

**A REPORT TO STRATFORD ON AVON DISTRICT COUNCIL**  
**OF THE EXAMINATION OF**  
**THE QUINTON NEIGHBOURHOOD DEVELOPMENT PLAN 2011-2031**  
**UNDERTAKEN BY**  
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**INDEPENDENT EXAMINER**  
**AUGUST 2022**

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## **Summary and Overall Recommendation**

*As the Independent Examiner into the Quinton Neighbourhood Development Plan, I have been requested by Stratford on Avon District Council, in its capacity as the Local Planning Authority, to present my professional assessment of the Plan, in terms of its compliance with the 'Basic Conditions' as set out in extant legislation, regulations and guidance.*

*I confirm that I am independent of the Qualifying Body, namely the Quinton Parish Council and the Local Planning Authority. Furthermore, I do not have any interest in any land or property that may be affected by the Plan.*

*I hold relevant professional qualifications and have experience of the planning regime, gained over the past 30 years in both the public and private sectors, to enable an independent judgement of the documents before me. I am also a member of the National Panel of Independent Examiners Referral Service, endorsed at the time of convening by HMGov Department of Housing, Communities and Local Government.*

*I have undertaken a thorough examination of the Quinton Neighbourhood Development Plan. This has comprised a review of all documents presented to me by the Local Planning Authority, a review of documents available for public review on the Parish website and documents relating to the Development Plan held on the Council's website plus national guidance, regulations and statute.*

*It is my considered opinion that, with modification, the said Plan meets the Basic Conditions and human rights requirement, as set out in the respective legislation and guidance. **I have highlighted where I consider modifications are required and indicated the nature of those changes. These have been set out in bold throughout my Report and are presented to complement the style of the overall document.***

*Hence, with modifications, I consider that the Quinton Neighbourhood Plan will: have regard to national policies and advice contained in current legislations and guidance; contribute to the achievement of sustainable development; be in general conformity with the strategic policies of the development plan for the area; not breach, but be compatible with European Union obligations and the European Convention of Human Rights; and not likely have a significant effect on a European Site or a European Offshore Marine Site either alone or in combination with other plans or projects.*

*I consider that the Neighbourhood Plan complies with the legal requirements set out in Paragraph 8(1) and 8(2) of Schedule 4B to the Town and Country Planning Act 1990, as amended, and can proceed to a Referendum.*

*I have no concerns over the defined Plan area or the manner of its confirmation and consider that this area is appropriate as the extent of any Referendum.*

*Finally, I refer to a number of abbreviations throughout my Report and for the avoidance of any confusion these are set out in Appendix B.*

***Dr Louise Brooke-Smith, OBE, FRICS, MRTPI,***

***August 2022***

## **1.0 INTRODUCTION**

### **1.1 NEIGHBOURHOOD DEVELOPMENT PLAN REGIME**

- 1.1.1 The Neighbourhood Development Planning regime provides local communities with the ability to establish specific land use planning policies which can influence how future development comes forward in their area. It not only provides the opportunity for local people to shape their locality, but it also provides guidance for developers and landowners when considering new proposals and for decision makers when determining planning applications.
- 1.1.2 Any Neighbourhood Development Plan should therefore be clear, not only in its goals and ambitions, but also in how any policies are presented. The background behind how policies have emerged should be easy to understand and robust in terms of identifying specific policy or evidence.
- 1.1.3 This Report provides the findings of an Examination into the Quinton Neighbourhood Development Plan, which is hereafter referred to as the Plan, the Neighbourhood Plan or the NP.
- 1.1.4 The Plan was prepared by the Quinton Parish Council, working in consultation with the Local Planning Authority, namely Stratford on Avon District Council and a range of interested parties, statutory bodies, community groups, landowners and their agents, plus other key stakeholders.
- 1.1.5 This Report provides a recommendation as to proceeding to a Referendum. If this takes place and the Plan is endorsed by more than 50% of votes cast, then it would be 'made' by Stratford on Avon District Council and would be used to assist in the determination of any subsequent planning applications for the area concerned.

### **1.2 APPOINTMENT AND ROLE OF THE INDEPENDENT EXAMINER**

- 1.2.1 In accordance with current regulations, I was formally appointed by Stratford on Avon District Council, as the Examiner of the Neighbourhood Development Plan in May 2022. I was issued with the relevant documentation and formally began the examination in June 2022.
- 1.2.2 In examining the Plan, I am required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, (TCPA) to establish whether:
- *The Neighbourhood Development Plan has been prepared and submitted for examination by a Qualifying Body.*

- *The Neighbourhood Development Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to Neighbourhood Development Plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA).*
- *The Neighbourhood Development Plan meets the requirements of Section 38B of the PCPA (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 policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the PCPA.*

1.2.3 My role has also been to consider whether the Plan meets the 'Basic Conditions' and human rights requirements, as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Development Plans by section 38A of the Planning and Compulsory Purchase Act 2004.

1.2.4 In order to meet the Basic Conditions, the making of any Neighbourhood Development 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 development plan for the area; and*
- *Not breach, and must be otherwise compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.*

1.2.5 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further basic condition for Neighbourhood Development Plans, in addition to those set out in primary legislation and referred to in the paragraph above.

- *The making of the Neighbourhood Development Plan is not likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) either alone or in combination with other plans or projects.*

1.2.6 Having examined the Plan against the Basic Conditions, as set out above, and as the Independent Examiner, I am required to make one of the following recommendations:

*a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;*

*b) that the Plan should be subject to modification but will then meet all relevant legal requirements and should proceed to Referendum;*

*c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.*

- 1.2.7 If recommending that the Plan should go forward to Referendum, I am also required to consider whether, or not, the Referendum Area should extend beyond the defined Quinton Neighbourhood Development Plan Area.
- 1.2.8 As noted above, the role of any Independent Examiner is to assess a Plan in terms of compliance with the Basic Conditions. While it is not to specifically comment on whether the Plan is sound, where changes could be made that would result in removing ambiguity and make the document more user friendly for all parties, this should be considered. This reflects relevant paragraphs of the NPPG and the first basic condition.
- 1.2.9 It should also be noted that it is not the role of the Examiner to add policies, even if this is suggested by statutory consultees or stake holders. I am aware that Sport England has made representations to the NP. These have been predominantly generic but conclude by suggesting that it could work with the QB to compose additional policies. The QB have not taken up this offer, a position which I respect.
- 1.2.10 Similarly, the County Council, through its Regulation 16 representations have queried how the needs of the more vulnerable members of the community will be supported. I note that the QB have not seen the need to address this explicitly within the NP but have identified other means such as a community charity. I agree with the QB that specific policies on this matter would not be appropriate for the NP.
- 1.2.11 Where relevant, comments on other Regulation 16 representations are noted later in this report.

### 1.3 THE EXAMINATION PROCESS

- 1.3.1 I am aware that the preparation of the NP took part during a partially restricted period associated with the Covid19 pandemic and I have had regard to the relevant amendments to the salient Neighbourhood Development Planning regulations, first brought into effect in April 2020 by the MHCLG.
- 1.3.2 In this case, while some public consultation on the emerging versions of the NP were completed during restricted lockdown periods, the final stages of the NP's

preparation were pursued when those restriction were lifted and thence it has been deemed entirely appropriate to continue to examine the Plan. Any referendum that may be appropriate will take place under the salient regulations as confirmed by the Department of Levelling Up, Communities and Housing, at the time.

1.3.3 The general rule has remained in place throughout the pandemic, i.e. that examinations should preferably be conducted by written representations unless there is sufficient reason to hold a Hearing to explore controversial or ambiguous matters. In this case, I have been able to consider the Plan by way of the key documents, relevant background information, evidence base, supporting reports and written representations. I have not considered it necessary to hold a Hearing to complete my findings.

1.3.4 My examination findings have resulted from my assessment of the documents noted at Appendix A and the written submissions from interested parties at both the Regulation 14 and 16 stages of the NP process and are in addition to my reference to the following documents, which set out extant legislation, regulation and guidance.

- National Planning Policy Framework (The Framework) (Revised as at 2018 and 2019) and reissued with further amendments in July 2021.
- Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning (General) Regulations (2012) and additions
- The Neighbourhood Planning Act 2017 and associated guidance and regulations.

1.3.5 Finally, I confirm that I undertook an unaccompanied site visit to the Plan area in June 2022.

## **2.0 BACKGROUND TO THE QUINTON NEIGHBOURHOOD DEVELOPMENT PLAN**

2.1. Further to a formal application, Stratford on Avon District Council confirmed the designation of the entire civil parish of Quinton as a Neighbourhood Development Plan Area in January 2015. I note that the area has not been the subject of any other NP proposal.

- 2.2 The Parish Council, as the relevant Qualifying Body, had initiated this and subsequent pursued appropriate consultation across the NP area including engagement with the community and stakeholders with respect to the vision of the NP.
- 2.3 It is unclear how much work was undertaken between 2015 and 2017 but the documents before me indicate that regular meetings and consultation with the community and stakeholders took place between 2017 and 2022. This began with consideration of the issues affecting the community and the formation of a vision and specific policy areas for the Plan.
- 2.4 The consultation background to the Plan is set out in the comprehensive Consultation Statement (December 2021) prepared in compliance with Section 15(2) of Part 5 of the Neighbourhood Plan Regulations 2012. I find that the community liaison was appropriate at both a local level and with statutory parties.
- 2.5 I have reviewed the evidence base which supports the policies and vision of the Plan. I find that this and the Consultation Statement to be proportionate to the nature of the Plan, well-presented and clear.
- 2.6 The Plan was subject to some changes as a result of the consultation process and the Reg 14 submissions by third parties. A Submission Version was duly prepared and finalised in December 2021 and submitted to the LPA. After a formal period of public consultation, it was confirmed that the Plan could proceed to Examination.
- 2.7 I have been presented with written representations to the Submission Version of the Plan which were submitted within the formal period. I note that a significant majority of Reg 16 representations have been in support of the emerging NP with a small number of exceptions. These objecting representations have been prepared by professional consultants on behalf of specific landowners.

### **3.0 COMPLIANCE WITH MATTERS OTHER THAN THE BASIC CONDITIONS AND HUMAN RIGHTS**

- 3.1 Given the above, I now report on the procedural tests, as set out earlier in this Report, and find as follows;

- **The Qualifying Body**

- 3.2 From the documentation before me, I conclude that the Quinton Parish Council is a properly constituted body, i.e. a Qualifying Body for the purposes of preparing a Neighbourhood Development Plan, in accordance with the aims of Neighbourhood Development Planning as set out in the Localism Act (2011) and recognised in the

National Planning Policy Framework (as amended), and accompanying Planning Practice Guidance. Accordingly, I find this addresses the necessary requirements.

- **The Plan Area**

3.3 The Quinton Neighbourhood Area reflects the boundary of the Quinton Parish. No other Neighbourhood Development Plan has been proposed for this area. I note that parish boundary includes part of an adjacent residential area at Meon Vale. This addition appears to be an anomaly but is assumed to simply reflect the historic alignment of the parish boundary. I see little harm in the addition of this element of Meon Vale.

3.4 As noted above, an appropriately made application to prepare a NP was submitted to the Council by the Parish Council and duly endorsed in 2015. The appropriate protocol and process were followed. I am satisfied this meets the requirement relating to the purposes and identification of a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended) and salient regulations of the Neighbourhood Development Planning (General) Regulations 2012.

- **The Plan Period**

3.5 Any Neighbourhood Development Plan must specify the period during which it is to have effect. The Quinton Neighbourhood Plan states on its front cover and in its introductory sections that it addresses the period between 2011 and 2031. I note that this reflects the Stratford on Avon District Development Plan review period. Clearly, we are some 11 years into this plan period and hence the reference to 2011 seems odd. However, there is merit in aligning the date of the NP to the relevant Development Plan and I am satisfied that this matter is clear and appropriately explained with the NP document.

- **Excluded Development**

3.6 From my review of the documents before me, the proposed policies within the NP do not relate to any of the categories of excluded development, as defined by statute and extant regulations, or to matters outside the Neighbourhood Development Plan area. While I find there are some areas which would benefit from improved clarity or amended text, as noted later in this report, in terms of the proposed policies, I find that the Plan meets legal requirements.

- **Development and use of land**

- 3.7 Any Neighbourhood Development Plan's policies, in accordance with current regulations, should only contain policies relating to development and/or use of land. While supporting text can reflect the goals and ambitions of any community, unless directly relating to development or use of land, this should not be included within or be confused with specific policies.
- 3.8 Where I felt that a policy or part of a policy was ambiguous, unnecessarily duplicated other policies or statutory regulations or concerned matters that do not relate to the development or use of land or property, I have recommended that it be modified or clearly explained as such, within the text of the Plan.

- **Public Consultation**

- 3.9 Planning legislation requires public consultation to take place during the production of Neighbourhood Development Plans. Any public consultation should be open and accessible, and any information presented should be easy to understand and to comment upon. It should enable all sectors of the local community the ability to comment on and hence shape the policies which may have a bearing on where they live, work or spend their leisure time.
- 3.10 I have reviewed the Consultation Statement prepared by the QB. As a requirement of the salient regulations of the Neighbourhood Development Planning (General) Regulations 2012 as amended, this was submitted to the Council and made available via the LPA and Parish's websites.
- 3.11 A range of stakeholders including statutory bodies appear to have been given the opportunity to take part in proceedings. I am of the opinion that the consultation exercise was thorough and a wide spectrum of the community was approached.
- 3.12 I have reviewed all salient surveys and documents relating to the consultation work undertaken by the QB and consider that the various initiatives and the general approach adopted was inclusive and sufficiently robust.
- 3.13 I consider that the response to representations made to the Neighbourhood Development Plan, as it progressed through its preparation stages, were clear and an appropriate approach was taken by the QB. I should stress that my role has not been to undertake a detailed analysis of the consultation details but moreover review the general process and approach taken and, in this light, I believe changes to the draft version of the NP were appropriately assessed, undertaken and then explained.

- 3.14 As noted elsewhere in this Report, given the evidence before me, I did not feel it necessary to hold a public hearing as the comments made by Regulation 16 parties and the stance of the LPA and QB was clear. No issues have been ambiguous.
- 3.15 I conclude that an appropriate consultation exercise was undertaken and that stakeholders had the opportunity to input into the Plan's preparation and as such, Regulation 15 and 16 have been addressed.

## **4.0 THE BASIC CONDITIONS AND HUMAN RIGHTS**

### **4.1 BASIC CONDITIONS STATEMENT**

- 4.1.1 I have reviewed the Basic Conditions Statement (December 2021) and find it to be comprehensive and well written document. It addresses the Basic Conditions in a clear and logical manner, and I highlight these as follows;

### **4.2 NATIONAL POLICY, ADVICE AND GUIDANCE**

- 4.2.1 As noted earlier, the NPPF (2018 and revised publications in 2019 and 2021) explains that a presumption in favour of sustainable development means that Neighbourhood Development Plans should support the strategic development needs set out in the Development Plan and plan positively to support local development.
- 4.2.2 The Framework is clear that Neighbourhood Development Plans should be aligned with the strategic needs and priorities of the wider local area, i.e. they must be in general conformity with the strategic policies of the Development Plan. The NPPF advises that they should not promote less development than is set out in the Development Plan or undermine its strategic policies. Neighbourhood Development Plans should provide a practical framework within which decisions on planning applications can be made with predictability and efficiency. It is stressed that the examination has been of the Plan, as a whole.
- 4.2.3 The Basic Conditions Statement clearly explains how the NP responds to specific core planning principles, as set out in the NPPF and makes appropriate cross reference to specific NP policies. As noted below, one omission has been to HO.1 and the need to make cross reference to CS15G. These needs rectifying.
- 4.2.4 Given the guidance found within National Planning Practice Guidance (NPPG) which accompanies the NPPF, I have considered the extent to which the NP meets this first basic condition in Section 5 below and **with the added reference to CS15G, find the Plan compliant.**

### 4.3 SUSTAINABLE DEVELOPMENT

- 4.3.1 Any Neighbourhood Development Plan should contribute to the achievement of sustainable development. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental. I consider that the approach taken and explained in the Basic Conditions Statement is robust.
- 4.3.2 Whilst there is no legal requirement for any Plan to be accompanied by a separate Sustainability Appraisal, it is helpful for it to acknowledge and explain how its policies have reflected sustainability matters in all forms as expressed in the NPPF. I consider that the NP has achieved this.

### 4.4 THE DEVELOPMENT PLAN AND STRATEGIC LOCAL POLICY

- 4.4.1 I note that the 'Development Plan' for Quinton Neighbourhood Area comprises the Stratford on Avon District Core Strategy 2011 – 2031. Appropriate reference is made to this in the Basic Conditions Statement (BCS).
- 4.4.2 Table 3 within the BCS explains how the proposed NP policies are in general conformity with strategic policies and highlights specific policies from the Development Plan. I find this to be appropriate and helpful. The addition of a reference to CS15G to support HO.1 is important.
- 4.4.3 **Hence, with this modification, I find that the NP policies are in general conformity with the relevant strategic policies of the Development Plan.**

### 4.5 EUROPEAN UNION (EU) OBLIGATIONS AND CONVENTIONS

- 4.5.1 Notwithstanding the decision by the UK to leave the European Union, at the current time, any Neighbourhood Development Plan must still be compatible with European Union (EU) obligations, as incorporated into UK law, to be legally compliant.

#### - Strategic Environment Assessment

- 4.5.2 Directive 2001/42/EC, often referred to as the Strategic Environment Assessment (SEA) Directive, relates to the assessment of the effects of certain plans and programmes on the environment, and has relevance here. Similarly, Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most

important habitats and species and can have a bearing on Neighbourhood Development Plans.

4.5.3 I note that a revised SEA screening was undertaken by agents (Lepus) on behalf of Stratford on Avon District Council between January and February 2021. This involved liaison with the relevant statutory bodies. The screening responses advised that policies within the Quinton NDP were not expected to have any significant environmental effect and hence an SEA was not required. This was subsequently confirmed in formal correspondence issued by the LPA (April 2021).

4.5.4 **I concur with this and find that the Plan meets the legal requirements of the EU's SEA Directive and conclude that in respect of this EU obligation, the Plan is compliant.**

- **Habitat Regulations and Environmental Impact Assessment**

4.5.5 A similar exercise was undertaken by Lepus with regard to Habitat Regulations. It concluded that no Habitats Regulation Assessment (HRA) was required as the Quinton NDP made all necessary references to the Development Plan's HRA and no NDP policies were being introduced that undermined this. The LPA have concurred with this stance through correspondence issued on 7<sup>th</sup> July 2022.

4.5.6 **I also concur and find that the NP meets the legal requirements of the EU and HRA Regulations and conclude that, in this respect, the Plan is compliant.**

4.5.7 **I further agree that an Environmental Impact Assessment was not required to accompany the NDP as none of the proposed policies relate to development of a scale or nature as to warrant such work. None fall under the criteria of the extant EIA Directive.**

- **Human Rights**

4.5.8 The Basic Conditions Statement makes reference to compliance with the European Charter on Human Rights (ECHR) and Human Rights Act 1998 in para 5.6

4.5.9 I am unaware of any matters proposed in the NP that challenges issues of human rights and while comments have been made with regard to this in representations to the Reg 14 and 16 stages of the plan, I do not consider that sufficient or robust evidence has been presented, to indicate that this is not the case. I conclude that the Plan does not breach and is otherwise compatible with the ECHR.

4.5.10 I am not aware of any other European Directives which apply to this particular Neighbourhood Development Plan, and **hence am satisfied that the Plan is compatible with EU obligations.**

## 5.0 ASSESSMENT OF THE QUINTON NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES

### 5.1 THE OVERALL PRESENTATION AND FORM OF THE PLAN

5.1.1 The NPPF advises that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency. I consider that this can be interpreted as 'having a clear document'. I find the Quinton Neighbourhood Development Plan is straightforward, well written and generally well explained and expressed. While there is some repetition through the document, given its nature and the assumed means of compilation by different members of the QB working group, this is understandable and does not unduly detract from its purpose.

5.1.2 I am content with the extent and nature of Figures and Tables within the NP. However, I find that their ordering through the document does not tally with the accompanying text. It is assumed that as the main text was amended further to the Regulation 14 submissions, but the position of the tables and illustrated figure remained as originally set out. In places this is odd. **While the document remains readable, it would assist if the ordering and position of figures through the document were sequential.**

5.1.3 The statutory context and relevant background to the Quinton NDP is well set out in the introductory section of the Plan. This helpfully and succinctly sets the scene for the subsequent policies which reflect the vision for the area which is set out in section 4 of the document and followed in Section 5 by clear Strategic Objectives. The subsequent policies are appropriately based on economic, social and environmental principles which reflect both the strategic policies of the development plan and the NPPF.

5.1.4 I note some consultees, during the preparation of the Plan and at both Reg 14 and Reg 16 stages, suggested additional initiatives and amended text that have not been included in the Submission Version of the NDP. I should stress that it is not the role of the Examiner to add further detail or policies that may have been considered by the QB through the Plan preparation, but not included in the Submission Version.

5.1.5 Section 6 of the NP is split into 5 subsections which present specific policies under the subheadings of Housing, Housing Design, Natural Environment, Infrastructure and Heritage and Archaeological Assets. I note there is no concluding section.

- 5.1.6 In terms of evidence to support the NP policies, I have reviewed a mix of digital and hard copy documents. I have considered the list of third parties and statutory consultees who were approached during the preparation of the draft and submission version of the Plan and have reviewed the comments issued by the QB through the Plan's preparation.
- 5.1.7 I note that some criticism has been levied through Representations, as to the robustness of the evidence base particularly with respect to housing site assessment. I have therefore given this specific attention and comment where relevant on this below.
- 5.1.8 On balance, I consider that a proportionate amount of background information and an appropriate evidence base has been used by the QB to prepare draft policies to address the vision and objectives of the NP.
- 5.1.9 Further to the above, I now consider the NP policies against the Basic Conditions and for ease of reference follow the structure and headings as adopted in the Plan. As I have set out above, I find that the Plan is compliant with Basic Conditions 4 and 5 and the following section of my Report assesses whether I consider it complies fully with:
- Basic Condition 1 (Compliance with National Policy);
  - Basic Condition 2 (Delivery of Sustainable Development); and
  - Basic Condition 3 (General Conformity with the Development Plan).
- 5.1.10 I wish to stress that my examination has comprised a review of the policies and supporting text in the context of their compliance with the Basic Conditions. It has not comprised a forensic review of the rationale behind each policy. Where I found that the evidence base was unacceptably weak or erroneously interpreted or proposals have been suggested that conflict with extant statute or are ultra vires, I have suggested appropriate modifications are required. I stress that it is not the role of the Examiner to re-write elements of the NP requiring modification on behalf of the QB or LPA. I have however suggested amended text where relevant in some cases but in other cases, I consider that sufficient guidance has been presented so modification can be prepared by the QB/LPA. In some cases, factual information needs to be confirmed by the QB and/or the LPA.
- 5.1.11 I confirm again that I have reviewed all comments made as part of the Regulation 16 process, particularly where they have raised matters relating to compliance with national policy, sustainability, general conformity with the strategic policies of the Development Plan or the robustness of the evidence base. I have also picked up representations that highlight factual errors.

- 5.1.12 On the matter of factual accuracy, I note the representations by the District Council with respect to paragraph 3.17 and its reference to Long Marston Airfield. I am aware that part of the Airfield lies within the NP area and development on that land will be subject to NP policies. **Para 3.17 should be amended to reflect this.**

## 5.2 NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES

- 5.2.1 Turning to the sub section within Section 6 of the Plan and the specific policies and supporting text, I consider that, generally, the policies are well constructed and clear. Few elements are ambiguous and the accompanying text provides a relevant and useful context for the overall vision of the Plan.

### HOUSING

- 5.2.2 **POLICY HO1: Future Housing Growth** is accompanied by explanatory text which is clear in its presentation. Having set out the relevant strategic objective of the Plan, the policy itself makes cross reference to some Core Strategy policies which are not unnecessarily repeated and the accompanying text clearly sets out the relevant context in terms of the NPPF. Reference is made to the evidence base which includes the Stratford on Avon District Strategic Housing Land Availability Assessment (SHLAA) completed in 2020. As noted later in this section of my report, the SHLAA has been updated and reference should be made accordingly.
- 5.2.3 The policy makes use of a defined boundary around the key settlements. One representation raises concerns over the alignment of the built-up area boundary (BUAB) but presents little evidence to explain why land currently excluded should be included. There is some confusion over the BUAB in that the alignment in Figure 9 doesn't relate to that in Figure 12 and in any event doesn't reflect the proposed BUAB within the LPA's Site Allocation Plan which is currently out for consultation. I comment on this matter below but consider that the BUAB as identified in Figure 9 is appropriate for the purposes of the NP. However, I am acutely aware that this may be the subject of imminent amendment following the recent consultation period into the emerging SAP 2022. An amended alignment of the BUAB will also take into account recent permissions granted for new residential development. I consider that given the timing of the consultation for, and eventual adoption of the revised SAP 2022, and the timing of this examination of the NP, it would be pragmatic to reference the revised SAP 2022 within the NP. I understand that this approach is endorsed by both the QB and the LPA.

5.2.4 Notwithstanding the correct alignment of the BUAB, I note that the POLICY HO.1 as presented does not fully reflect the Core Strategy and elements that are identified in CS.15G are not fully carried over into the NP. The element of omission relates to potential development adjacent to the built-up boundary of a settlement. The wording of Policy HO.1 has been presented by the QB but given its responses to the Regulation 16 submissions, I am aware that compliance with Policy CS.15G would be acceptable, to avoid any confusion or ambiguity. I concur.

5.2.5 In light of the above, I suggest **modification to Policy HO.1 at bullet points 2 and 3, which should be redrafted as follows;**

- *All areas outside the built-up area boundary are classed as countryside. New dwellings within the countryside will be controlled accordingly and limited to those exceptions defined in Policy AS.10 and CS.15 of the Core Strategy. These concern;*
  - *Rural exception sites*
  - *Replacement dwellings and dwellings essential for rural workers*
  - *Development that would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets*
  - *The reuse of redundant or disused buildings which enhances the setting of that property*
  - *The subdivision of an existing dwelling*
  - *A new dwelling, the design of which is of exceptional quality*
  - *Small-scale community led housing schemes to meet an identified local need, adjacent to the built-up area boundary (BUAB)*

5.2.6 **Bullet point 5 should also be redrafted as follows;**

- *It is recognised that self-build and custom house building projects may be considered adjacent to the built-up area boundary, as per the provisions of the Stratford on Avon Site Allocations Plan Policy SAP.6 and emerging revisions.*

5.2.7 Reference should also be made to CS.15 and to Policy SAP.6 and the Site Allocations Plan Preferred Options June 2022, in the list of references documents and in the Basic Conditions Statement.

5.2.8 Only with these modifications, do I find Policy HO.1 compliant.

5.2.9 **POLICY HO2: Reserve Site** is clear in that it identifies land to the east of Goose Lane for a potential 30 units, should there be a future need. The policy at the second bullet point refers to the need for an updated landscape sensitivity assessment for 'reserves' site. Given only one site is presented as a reserve site, there does not appear to be a need for this to be in plural.

**Modification; that 'reserves site' be amended to read 'reserve site'**

5.2.10 On clarifying some of the robustness of the evidence base, I note that reliance was made by the QB on a Landscape Sensitivity Report of Local Service Villages, prepared on behalf of the LPA in 2012. While this is a relatively elderly document, I consider it is still relevant. The reference in HO2 to a need for a future updated landscape sensitivity assessment is appropriate, given the life of the NP and that the reserve land might not be required for some years.

5.2.11 I also am aware that considerable work was undertaken by the QB through the community consultation period which included a residents' survey (2018). This explored the suitability of parcels of land immediately adjacent to the Built-Up Area Boundary (BUAB) of Lower and Upper Quinton.

5.2.12 Given the need to identify land for future residential development, either as formal allocation or as reserve land, the community was asked to indicate on a map whether they considered any land suitable for future housing development. This was not restricted to land previously identified within the SHLAA but other sites were invited to come forward. Those respondents in favour of future development indicated a preference of developing adjacent to the BUAB in three locations which corresponded to the SHLAA sites (2, 3 and 8). Given the scale of anticipated future housing needs, as set out in the Development Plan, for settlements such as Quinton, I agree that only one reserve site is currently required. I note that Figure 11 indicates this site and it correlates to SHLAA site 8 (as shown on Figure 10).

5.2.13 I find that the analysis of potential sites for future development, as set out in the NP, is clear. While objectors, promoting alternative sites have raised concerns as to the robustness of the evidence base relied upon by the QB, I do not agree.

5.2.14 **POLICY HO.3: Infill within the Built-Up Boundary (BUAB)** is again set out clearly. However, Figure 9 indicating the extent of the BUAB does not accord with Figure 12 later in the NP. Nor does it accord with the emerging BUAB as presented in the emerging LPA Sites Allocation Plan which is currently out for consultation, in terms of land to the north of Lower Quinton in the vicinity of Back Lane. I accept that the local community have been consulted with regard to the alignment of the BUAB and accept that Figure 9 is representative.

5.2.15 I conclude that Policy HO.3 is compliant without modification

5.2.16 **POLICY HO.4: Affordable Housing and Housing Stock Mix** is clear although I note the Regulation 16 representations by the LPA that suggests the policy should be split. I consider that given CS.18 this is unnecessary.

5.2.17 Bullet point 3 refers to the Government's 'First Home' policy. As this document is not listed elsewhere in the NP, I suggest for clarity that full references and dates are included at this point. Additionally, references to Housing Needs Survey 2019 should include the phrase 'and any subsequent Housing Needs Survey';

**Modifications;**

- **fully reference HMG First Homes policy and include a date of its publication.**
- **add the phrase 'and any subsequent Housing Needs Survey' at the end of bullet 2.**

5.2.18 **With these modifications, I find Policy HO.4 compliant.**

5.2.19 Turning to supporting text following these policies, for clarity I advise the following modifications;

- **Para 6.1.1; further to my comments above with regard to the Long Marston Airfield, the phrase 'adjacent to the area boundary' is misleading and hence should be removed.**
- **Para 6.1.2; add the phrase 'as at the time of writing' at the end of the main paragraph.**
- **Para 6.1.3; add the word 'Quinton' in front of Neighbourhood Plan, to avoid any confusion.**
- **Para 6.1.4; indicate the development referenced as Marston Edge, on a plan. This could either be a new plan which could also indicate the sites referenced in paragraph 6.1.5 through to 6.1.8 or as additional annotations to Figure 2.**
- **Para 6.1.17; to avoid confusion, it should be clarified whether the development of Quinton Fields and Swithin's Wood were included within the housing targets for the approved Core Strategy, or not.**
- **I am aware that updated housing monitoring figures have been issued (Sep 2021) and for accuracy para 6.1.18 should be amended accordingly.**
- **The NP refers to the 2020 SHLAA. I note that an updated SHLAA has been issued (2021). I concur with the LPA's representations that the updated SHLAA should be referenced throughout the NP, the title of Figure 10 requires**

**updating and the word 'proposals' should be deleted. The QB have accepted this matter and hence I advise that this is taken in hand.**

- **I am aware that paragraph 6.1.40 fails to note recent planning consents. This should be corrected and updated as it supports and helps clarify the alignment of the BUAB and the emerging SAP 2022.**

5.2.20 Subsection 6.2 addresses Housing Design and Layout. Having set out the relevant Strategic Objective, **Policy HD.1 addresses Design Principles**. At bullet point 1, reference is made to the Design Guide attached at Appendix 4 to the NP. Little explanation is given to who prepared this or when it was completed. As it is an appended document, it doesn't technically fall under the remit of the examination. However, its presence is confusing and does not provide confidence to any reader.

5.2.21 Paragraphs 6.2.7 and 6.2.8 refer to the Local Planning Authority's SPD 'Development Requirements' and it is assumed that the Design Guide at Appendix 4 has been prepared to complement this. However, it is not clear.

5.2.22 I conclude that to enable Policy HD.1 to provide confidence and clarity to any reader, and remove ambiguity, it should be modified as follows;

**Modification; clarification should be provided as to the authors of the Design Guide attached at Appendix 4 and appropriate explanatory text should be included at paragraph 6.2.11 of the NP.**

### **Natural Environment**

5.2.23 Section 6.3 of the NP addresses the Natural Environment with **POLICY NE.1 proposing 15 Local Green Spaces**. These are annotated at Figures 12 and 13 and the policy provides descriptions of each local green space. I find the scale of both Figure 12 and 13 too small and where a number of sites combine under one location e.g Site 1 – St Swithin's Wood, **the separate identification of the three sites as a, b and c needs to be illustrated more clearly.**

5.2.24 I note that this policy and the specific locations have been identified in light of the community consultations and the Residents' Survey undertaken in 2018. Further to this, each site has been independently assessed under the relevant guidance within the NPPF. Some of the sites, in my professional opinion do not warrant LGS classification, given the clear NPPF guidance.

- 5.2.25 Details of the analysis are included on-line with the sites listed again at Appendix 3. **The ordering of Appendix 3 with Appendix 4 is a little counter intuitive and it would help if they were in reverse order – but this is not a modification that undermines the Policy as written and I leave its change to the discretion of the QB.**
- 5.2.26 The Built-Up Area Boundary indicated on Figure 12 does not accord with that indicated on Figure 9. I have accepted Figure 9 as the accurate alignment of the BUAB as it includes development clearly in situ, **but this requires confirmation by the LPA and QB.**
- 5.2.27 While I find the analysis of each site extensive and helpful in terms of general description, I am not convinced that the assessment fully accords with the NPPF requirements for LGS classification. I note that relatively large sites have been broken into smaller sites and referenced accordingly. I feel this approach may have been adopted to overcome the clear advice in the NPPF that large tracts of land should not be proposed as local green sites. I suggest that sites 13 and 14 fall into this bracket. I also note that some roadside grassed curb areas have been proposed and a number of sites are simply small tracts of grassed land between relatively new properties.
- 5.2.28 Designation as LGS should only be used in cases where land is demonstrably special to a local community and holds a particular local significance. This does mean that every spare green corner should be designated as a means of protection against future development. Adopting this approach undermines the importance of LGS and the classification of land that is truly of special value and of local significance. I am aware that newly planned green areas can qualify as LGS designation. New residential areas commonly include green areas that have been proposed as part of the overall development. These green areas can be designated as LGS if they are demonstrably special and hold particular local significance. Paragraph: 012 Reference ID: 37-012-20140306 Revision date: 06 03 2014”
- 5.2.29 I consider that even if open space and landscaped areas have not yet been delivered, if these are part of an approved proposal, it is not a reason to reject their designation. That said, I have concerns over some of the 15 identified sites and find as follows;

Site 1a – as indicated on Figure 12, this site encompasses an access to land to the rear. While it is proposed as open space as part of an extant permission, landscaping has yet to be implemented but the access road remains in place. As open space, it would fulfil its role as being accessible to the community and available for recreation and social value. But this should not prove to be a barrier to potential

future development in the vicinity, should this be required. The allocation of the whole of Site 1.a requires modification to provide suitable access to land behind. The remaining elements of Site 1, namely b and c, fulfil the criteria of the NPPF and are appropriate allocations as LGS.

Site 8 – this is indicated on Figure 12 as a large proportion of a new residential development site, i.e. over 50% of the available land is indicated as LGS. This doesn't correlate with the consent granted for the site and the landscape proposals that have been approved by the LPA and should be rectified on Figure 12.

Site 9 – presents as a pedestrian access way to and from the residential development. While it presents a gap in the built form and allows views out, I am not convinced of its special local value and hence its designation as LGS.

Site 12 – contains a sub-station and access ways. I am not convinced of its special value and hence its designation as LGS.

Site 14 – is a privately owned site already protected by virtue of it sitting within the AONB. Historically an orchard it is now used for grazing. It provides no unique feature and I am not advised it is used by the community. Moreover, it reflects the general countryside and character of the area. I am unconvinced of its special local value or merit for LGS designation.

All other sites appear to have sufficient qualities to warrant designation at LGS.

**Modifications;**

- **The alignment of the BUAB needs to be correctly indicated on Figure 12, to align with Figure 9, providing Figure 9 is the accurate alignment.**
- **Site 1a needs to be amended in accordance with the comments above.**
- **Site 8 needs to be accurately identified to accord with the permitted landscape plans for the wider site.**
- **Sites 9, 12 and 14 should be removed from Policy NE.1 Local Green Spaces.**
- **The last line of Policy NE.1 should read '*.....provided the schemes do not adversely affect the primary function of the green space.*'**

**5.2.30 With these modifications, I find POLICY NE.1 compliant.**

- 5.2.31 **POLICY NE.2 Valued Landscape and Key Views** is accompanied by Figure 23 which illustrates a number of views the community have found to be important and in need of protection. I note that much of the NP area is already deemed to be an AONB and hence subject to specific protection from inappropriate development.
- 5.2.32 I am also aware of the Residents' Survey findings relating to this issue and the appeal decision issued with respect to development proposals at Hill Lane, Upper Quinton, issued in 2017 which commented upon landscaping impact matters. While any appeal decision relates to a specific case, I accept that this appeal decision, together with the Residents Survey findings illustrate the general need for POLICY NE.2.
- 5.2.33 Turning to the evidence base for this policy, this appears to comprise the outcome of the residents' survey and reference to landscape assessments undertaken on behalf of the LPA to support policies within the Development Plan. Photographs and an indicative map (Figures 23 through to 31) are presented as Appendix 2. I consider that the photographs can remain in the appendices, but it would be less ambiguous if Figure 23 was included within the text of the main NP after paragraph 6.3.11.
- 5.2.34 **Again there is no logic in the ordering of the appendices and I invite the QB to review this and reorder the appendices to read consecutively with the text of the NP.**

**Modification;**

- **That Figure 23 be included within the main section of the NP after paragraph 6.3.11.**
- With this modification, I find Policy NE.2 compliant.**

- 5.2.35 **POLICY NE.3 Dark Skies** is self-explanatory with clear referencing. The supporting text is also clear. However, Figure 14 is poorly presented and difficult to read. It has been reproduced from another source and is without a clear scale. I note it was presented to the community during the consultation stage of the Plan's preparation and has been included for information, but it would assist if it was better referenced and presented in a clearer format.

5.2.36 **Modification;**

- **that the illustration at Figure 14 be presented in a clearer format and with full referencing and a date of publication.**

**With this modification I find Policy NE.3 compliant**

- 5.2.37 **POLICY NE:4 Biodiversity** presents a number of bullet points that are broad in nature and vague in detail. Little of the policy, as written, presents additional guidance over and above that found in the NPPF or the Core Strategy.
- 5.2.38 However, I note that the accompanying text at paras 6.3.17 and 6.3.18 make reference to different parts of the NP area and the national footpath network which cross the area. Hence there is some context which I feel is just sufficient for Policy NE:4 to remain within the NP without modification.
- 5.2.39 I remain of the view that the accompanying figure illustrating the national footpaths should be renumbered so it sequential and that it follows paragraph 6.3.18.
- 5.2.40 **Modification; that Figure 17 is renumbered as advised above and follows paragraph 6.3.18.**
- 5.2.41 **With this modification, I find Policy NE:4 Biodiversity compliant.**
- 5.2.42 **POLICY NE.5: Aquatic Habitat** makes specific reference to the village pond and is clear in its intention. It is illustrated at Figure 15 which appropriately follows the explanatory text.
- 5.2.43 **Policy NE.5 requires no modification and I find it compliant.**

#### **Infrastructure**

- 5.2.44 Section 6.4 addresses Infrastructure and presents the strategic objectives in a helpful way. **POLICY INF:1 FLOOD RISK** presents a number of bullet points that are again broad in nature and vague in detail. Little of the policy as written presents guidance to any reader over and above that found in the NPPF, the Core Strategy or the guidance already available as contained within the County Council's Standing Advice.
- 5.2.45 I find that **POLICY INF.2: FOUL WATER DRAINAGE MITIGATION** is similar in that none of the bullet points offer any specific guidance over and above that already found within the NPPF, the Core Strategy, or the County Council's Guidance of Developers.
- 5.2.46 Nevertheless, I note that drainage and flooding issues were cited frequently by the community during the NP consultation process and the supporting text for these two policies provides some specific details and references to locations within the NP area. As such I consider the two policies should remain within the NP but with some modification to remove confusion.

5.2.47 The third bullet point within Policy INF:2 appears to be incomplete in that, as written, it advises that measures should be adopted by developers when erecting new dwellings but offers no details on what those measures should be. If the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> bullet points comprising Policy INF:2 are presented as examples of the measures that could be considered, then the drafting of this Policy needs to be far clearer. Bullet point 4 is particularly confusing.

**Modification; While the first two bullet points of POLICY INF:2 are acceptable, to provide for clarity and remove ambiguity, I suggest that bullet point 3 and the subsequent bullets, be rewritten as follows;**

***'Proposals to erect new dwellings should consider including the following measures;***

- ***The adoption of 'domestic grey water recycling'***
- ***The separation of foul and surface water in all new development and in cases of redevelopment***

5.2.48 The list of reference documents is clear although it would provide confidence to the reader if full details of the 'Ordinary Watercourse Land Drainage Consent Guidance Document' are provided, namely the author / issuing authority / date.

5.2.49 With these modifications, I find POLICY INF:1 and POLICY INF:2 compliant

5.2.50 **POLICY INF.3: FOOTPATHS, CYCLEWAYS and BRIDLEWAYS** is clear but as written adds little to the extant guidance within the NPPF and Core Strategy. I note, however, the accompanying text provides appropriate context and reference to three national footpaths that cross the NP area. Because of this, and the outcome of the Residents Survey, **I consider that there is merit in including POLICY INF.3 and it requires no modification.**

### **Heritage and Archaeological Assets**

5.2.51 Section 6.5 of the NP refers to Heritage and Archaeological Assets and sets out two strategic objectives. **POLICY HA.1 Heritage and Archaeological Assets** is well written and clear although again, it present little specific guidance over and above that already contained within the NPPF and the Core Strategy.

5.2.52 The accompanying text makes reference to 19 listed structures within thin the NP area and commentary on Meon Hill Fort. As written, there is some risk of confusion which

could be addressed through **minor modifications**, that would assist the reader and remove ambiguity. I set these out as follows;

- I consider it would be helpful to the reader if **Figure 21** indicating listed properties followed paragraph 6.5.6.
- Paragraph 6.5.9 contains a typographical error; 'Meon Hill Fort is a.....' which should be addressed.
- In paragraph 6.5.15 reference is made to ridge and furrow fields 'shown in Figure 17'. Paragraph 6.5.17 subsequently makes reference to Figs 15 and 16. It is considered that this might be an oversight as Figure 17 of the submission version of the NP illustrates footpaths and cycleways. While Fig 15 is a photograph of the village pond and Fig 16 is a flood map.
- It is suggested that the correct reference in paragraph 6.5.15 should be to Fig 20 and that the reference in paragraph 6.5.17 should be to Fig 18 and Fig 19. This matter requires confirmation and correction.

**5.2.53** With these modifications, I find Policy HA.1 compliant.

### **5.3 PLAN DELIVERY, IMPLEMENTATION, MONITORING AND REVIEW**

5.3.1 Passing reference is made in the NP at paragraph 2.8 that the future review of the Plan should correlate to the cyclical review of the Core Strategy. It is assumed that this will be led by the Parish Council at the QB. **It would be helpful if this was explicit but in general, this review period is acceptable.**

### **6.0 REFERENDUM**

6.1 Further to my comments and the proposed modification above, I recommend to Stratford on Avon District Council that the Quinton Neighbourhood Development Plan should proceed to a Referendum. I am required, however, to consider whether the Referendum Area should reflect the approved Neighbourhood Area or whether it should extend beyond this, in any way.

6.2 As noted earlier, the Neighbourhood Area reflects the whole of the Quinton Parish and **am content that this should also reflect the area for any forthcoming Referendum.**

## 7.0 SUMMARY AND RECOMMENDATION

- 7.1 I find that the Quinton Neighbourhood Development Plan is generally a well-written and clear document – providing attention is given to the insertions and sequential numbering of figures though the document. It has been the subject of effective consultation and the resulting vision and ensuing policies reflect the findings of those consultations. Drafts of the NP have been the subject of appropriate amendments to take on board relevant comments from statutory consultees and key stakeholders.
- 7.2 In places I find the text repetitive, but I accept that this simply reinforces the key issues of importance to the local community. There is some ambiguity within the text accompanying some policies and in places, policies duplicate extant policy or other regulations. However, I have noted above why I consider that certain policies can remain as they are accompanied by contextual supporting text.
- 7.3 Overall, I consider that the document is well written and appropriately justified with appropriate use of the evidence base. I repeat my comments from the start of my report and confirm that I have reviewed the objections raised during the Regulation 14 and 16 stages of the NP preparation but do not feel that the issues raised present sufficient weight to require deletion or further modification of policies, over and above those suggested within this report.
- 7.4 In at least one case, the objection is to the allocation of reserve land to address future housing needs. The issue of need is not questioned by the Regulation 16 party, moreover the choice of site. I have assessed the approach taken by the QB in reviewing potential land for future development and find it robust.
- 7.5 In summary, the Plan complies with the legal requirements set out in Paragraph 8(1) and 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and the relevant regulations relating to the preparation of a Neighbourhood Development Plan.
- 7.6 I do not have any concerns over the defined Plan Area nor with that area forming the basis for any Referendum.
- 7.7 **Hence, I recommend that further to the proposed modifications, the Quinton Neighbourhood Development Plan should proceed to a Referendum forthwith.**

Louise Brooke-Smith, OBE, FRICS, MRTPI

August 2022

## **Appendix A - Documents reviewed by the Examiner**

- National Planning Policy Framework (The Framework) (2018) and subject to clarification in 2019 and revision in July 2021.
- Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act (2011)
- The Neighbourhood Development Planning (General) Regulations (2012) and additions
- The Neighbourhood Planning Act 2017 and associated guidance and regulations.
- Draft Version of the Quinton Neighbourhood Development Plan
- Submission Version of the Quinton Neighbourhood Development Plan
- Documents identified in the Quinton Neighbourhood Development Plan pages of the LPA and Parish Council Websites
- Stratford on Avon District Core Strategy 2011-2031

## **Appendix B – Examiner's use of Abbreviations**

- Quinton Neighbourhood Development Plan; NP
- The Plan / The Neighbourhood Development Plan; NP
- Quinton Parish Council; PC
- Qualifying Body; QB
- Stratford on Avon District Council; SoADC /Council
- Local Planning Authority; LPA
- National Planning Policy Framework; NPPF
- National Planning Practice Guidance; NPPG
- Basic Conditions Statement; BCS