SuDS), such as swales, to hold rainwater in storms; SuDS should be planted with native vegetation to support wildlife; all paving should be permeable to allow run-off to drain away.*
- All applications for new development should demonstrate that all surface water discharges have been carried out in accordance with the principles laid out within the drainage hierarchy, in such a way that a discharge to the public sewerage systems is avoided, where possible;*

- include features to minimise light pollution;
- e) energy and water efficiency
- contribute to reducing carbon emissions by incorporating measures to reduce energy consumption (e.g. building orientation, siting, areas for outdoor drying) and, where possible, sources of renewable energy (e.g. solar, domestic wind turbines etc.); where such features are included, they should be appropriate in scale to the building of good design, well sited and sympathetic to the surrounding area;
  - be designed to be as water efficient as possible e.g. by incorporating water collection measures.'

5.2 Under the heading "Background/Justification" in paragraph 8.4 delete all but the first sentence.

5.3 Add a footnote source reference for "Development Requirements Supplementary Planning Document produced by Stratford-on-Avon District Council".

As amended Policy BINDP4 meets the Basic Conditions.

### **Policy BINDP5 – Landscape Character and Views**

The NPPF (paragraph 174(a)) commits to "protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils".

The feature of Policy BINDP5 that is specific to the Neighbourhood Area is the identification of views – 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 appropriate mitigation.

I explained to the Qualifying Body that, 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. The Qualifying Body responded: "The views are intended to reflect the rural feel of the village and the Policy is concerned with the (rural) character of the area - the views are intended to reflect this in a general manner, rather than the views focussing on any particular aspects." Accordingly, the Policy needs amendment to reflect the true nature of the views.

#### **Recommendation 6:**

6.1 Reword Policy BINDP5 as follows:

*'New development must have regard to landscape character and historic landscape character, the distinctive nature of which is illustrated in Appendix 1: Views. New development in this rural setting should demonstrate respect for key features such as the interrelationship with the countryside, historic field and other boundaries, and existing hedgerows and trees, particularly those within high medium sensitivity landscapes adjoining the BUAB (see Appendix 2). Development affecting key features and sensitive landscapes will be required to provide a Landscape Visual Impact Assessment so as to identify and justify any mitigation considered appropriate to making the development acceptable.'*

6.2 Amend Figure 7 to show the correct direction for the views or vistas illustrated and in particular amend the angle for the direction of the Figure 14 view; move Figure 7 to Appendix 1 and renumber as 11.

6.3 Move paragraphs 8.8 – 8.14 to become the "Background/Justification" for Policy BINDP5; delete the last sentence of paragraph 8.13 and the first sentence of paragraph 8.14.

#### 6.4 Delete Policy BINDP5 content from the Policies Map.

As amended Policy BINDP5 meets the Basic Conditions.

#### **Policy BINDP6 – Built and Natural Heritage Assets**

Whilst Policy BINDP6 has regard to the NPPF expectation (paragraph 189) that heritage “assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations“, it says nothing particular about local assets. It is surprising that Figure 8 (now renumbered as 6) is not referenced in the Policy; however, its source needs to be declared.

A representation suggests a rewording of part of the Policy with additional detail; the Qualifying Body agreed that this should be done.

#### **Recommendation 7:**

7.1 Within Policy BINDP6 replace the second bullet point with:

*‘minimises impact on the archaeology of the area including the abandoned medieval village, ridge and furrow and other archaeological features (see Figure 6). 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;’*

7.2 Show the source for Figure 6 (as renumbered from 8).

7.3 Delete paragraph 8.19.

As amended Policy BINDP6 meets the Basic Conditions.

### **9. Local Community**

#### **Policy BINDP7 - Protecting and Enhancing Community Facilities**

The NPPF (paragraph 84) says “Planning policies and decisions should enable: .... d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.” Core Strategy Policy CS.25 says: “It is expected that existing community facilities, such as shops, pubs, medical and leisure, will be retained unless it can be demonstrated that one or more of the following [4] criteria is satisfied ....”. Within this context, Policy BINDP7 adds local detail about the community facilities but their locations on the Policies Map appear to have been wrongly referenced (5/1 etc).

I note that Core Strategy Policy 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. Accordingly, rather than identify the nature of the business at retail premises, these latter should be generically identified as ‘local shop’.

I noted that two of the community facilities listed are sports and recreation facilities (the subject of BINDP8) and also that the village surgery is omitted from the list in error.

**Recommendation 8:****8.1 Within Policy BINDP7:**

8.1.1 Delete from the listing of community facilities BINDP7/5 & BINDP7/7; amend the numbering of the remaining facilities accordingly.

8.1.2 Amend each of the entries BINDP7/2, /3, /8 & /10 to read 'Local shop'.

8.1.3 Add the Surgery to the list as BINDP7/11 (after numbering is adjusted for the two facilities removed).

8.2 Amend the Policies Map to key and number these facilities in line with the Policy.

As amended Policy BINDP7 meets the Basic Conditions.

**Policy BINDP8 - Sports Facilities**

Paragraph 98 of the NPPF acknowledges that "Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change." Unlike Policy BINDP7, BINDP8 does not identify the nature or location of local facilities. However, the Qualifying Body has advised that the facilities are together on a single site identified in the Plan as proposed Local Green Space BINDP 9/1 plus the two designated as "community facilities", BINDP7/5 & 7/7. I suggested to the Qualifying Body that there is no point in having two policies 'protecting' the same space. The space in question would seem most appropriately protected by Policy BINDP8 rather than as a Local Green Space, from which the pavilion (and prospective new pavilion) and car park would need to be excluded. The Qualifying Body agreed with this approach.

**Recommendation 9:****9.1 Reword Policy BINDP8 as follows:**

*'Bishop's Itchington playing field, comprising children's play area, floodlit hard courts, two football pitches, cricket strip, "nature corner" and a sports pavilion, identified as BINDP8/1 on the Policies Map, is protected as the local community's sports facility; its enhancement and expansion will be supported where appropriate to community identified needs.*

*The loss of any facility will only be permitted if a replacement facility of equivalent scale and quality is provided in a suitable location within the community, or as provided for in Core Strategy Policy CP.25.'*

9.2 Amend the Policy Map to combine spaces incorrectly shown as BINDP7/1, BINDP 5/5 & 5/7 to become BINDP8/1 and identify this with a colour on the Key as 'Sports Facilities'.

As amended Policy BINDP8 meets the Basic Conditions.

**Policy BINDP9 - Local Green Space (LGS)**

I viewed the proposed LGSs during my visit to the Area and on the basis of this and the descriptive material provided, I could conclude that the spaces, other than the Playing Field addressed earlier, are appropriate for LGS designation in accordance with the NPPF criteria (paragraphs 101 – 102). A query arose in relation to BINDP9/4 where the boundary shown on Figure 10 (now renumbered as 9) differed from that on the Policies Map. I identified that the Figure 10 boundary matched that for the related planning consent (ref: 17/00648/VARY) and the Qualifying Body agreed that it is the Policies Map that needs correction. As noted by the local authority, the Policy Map needs further correction as it shows the LGSs incorrectly referenced as BINDP7/1 etc.

NPPF paragraph 103 says that "Policies for managing development within a Local Green Space should be consistent with those for Green Belts." Therefore, the Policy needs to

acknowledge that development may be permitted if “very special circumstances” are demonstrated (NPPF paragraph 151).

**Recommendation 10:**

10.1 Amend Policy BINDP9 to:

10.1.1 Delete “BINDP9/1 - Playing Field and Pavilion” and renumber the remaining spaces accordingly.

10.1.2 Add “other than in very special circumstances” to the last sentence.

10.2 Under the heading “Background/Justification”:

10.2.1 Delete paragraph 9.17 and relocate (and renumber as appropriate) Figure 11 to Policy BINDP8.

10.2.2 Replace the second sentence of paragraph 9.18 with: ‘It was also decided that the school playing fields were more appropriately protected as a community facility under Policy BINDP7 and the Playing Field as a Sports Facility under Policy BINDP8’.

10.2.3 Remove the entry for “The Playing Field” from Table 4.

10.2.4 Move paragraphs 9.19 – 9.21 to support Policy BINDP8 and renumber these appropriately; delete paragraph 9.22.

10.2.5 Amend paragraph 9.29 to replace “four” with ‘three’.

10.3 Amend the Policies Map to redraw the boundary of BINDP9/4 to match the boundary in Figure 10 (now renumbered as 9) and to alter the numbering of spaces to accord with the Policy (BINDP7/1 having been reclassified as above).

As amended Policy BINDP9 meets the Basic Conditions.

**Policy BINDP10 – Other Open Spaces**

I looked at these various open spaces during my visit to the Area and recognised that, even though the spaces are not uniformly distributed, they do contribute to “the visual appearance of the village”. Since the spaces are identified on the Policies Map, that ought to be referenced within the Policy.

**Recommendation 11:**

11.1 Within Policy BINDP10 add ‘(as identified on the Policies Map)’ between “village” and “will”.

11.2 Under the heading “Background/Justification” correct paragraph 9.31 to reference ‘Policy BINDP10’ not “Policy BINDP8”.

As amended Policy BINDP10 meets the Basic Conditions.

**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 mapped detail, in like manner to that provided to support other Policies. The Qualifying Body agreed. The title would also benefit from replacing “Maintenance” with ‘Retention’ to avoid confusion.

A representation comments: “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 “. However, I agree with the Qualifying Body that the detail of such an amendment is not necessary since the prime objective is to retain the existing and a statutory procedure for diversion is available.

**Recommendation 12:**

*12.1 Within the title to Policy BINDP11 replace “Maintenance” with ‘Retention’ and at the end of the first sentence add: ‘(as identified on Figure 10)’; renumber subsequent Figures accordingly. [I believe Figure 10 is the sequential number after previous adjustments]*

*12.2 Add a new Figure to provide the detail of the Public Rights of Way and other recognised routes.*

As amended Policy BINDP11 meets the Basic Conditions.

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

Whilst it is noted that national, County and District policies already encourage the provision of electric vehicle charging points, a Neighbourhood Area-specific Plan is not the place for technical standards to be specified.

**Recommendation 13:**

*Reduce Policy BINDP12 to:*

*‘All new residential development providing off-street car parking which is within the curtilage of a dwelling shall provide facilities for plug-in vehicle re-charging. Off-street communal car parking shall also include provision for EV charging, sited and designed to avoid kerbside clutter and be safe for all users.’*

As amended Policy BINDP12 meets the Basic Conditions.

**Parish Council Supporting Action 5**

No comment.

**11. How to Comment on this Document**

This section is no longer relevant and should be deleted.

**Recommendation 14:**

*Delete Section 11 and renumber subsequent sections accordingly.*

**12. Appendix 1 – Views**

As noted earlier, the map locating the various views should be incorporated within the Appendix.

**13. Appendix 2 – Landscape Sensitivity**

No comment.

**14. Appendix 3 – Community Assets**

No comment.

**15. Appendix 4 – Local Community Groups and Organisations**

No comment.

**16. Glossary**

No comment.

## **17. Bibliography**

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

### **Recommendation 15:**

*Replace references to “Ministry of Housing, Communities & Local Government” with ‘Department for Levelling Up, Housing and Communities’.*

## **Policies Map**

The Policies Map needs altering to correct the errors in relating Policy content to the map as noted above, as well as the noted amendments.

## **Other matters raised in Representations**

Some representations suggest potential housing sites that should have been recognised or allocated. There is no breach of the Basic Conditions if housing site allocations are not included. The Plan fully acknowledges that strategic housing sites may be identified by the Local Planning Authority. My recommendations cannot extend to adding Plan content not identified by the community and therefore not the subject of public consultation.

A number of supportive comments are helpful, albeit in a limited way, in showing that the community and other consultations have been productive.

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

A further Basic Condition, which the Bishop’s Itchington Neighbourhood Development 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 Screening carried out by Lepus Consulting for Stratford-on-Avon District Council for the Bishop’s Itchington Neighbourhood Plan (February 2021) 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 Council concluded: “The Screening Document explored the potential effects of the proposed BINDP and concluded that on the basis of the SEA Screening Assessment, the BINDP would not result in significant environmental effects in relation to criteria set out in the SEA Regulations or the Habitats and Species Regulations. This screening document was subsequently submitted to the statutory environmental bodies of Historic England, Environment Agency and Natural England for comment, in accordance with the SEA Regulations. The three consultees concurred with the conclusions of the Screening Document that the preparation of a SEA was not required....Having read the Submitted Draft NDP, SEA Screening Document and responses from the three statutory consultees, I concur with the view that a SEA is not required for the BINDP.” 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 Development Plan states: “The prescribed conditions have ... been met in relation to the Submission BINDP and prescribed matters have been

complied with in connection with the proposal for the Plan.” 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 Bishop’s Itchington Neighbourhood Development 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 Bishop’s Itchington Neighbourhood Development 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 Bishop’s Itchington Neighbourhood Development 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 2<sup>nd</sup> April 2020.

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

Rec	Text	Reason
1	<p>1.1 Amend the Plan period on the front cover and anywhere else in the Plan document from '2011 – 2031' to '2022 – 2031" and remove "Regulation 16 Submission Draft" from the front cover.</p> <p>1.2 Review the Contents and the Table of Figures in the light of recommendations in this Report.</p> <p>1.3 In paragraph 3.5 capitalise "district council".</p> <p>1.4 Under the heading "4. Neighbourhood Plan Process and Preparation":</p> <p>1.4.1 Delete paragraph 4.3 and Figure 2 and renumber subsequent paragraphs/Figures accordingly.</p> <p>1.4.2 Delete the second sentence of paragraph 4.5 and amend Figure 3 (now renumbered as 2) accordingly.</p> <p>1.4.3 Delete paragraph 4.6 and renumber subsequent paragraphs accordingly.</p> <p>1.5 Under the heading "6. A Future Vision for Bishop's Itchington", in paragraph 6.5, replace "next 11 years" with 'Plan period'.</p>	For clarity and accuracy
2	<p>2.1 Under the sub-heading "Stratford-on-Avon District Strategic Planning Policy":</p> <p>2.1.1 In paragraph 7.5 replace "consultation on Preferred Option took place in autumn 2020" with 'at the time of the BINDP examination public consultation on a further Regulation 18 Preferred Options version of the Site Allocations Plan was taking place'.</p> <p>2.1.2 Amend paragraph 7.8 to read: 'The Bishop's Itchington NDP has, therefore, been prepared taking account of the reasoning and evidence informing the 2020 draft Site Allocations Plan.'</p> <p>2.2 Reword Policy BINDP1 as follows: 'A Built Up Area Boundary (BUAB) is established for the village of Bishop's Itchington as defined in Figure 4 and shown on the Policies Map. New housing development within the BUAB is acceptable in principle. All areas outside the BUAB are classed as Countryside where new dwellings are strictly controlled in accordance with Policy AS.10 of the Core Strategy. Development proposals in the Countryside must demonstrate regard for the Landscape Sensitivity Assessments as mapped in Appendix 2.'</p> <p>2.3 In the "Background/Justification" section for Policy BINDP1:</p> <p>2.3.1 Delete the final sentence of paragraph 7.16.</p>	For clarity and accuracy and to meet Basic Conditions 1 & 3

	<p>2.3.2 Amend the second sentence of paragraph 7.17 to read: 'This is the same boundary following the same methodology as that proposed by Stratford-on-Avon District Council in the 2022 Site Allocations Plan.'</p> <p>2.3.3 Delete the last sentence of paragraph 7.20.</p> <p>2.4 Replace Table 3 with the amended version provided by the Qualifying Body as an attachment to their email dated 15th June 2022.</p> <p>2.5 Correct the BUAB shown in Figure 5 (now renumbered as 4) and the Policies Map to fully accord with the map included within the Stratford-on-Avon Council Site Allocations Plan Preferred Options 2022.</p> <p>2.6 Amend the Key on the Policies Map for Policy BINDP1 to replace "New Development within Bishop's Itchington" with 'Built Up Area Boundary'.</p>	
3	<p>3.1 Reword Policy BINDP2 as follows: 'Affordable housing proposals appropriate to the scale of Bishop's Itchington, normally up to 10 dwellings, will be supported on land within or adjacent to the BUAB, provided a local need has been evidenced in consultation with the community. A legal agreement will ensure that the affordable housing is affordable in perpetuity.</p> <p>Where viability for 100% affordable housing provision cannot be achieved, and provided an evidenced need is also established, an element of local market housing (in accordance with the Stratford-on-Avon Development Requirements SPD) may be included to provide sufficient cross-subsidy to facilitate the delivery of affordable homes.'</p> <p>3.2 In the "Background/Justification" section for Policy BINDP2: 3.2.1 In paragraph 7.24 delete the last sentence.</p> <p>3.2.2 In paragraph 7.26 replace "market housing" with 'local market housing (in accordance with the Stratford-on-Avon Development Requirements SPD)'.</p>	For clarity and accuracy and to meet Basic Conditions 1 & 3
4	<p>Within Policy BINDP3 replace "to support" with 'which contributes to' and after "supported" add 'in principle'.</p>	For clarity and to meet Basic Condition 1
5	<p>5.1 Reword Policy BINDP4 after the first paragraph as follows: 'Development will be supported where it is of good design and does not have an adverse impact on the character of the area. To ensure good, sustainable design is achieved, development proposals should address the following, where relevant:</p> <p>a) local distinctiveness</p> <ul style="list-style-type: none"> <li>• reinforce local distinctiveness by demonstrating that appropriate account has been taken of existing village street layouts, blocks and plots, building forms and styles, materials and detailing and the vernacular of the settlement;</li> </ul>	For clarity and to meet Basic Condition 1

	<ul style="list-style-type: none"> <li>• respect the height of the buildings in the immediate surrounding area;</li> <li>• use, and where appropriate re-use, local and traditional materials sympathetic to the context of the site, or suitable high-quality alternatives that authentically reinforce or positively contribute towards local distinctiveness;</li> </ul> <p>b) promoting biodiversity</p> <ul style="list-style-type: none"> <li>• conserve or enhance existing wildlife habitats and incorporate new native planting and landscaping that creates a net gain in biodiversity e.g. by creating new habitats, nesting and foraging opportunities;</li> </ul> <p>c) meeting the needs of occupiers, neighbours and other users</p> <ul style="list-style-type: none"> <li>• minimise any detrimental effect on the amenity of occupiers in neighbouring property;</li> <li>• create new public open spaces that are enclosed, integrated and overlooked by buildings and are in prominent useable locations; such spaces should use native planting (including wildflowers to encourage pollinators);</li> <li>• not have a severe or cumulative adverse effect on the safe and efficient operation of the existing transport and road infrastructure;</li> <li>• link to existing Public Rights of Way and, wherever possible, improve pedestrian facilities and linkages in the Parish and beyond to encourage walking and cycling;</li> <li>• have appropriate car parking in accordance with locally adopted standards which should be sited in such a way that it is unobtrusive, does not dominate the street scene, and minimises its visual impact;</li> <li>• incorporate Secured by Design principles;</li> </ul> <p>d) minimising impacts on the local environment</p> <ul style="list-style-type: none"> <li>• be designed in such a way so as to make a positive use of local landform, watercourses, trees, hedgerows and other vegetation and for larger proposals has had suitable regard to landscape setting and settlement pattern;</li> <li>• include appropriate boundary treatments that reflect local context and landscaping using predominantly native species to support a net-gain for biodiversity;</li> <li>• use existing watercourses and ditches, sustainable drainage systems (SuDS), such as swales, to hold rainwater in storms; SuDS should be planted with native vegetation to support wildlife; all paving should be permeable to allow run-off to drain away.</li> <li>• All applications for new development should demonstrate that all surface water discharges have been carried out in accordance with the principles laid out within the drainage hierarchy, in such a way that a discharge to the public sewerage systems is avoided, where possible;</li> <li>• include features to minimise light pollution;</li> </ul> <p>e) energy and water efficiency</p> <ul style="list-style-type: none"> <li>• contribute to reducing carbon emissions by incorporating measures to reduce energy consumption (e.g.</li> </ul>	
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	<p>building orientation, siting, areas for outdoor drying) and, where possible, sources of renewable energy (e.g. solar, domestic wind turbines etc.); where such features are included, they should be appropriate in scale to the building of good design, well sited and sympathetic to the surrounding area;</p> <ul style="list-style-type: none"> <li>• be designed to be as water efficient as possible e.g. by incorporating water collection measures.'</li> </ul> <p>5.2 Under the heading "Background/Justification" in paragraph 8.4 delete all but the first sentence.</p> <p>5.3 Add a footnote source reference for "Development Requirements Supplementary Planning Document produced by Stratford-on-Avon District Council".</p>	
6	<p>6.1 Reword Policy BINDP5 as follows:  'New development must have regard to landscape character and historic landscape character, the distinctive nature of which is illustrated in Appendix 1: Views. New development in this rural setting should demonstrate respect for key features such as the interrelationship with the countryside, historic field and other boundaries, and existing hedgerows and trees, particularly those within high medium sensitivity landscapes adjoining the BUAB (see Appendix 2). Development affecting key features and sensitive landscapes will be required to provide a Landscape Visual Impact Assessment so as to identify and justify any mitigation considered appropriate to making the development acceptable.'</p> <p>6.2 Amend Figure 7 to show the correct direction for the views or vistas illustrated and in particular amend the angle for the direction of the Figure 14 view; move Figure 7 to Appendix 1 and renumber as 11.</p> <p>6.3 Move paragraphs 8.8 – 8.14 to become the "Background/Justification" for Policy BINDP5; delete the last sentence of paragraph 8.13 and the first sentence of paragraph 8.14.</p> <p>6.4 Delete Policy BINDP5 content from the Policies Map.</p>	For clarity and accuracy and to meet Basic Condition 1
7	<p>7.1 Within Policy BINDP6 replace the second bullet point with:  'minimises impact on the archaeology of the area including the abandoned medieval village, ridge and furrow and other archaeological features (see Figure 6). 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;'</p> <p>7.2 Show the source for Figure 6 (as renumbered from 8).</p> <p>7.3 Delete paragraph 8.19.</p>	For clarity and accuracy and to meet Basic Condition 1

8	<p>8.1 Within Policy BINDP7:</p> <p>8.1.1 Delete from the listing of community facilities BINDP7/5 &amp; BINDP7/7; amend the numbering of the remaining facilities accordingly.</p> <p>8.1.2 Amend each of the entries BINDP7/2, /3, /8 &amp; /10 to read 'Local shop'.</p> <p>8.1.3 Add the Surgery to the list as BINDP7/11 (after numbering is adjusted for the two facilities removed).</p> <p>8.2 Amend the Policies Map to key and number these facilities in line with the Policy.</p>	For clarity and accuracy and to meet Basic Conditions 1 and 3
9	<p>9.1 Reword Policy BINDP8 as follows:  'Bishop's Itchington playing field, comprising children's play area, floodlit hard courts, two football pitches, cricket strip, "nature corner" and a sports pavilion, identified as BINDP8/1 on the Policies Map, is protected as the local community's sports facility; its enhancement and expansion will be supported where appropriate to community identified needs.  The loss of any facility will only be permitted if a replacement facility of equivalent scale and quality is provided in a suitable location within the community, or as provided for in Core Strategy Policy CP.25.'</p> <p>9.2 Amend the Policy Map to combine spaces incorrectly shown as BINDP7/1, BINDP 5/5 &amp; 5/7 to become BINDP8/1 and identify this with a colour on the Key as 'Sports Facilities'.</p>	For clarity and to meet Basic Condition 1
10	<p>10.1 Amend Policy BINDP9 to:</p> <p>10.1.1 Delete "BINDP9/1 - Playing Field and Pavilion" and renumber the remaining spaces accordingly.</p> <p>10.1.2 Add "other than in very special circumstances" to the last sentence.</p> <p>10.2 Under the heading "Background/Justification":</p> <p>10.2.1 Delete paragraph 9.17 and relocate (and renumber as necessary) Figure 11 to Policy BINDP8.</p> <p>10.2.2 Replace the second sentence of paragraph 9.18 with: 'It was also decided that the school playing fields were more appropriately protected as a community facility under Policy BINDP7 and the Playing Field as a Sports Facility under Policy BINDP8'.</p> <p>10.2.3 Remove the entry for "The Playing Field" from Table 4.</p> <p>10.2.4 Move paragraphs 9.19 – 9.21 to support Policy BINDP8 and renumber these appropriately; delete paragraph 9.22.</p> <p>10.2.5 Amend paragraph 9.29 to replace "four" with 'three'.</p> <p>10.3 Amend the Policies Map to redraw the boundary of BINDP9/4 to match the boundary in Figure 10 (now renumbered as 9) and to alter</p>	For clarity and accuracy and to meet Basic Condition 1

	the numbering of spaces to accord with the Policy (BINDP7/1 having been reclassified as above).	
11	<p>11.1 Within Policy BINDP10 add '(as identified on the Policies Map)' between "village" and "will".</p> <p>11.2 Under the heading "Background/Justification" correct paragraph 9.31 to reference 'Policy BINDP10' not "Policy BINDP8".</p>	For clarity and accuracy and to meet Basic Condition 1
12	<p>12.1 Within the title to Policy BINDP11 replace "Maintenance" with 'Retention' and at the end of the first sentence add: '(as identified on the Policies Map)'.</p> <p>12.2 Add the detail of the Public Rights of Way and other recognised routes to the Policies Map with related key elements.</p>	For clarity and to meet Basic Condition 1
13	Reduce Policy BINDP12 to: 'All new residential development providing off-street car parking which is within the curtilage of a dwelling shall provide facilities for plug-in vehicle re-charging. Off-street communal car parking shall also include provision for EV charging, sited and designed to avoid kerbside clutter and be safe for all users.'	For clarity and accuracy and to meet Basic Condition 1
14	Delete Section 11 and renumber subsequent sections accordingly.	For clarity and accuracy
15	Replace references to "Ministry of Housing, Communities & Local Government" with 'Department for Levelling Up, Housing and Communities'.	For clarity and accuracy