

**A REPORT TO STRATFORD ON AVON DISTRICT COUNCIL  
OF THE EXAMINATION OF  
THE TREDINGTON NEIGHBOURHOOD PLAN 2011-2031  
UNDERTAKEN BY  
Dr LOUISE BROOKE-SMITH, OBE, FRICS, MRTPI  
INDEPENDENT EXAMINER  
FEBRUARY 2023**

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## **Summary and Overall Recommendation**

*As the Independent Examiner into the Tredington Neighbourhood 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 Tredington 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 Tredington Neighbourhood 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 Tredington 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,***

***January 2023***

## **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 Tredington Neighbourhood Development Plan, which is here on referred to as the Plan, the Tredington Neighbourhood Plan or the NP.
- 1.1.4 The Plan was prepared by the Tredington 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 Plan in November 2022. I was issued with the relevant documentation and formally began the examination in December 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 Tredington Neighbourhood 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.

1.2.10 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 then 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.

1.3.3 Before, throughout and after the pandemic, the general rule has remained in place, namely 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. It should be noted that while a revised version of the NPPF has been issued by HMGov for consultation, any changes to that document have yet to be confirmed or endorsed and hence, the leading document for the purposes of this Examination remains the 2021 version.
- 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 January 2023.

## **2.0 BACKGROUND TO THE TREDINGTON NEIGHBOURHOOD PLAN**

2.1. Further to a formal application, Stratford on Avon District Council confirmed the designation of the entire civil parish of Tredington as a Neighbourhood Plan Area in June 2017. 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 subsequently pursued appropriate consultation across the NP area including engagement with the community and stakeholders with respect to the vision of the NP.

2.3 The documents before me and in the public domain 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 clearly in the Consultation Statement (August 2022) 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 and comment further on this below.
- 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 July 2022 and submitted to the LPA in August 2022. 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. Some representations have been in support of the emerging NP but equally some have raised objections. I have reviewed them all.

### **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 Tredington 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 Tredington Neighbourhood Area reflects the boundary of the Tredington Parish. No other Neighbourhood Development Plan has been proposed for this area. The

area is relatively extensive. It cuts across Ettington Park to the north and encloses a number of smaller hamlets in addition to main settlements of Tredington and Newbold-on-Stour.

- 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 2017. 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 Tredington 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 slightly odd. However, I am aware that other NPs across the District have adopted the same dates and there is clear merit in aligning the date of the NP to the relevant Development Plan. Hence, 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 note 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. It is succinct document supported by a number of Appendices which set out the approach taken by the QB and the organisations approached.

3.11 A range of stakeholders including statutory bodies were 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 local and professional and legislative community was approached.

3.12 I have reviewed the salient surveys and documents relating to the consultation work undertaken by the QB – included as a series of Appendices to the Consultation Statement - and consider that the various initiatives and the general approach adopted was inclusive and sufficiently robust.

3.13 I consider that the responses 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. Some landowners secured the services of professional agents, other made individual submissions to the emerging NP. I note that at least two statutory bodies comments on the draft NP at the Reg 14 stage and the County Council made representation on matters including flood prevention. I have reviewed all representations but 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. 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 have not felt it necessary to hold a public hearing, as the comments made by Regulation 16 parties and the stance of the LPA and QB has been 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, Regulations, 14, 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 (BCS) (July 2022) 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 extant 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. I have noted above about the emerging revised version of the NPPF. Changes have not been formally made and hence the 2021 version of the NPPF remains the valid document for this Examination. I note that the appropriate reference has been made to 2021 in the BCS.
- 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.

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, **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 Tredington 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 Section 4 of 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.

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, any Neighbourhood Development Plan must still be compatible with certain obligations adopted through European statute, as they have been incorporated into UK law. The NP would not be compliant otherwise.

#### **- 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 and issued in October 2021. This involved liaison with the relevant statutory bodies. The screening responses advised that policies within the Tredington 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 (August 2022).

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 Tredington 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 its correspondence issued in August 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 5.5.

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 TREDINGTON NEIGHBOURHOOD 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 Tredington Neighbourhood Plan is straightforward, well written and generally well explained and expressed. However, the lack of paragraph numbers is frustrating and while this 'style' is unlikely to be amended at this stage of proceedings, it makes any cross referencing very difficult, be this by an Examiner or indeed by any user of the Plan in the future. While there is some repetition through the document, given its nature 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.
- 5.1.3 The statutory context and relevant background to the Tredington NDP is well set out in the introductory section of the Plan. This helpfully sets the scene for the subsequent policies which reflect the vision for the area, and which are set out from page 30 onwards. 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 that the tense of the text at the 5<sup>th</sup> paragraph on page 9 assumes that the NP has successfully passed through a referendum. While this is a little premature, I can accept the logic of the drafting of this paragraph. It helpfully explains the validity of the Plan and its role as part of the statutory development plan for the area. As such it is a useful addition.
- 5.1.5 I am aware that 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.

- 5.1.6 The 'Future' section on page 27 is well set out **although under the Housing paragraph the word 'need' appears to be missing from the second sentence. The phrase 'if accepted' should be removed, if the NP proceeds successfully through any referendum.**
- 5.1.7 Policies are set out from page 30 of the NP onwards and split into a number of subsections, presenting specific policies under the subheadings of Local Economy, Natural Environment, Housing, Built Environment Infrastructure, Local Amenities. A final section addresses the Community Infrastructure Levy. There is no concluding section. **While the colour coding for individual sub-sections is helpful, I feel that clearer paragraph referencing, or numbering would assist any reader user of the NP immeasurably.**
- 5.1.8 It should be noted that Appendices to the NP have not been subject to formal examination. However, I note that Appendix 3 has been erroneously titled as Appendix 2 and should be amended accordingly to avoid confusion. Also, Appendix 4 should be amended to read 'Local Amenities' to accord with the text and referencing within the NP.
- 5.1.9 I am aware of the representations made by Stratford on Avon District Council with respect to the footnotes throughout the NP. I have reviewed these which principally address typographical errors. I concur with all the amendments suggested.

***The NP should be modified to take on board the amendments to Footnotes 6, 32, 50, 54, 55, 58, 68, 70, 78, 84, 86, 89, 94, 97, 104, 105, 115, 122 and 123 as detailed in SDC Regulation 16 Representations.***

- 5.1.10 In terms of evidence to support the NP policies, I have reviewed the documents in the public domain and 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.
- 5.1.11 As with many NPs, some criticism has been levied through Representations, as to the robustness of the evidence base. I have therefore given this specific attention and comment where relevant on this below.
- 5.1.12 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.
- 5.1.13 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 this 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).

5.1.14 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.

5.1.15 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.

## 5.2 NEIGHBOURHOOD PLAN POLICIES

5.2.1 Turning to 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 generally provides a relevant and useful context for the overall vision of the Plan. Each grouping of policies is presented following an explanation of the Strategic Objective of the NP.

## 5.3 LOCAL ECONOMY

5.3.1 **POLICY LE1; PROTECT EMPLOYMENT** is clear, albeit general in its ambition, but adds little over and above the extant policies within the Core Strategy. No local reference is made.

5.3.2` Nevertheless, it provides clear guidance to anyone considering changing the use of an existing property identified or used for employment purposes. Reference, at bullet point 1 of the second section of Policy LE1 asks for demonstration that the property is no longer needed for employment purposes, but no timescale is indicated. **This presents ambiguity which is unfortunate. In itself this matter does not make the policy uncompliant – but is something the QB might wish to address.**

5.3.3 **I find Policy LE1 compliant.**

5.3.4 **POLICY LE2. PROMOTE RURAL TOURISM** is self-explanatory with clear supporting text. Bullet point 1 makes reference to 'an appropriate scale' but this is again considered ambiguous and unhelpful to any user of the NP. Nevertheless, again, this does not **in itself make the overall policy invalid.**

5.3.5 **Hence, I find Policy LE2 compliant.**

5.3.6 **POLICY LE3. ENCOURAGE HOME WORKING** is well set out with clear bullet points and supporting text

5.3.7 **I find Policy LE3 compliant.**

#### 5.4 **NATURAL ENVIRONMENT**

5.4.1 **POLICY NE1.PRESERVING LOCAL HABITATS** is laudable but adds little over and above the policies already found with the Core Strategy. Nevertheless, it clearly reflects the Strategic Objectives and the consultations that were progressed. Additionally, the supporting text references relevant local natural habitats and relevant local surveys, albeit these are quite elderly.

5.4.2 **I find Policy NE1 compliant.**

5.4.3 **POLICY NE2. PROTECT TREES AND HEDGEROWS** implies a broad protection that is not entirely endorsed in statute, guidance or adopted policy. The text of the policy suggests a blanket protection against the loss of all mature trees, hedgerows or woodland. Unless a tree has specific protection through statute, such as being within a Conservation Area or it being subject to a Tree Preservation Order, a comprehensive embargo to its loss is not compliant.

5.4.4 While it is understood that this stance reflects some of the consultations received during the plan preparation period, it is recommended that the policy be redrafted

to 'encourage the replacement of any tree, hedgerow etc. lost to development' but to suggest that support will be withheld is overly restrictive. Hence, the following text is suggested.

***'Development that results in the loss of existing mature trees, hedgerows and/or woodland will be strongly resisted. The loss of such vegetation needs to fully justified and proposals will be expected to demonstrate that they.....'***

- 5.4.5 **With this modification, Policy NE2 is considered compliant.**
- 5.4.6 **POLICY NE3. DESIGNATED VALUED VISTAS AND LANDSCAPES** is clear in its intent and supported by evidence which has been set out as accompanying text. Normally such evidence is contained within an Appendices but here it has been specifically cross referenced in the policy. As such it rightly forms part of the supporting text. I note the use of abbreviations for AONB and SLA. These should be set out in full to assist any user of the Plan.
- 5.4.7 This form of policy and the evidence to support it, commonly reflects the consultations undertaken during the plan preparation period. Such policies can however be used to resist any form of new development that is proposed to lie within the Valued Landscape sphere of influence. As such the tone of the policy and the way the 'valued landscape areas' have been assessed is important.
- 5.4.8 I find that the description of each 'valued Landscape' as illustrated on figures 13, 14 and 15 is clear and robust and supported by evidence. The policy itself is realistic in its tone and language.
- 5.4.9 **Accordingly, I find that Policy NE3 is compliant.**
- 5.4.10 **POLICY NE4. PROTECT WATER COURSES** is clearly set out. Bullet point 2 refers to an 8m easement to be left and when any development takes places adjacent to a watercourse. ***This distance is advisory and not statutory and hence the use of 'must' is considered ultra vires and should be replaced with 'is encouraged to be'***
- 5.4.11 The supporting text makes good reference to the waterways flowing through the NP area. ***However, Fig 19 would be enhanced with the inclusion of the extent of the NP area in red.***
- 5.4.12 **Subject to the above modifications, I find Policy NE4 compliant.**
- 5.4.13 **POLICY NE5.MINIMISE LIGHT POLLUTION** again reflects views indicated through the consultation periods and is supported by a clear explanation.

- 5.4.14 Bullet point 1 references the British Astronomical Society. Given the expected longevity of the NP, it would be prudent to add 'or relevant updated guidance' at the end of the bullet.
- 5.4.15 **With this minor modification, I find Policy NE5 compliant.**
- 5.4.16 **POLICY NE6. MINIMISE NOISE POLLUTION** appears to link general noise pollution to traffic noise. While this reflects the surveys undertaken by the QB and the consultations undertaken as the vision of the NP was being discussed, the rationale for the two bullet points supporting the policy seems odd. ***It would be more appropriate to reference support for vehicle charging facilities within the supporting text and remove it from the main policy.***
- 5.4.17 **With this modification, I find Policy NE6 compliant without modification.**
- 5.4.18 **NE7. ENCOURAGE ENERGY EFFICIENCY** reflects a general push for sustainable energy generation and use.
- 5.4.19 However, I note bullet 2 supports potential development that 'exceeds Permitted Development' thresholds. Reference is then made to the approved Supplementary Planning Document (SPD) issued by the District Council. This presents confusion. Permitted Development is set out in statute while the SPD is local and advisory,
- 5.4.20 I applaud the approach taken, i.e., support for other forms of renewable energy technology, and note that this is at the discretion of the community to highlight. Indeed, I accept that technology in this field is ever changing, and the approach taken should help future proof the NP. However, the phrasing of bullet 2 is confusing and should be modified as follows.
- Proposals which incorporate renewable energy technology in new domestic premises will be supported.***
- 5.4.21 **With the above modification, I find Policy NE7 compliant.**
- 5.4.22 **POLICY NE8. MINIMISE AIR POLLUTION** is reflective of the consultation exercise although bullet point 3 is vague and appears to repeat the goal of Policy NE7. Similarly bullet point 4 repeats the second bullet of Policy NE6. ***As such, neither are required and should be omitted from Policy NE8.***
- 5.4.23 **With the above modification, I find Policy NE8 compliant.**
-

5.4.24 **POLICY NE9. DESIGNATE LOCAL GREEN SPACES** is an extensive policy that has been the result of considerable dialogue with the community and stakeholders and assessment by external advisors. Identifying local Green Spaces (LGS) within NPs is popular and generally the approach taken by any QB is appropriate and follows the guidance found with the NPPF and NPPG.

5.4.25 I find this to be generally the case in Tredington and applaud the inclusion of maps and the evidence base for each proposed LGS allocation. However, I make the following observations.

- the use of 'must' in the first bullet point is unnecessary. ***The use of 'should' would be more appropriate.***

- In **Armscote**, the statutorily listed Meeting House adjacent to Site 1 has been the subject of a planning application for change of use to domestic use and recently approved, subject to conditions (Dec 2022). The advisers to the QB indicated that should consent be approved then the allocation of the land as LGS should be reconsidered. Objections to the allocation of the surrounding land as LGS have been submitted which suggest that the additional classification of the land is superfluous given its proximity to a listed property. I note that the land is privately owned and has no public access. Other such sites have not proceeded as potential LGS on this basis and it is unclear why this site has continued to be proposed as LGS in the absence of any robust evidence to the contrary. ***I note the guidance within the PPG and advise that Site 1 does not proceed as LGS as it would serve little additional purpose. As such it should be omitted from Policy NE9, and the remaining sites be re-ordered accordingly.***

- The sites at **Blackwell** are well explained but I concur with the view that site 3 is not publicly accessed and while it abuts the extant village green, the rationale for its allocation as LGS rests on its vegetation and potential to harbor wildlife. While public access is not a requirement of an LGS allocation, the evidence base to justify an LGS allocation on habitat reasons is not clear. ***As such I advise that it be removed from Policy NE9 and the remaining sites be re-ordered accordingly. Sites 2 and 3 are valid LGS allocations and well justified in the NP.***

- The site in **Darlingscott** is supported as LGS.

- The proposed LGS sites in **Newbold-on-Stour** are extensive in number. I note and concur with the assessment of the advisers to the QB in relation to Sites 1, and 2. While I note that public access is not a requirement for any LGS, a habitat or character rationale should be clear. A LGS allocation should not simply be made because of local wishes alone. I am however, minded to support site 3 as a LGS allocation given its specific identification as an ecological mitigation site for adjacent development.

***- Hence, I advise that Sites 1 and 2 should be omitted from Policy NE9 but all other sites at Newbold-on-Stour should proceed as LGS allocations. The sites should be re-ordered accordingly.***

- 5 sites are proposed as LGS at **Tredington**. I find that sufficient evidence has been presented to support sites 1,2,4 and 5 but site 3 fails in that little if any evidence is present to support its allocation other than local wishes. The NP is also confusing in that it appears to concur with this position yet site 3 remains detailed within the text. ***Site 3 should be omitted, and the remaining sites re-ordered accordingly.***

5.4.25 **Only further to the above modifications, do I find Policy NE9 compliant.**

## 5.5 HOUSING

5.5.1 This section of the NP sets out the Strategic Objective from which the subsequent policies flow. The objective is one of promoting appropriate new development to meet the needs of the NP area, but little or no new housing land is specifically proposed. The accompanying text proceeds to suggest that the Parish has seen relatively high levels of new development since 2015 and only small-scale sites within the main settlements should come forward to accommodate any more housing.

5.5.2 **POLICY H1 DEFINE BUILT UP AREAS** proposes Built Up Area Boundaries (BUAB) for the two main settlements of Tredington and Newbold-on-Stour. These are clearly illustrated within the accompanying text. Land beyond the boundaries is considered as 'countryside'. I note that the BUABs reflect the boundaries as referenced with the Core Strategy and indicated in the emerging District Site Allocations Plan.

5.5.3 I note the representations made on this policy but concur with the boundary as illustrated at Figure 26 and 27 within the NP and **find Policy H1 complaint as presented.**

5.5.4 **POLICY H2. MEET IDENTIFIED HOUSING NEEDS** supports development immediately adjacent to the built-up areas of the communities across the NP area but that these need to be 100% affordable in nature unless justification is presented to the contrary.

5.5.5 The accompanying text makes appropriate reference to the evidence base. ***However, the second main bullet suggests the potential to include market housing***

*to assist viability. This conflicts with Core Strategy policy. I note that the QB is happy to omit this element from Policy H2. I concur.*

5.5.6 *I also note that the QB is happy to amend the title of this policy to read 'Meet Local Housing Needs'. This is at their discretion, and I am happy with the change.*

5.5.7 The LPA have made a series of very specific representations with regard to Policy H2 which I note have all been agreed by the QB. I have reviewed these and find them all to be valid and would provide further clarity to the NP. ***As such I recommend the following***

- *Rephrase the opening Bullet point to read 'Support is given to small scale community led housing schemes adjacent to the built-up areas of the communities providing the following criteria are met;'*
- *Any reference to Housing Needs Survey should be qualified by 'up to date'*
- *An additional Bullet should refer to 'arrangements should exist to ensure that the housing development will remain affordable and available to meet the continuing needs of the community'*

5.5.8 **With these modifications, I find Policy H2 compliant.**

5.5.9 **POLICY H3. USE OF DOMESTIC CURTILAGE** is clear in its intent and justified in evidence. I find it compliant.

## **5.6 BUILT ENVIRONMENT**

5.6.1 **The Strategic Objective supporting this section of policies is clear and accompanying text informative.**

5.6.2 **POLICY BE1. MAINTAIN THE RURAL CHARACTER OF THE COMMUNITIES** contains a number of bullet point, some of which appear repetitive and or repeat other NP policies;

- Bullets 1 and 3 both refer to development density. Presumably bullet 3 could reference non-residential development although this isn't clear.
- Bullet 6 appears to reiterate Policy NE3 regarding valued vistas and landscapes and appears vague and very general. Specific views have already been identified at Policy NE3.

- Bullet 7 reiterates Policy H2.
- Bullet 8 reiterates Policy NE5 which aims to minimize light pollution
- Bullet 9 reiterates Policy IN3.

5.6.3 Accordingly most of Policy BE1 would appear to be superfluous. However, if the intent of the policy is to encourage the submission documents to address the elements highlighted, then the policy presents a useful checklist.

5.6.4 **In this context do I find Policy BE1 compliant.**

5.6.5 **POLICY BE2. DESIGN IN SYMPATHY WITH EXISTING BUILDINGS** again repeats other NP policies. Specifically bullet 1 repeats Policy NE4 addressing the protection of watercourse. ***Its inclusion in Policy BE1 is superfluous and should be omitted.***

5.6.6 The last bullet point refers to 'the highest design specifications'. However, this is vague and unhelpful to any user of the NP. No evidence has been presented to assist. ***Hence cross reference should be made to appropriate design specifications, or this bullet point should be omitted.***

5.6.7 **Only with the above modifications do I find Policy BE2 compliant.**

5.6.8 **POLICY BE3. PRESERVE HERITAGE ASSETS** is clear and accompanied by relevant text making cross reference to informative figures and illustrations.

5.6.9 **I consider Policy BE3 to be compliant.**

5.6.10 **POLICY BE4. CONVERSION AND REUSE OF BUILDINGS** appears, in part, to undermine extant permitted development rights allowing the reuse of property for residential purposes. Current PD rights allow such changes of use without the provisions bulleted in this policy. I note however that commercial and tourist accommodation is also referenced and as such the premise of the policy is accepted, although I consider it is clumsy in its approach.

5.6.11 ***I assume that there is typographical error in Bullet 1 which should read 'unacceptable impact'.***

5.6.12 ***Bullet 6 is confusing if consideration is being given to commercial or tourism purposes. Hence it should be omitted.***



5.6.13 **With these modifications, I find Policy BE4 compliant.**

## 5.7. INFRASTRUCTURE

5.7.1 The Strategic Objectives are clear and broad in approach, reflecting the responses to the consultations taken through the plan's preparation. Some statutory bodies have made substantial representations to this section of the NP, and I have had regard to these, and the extent of the evidence base in my examination.

5.7.2 **POLICY IN1 CONNECTIVITY** rightly uses the word 'should' when considering housing development and the incorporation of relevant broadband configurations. However, this is not always possible and is commonly at the behest of individual suppliers ***and so the addition of 'where possible' is recommended.***

5.7.3 The intent of the policy and evidence for it is robust, and hence with the above modification, **I find Policy IN1 compliant.**

5.7.4 **POLICY IN2 ENSURE FRESH WATER SUPPLY AND WASTEWATER REMOVAL** is a very specific policy and indicates the importance of the matter to the community. Given the extent of the River Stour floodplain and the experience of the community in recent years, the need to address flooding issues is noted.

5.7.5 **I find Policy IN2 compliant.**

5.7.6 **POLICY IN3 REDUCE FLOOR RISKS** repeats the intent of Policy IN2 but includes a series of bullet points referencing current guidance. The accompanying text is extensive and informative, making cross reference to the evidence base.

5.7.7 ***It is advised that the phrase word 'current' in inserted at bullet 4 with respect to 'advice set out by the Department of Food and Rural Affaires'. The footnote references extant guidance which might be updated during the lifetime of the NP. I also advise that DEFRA and LLFA are set out in full.***

5.7.8 ***Figure 34 appears to be reiteration of figure 19 My observation remains the same i.e. that the extent of the NP should be included on both figures.***

5.7.9 **With these minor modifications, I find Policy IN3 compliant.**

5.7.10 **POLICY IN4 ENSURE VEHICLE PARKING SPACE** adds little to existing policy found within and accompanying the Core Strategy and in part is a repetition of other NP policies. However, as a checklist for any user of the NP, and as indication of the consultation responses, it is of some assistance and appropriate reference is made to the Core Strategy and NPPF.

5.7.11 **I find Policy IN4 complaint.**

## 5.8. LOCAL AMENITIES

5.8.1 The Strategic Objective sets the scene for the subsequent 6 policies and again reflects the clear views of the local community and result of the questionnaire.

5.8.2 **POLICY LA1. PROTECT AND ENHANCE EXISTING COMMUNITY FACILITIES** is clear save for bullet 4 which is confusing in its reference to 'facilities'. It would be clearer if the two sentences were two separate bullet points.

5.8.3 **With this minor modification, I find Policy LA1 compliant.**

5.8.4 **POLICY LA2. ENSURE SUFFICIENT SCHOOL CAPACITY** reflects a common concern by communities. The ability for local education provision to serve new development is important but not something that is within the remit of a NP. It currently remains a County Council obligation.

5.8.5 While accepting that the evidence base including the questionnaire indicates the strength of local feeling, bullet 1 simply suggests that a confirmation of provision is sought. There is no clear implication set out for any user of the NP, should provision not exist. Accordingly, I do not feel that as presented bullet 1 is helpful. ***It should be omitted - or - redrafted to advise that support would not exist for new housing development that could not be served by existing school place provision unless the lack of school places is addressed as part of any development proposals.***

5.8.6 **With this modification, I find Policy LA2 compliant.**

5.8.7 **POLICY LA3 ENCOURAGE SAFE WALKING AND CYCLING** again reflects the evidence base. *I note the QB has accepted the LPA suggestion of adding 'and/or rebuild' to Bullet 5.*

5.8.8 **I concur and with this modification I find Policy LA3 compliant.**

5.8.9 **POLICY LA4. PROMOTE SPORTS AND RECREATION** adds little to extant policy and guidance. However, I find the accompanying text helpful in setting out the rationale for its specific inclusion and an indication of the strength of feeling indicated through the consultation process and responses to the questionnaire.

5.8.10 **Accordingly, I find Policy LA4 compliant.**

5.8.11 **LA5. PROVIDE ALLOTMENTS** again adds little to extant policy and guidance on the loss of allotments. However, I note the helpful accompanying text which clarifies the extent of allotments across the Parish and acknowledge that two allotment sites are proposed as Local green Spaces under Policy NE8.

5.8.12 **I find Policy LA5 compliant.**

5.8.13 **POLICY LA6. PROMOTE THE IMPROVEMENT OF LOCAL SERVICES** is blunt but does illustrate the wish to encourage the retention and expansion of local services. The accompanying text is helpful in explaining what constitutes local services.

5.8.14 **I find Policy LA6 compliant.**

## 5.9 COMMUNITY INFRASTRUCTURE LEVY

5.9.1 This section of the NP is clear with the Strategic Objective setting an appropriate context.

5.9.2 **POLICY CI1. CIL EXPENDITURE** is self-explanatory, albeit superfluous given other extant policy, guidance and regulations. Nevertheless, its inclusion within the NP is helpful and reference to Appendix 5 detailing the Parish Council policy is useful to any user of the NP.

5.9.3 I find Policy CI1 compliant.

## 6.1 PLAN DELIVERY, IMPLEMENTATION, MONITORING AND REVIEW

6.1.1 Reference is made in the NP in its introduction that the future review of the Plan will correlate to the cyclical review of the Core Strategy. It is understood that this will be led by the Parish Council at five yearly intervals. **This is in accordance with current guidance and hence endorsed.**

## 7.0 REFERENDUM

7.1 Further to my comments and the proposed modification above, I recommend to Stratford on Avon District Council that the Tredington Neighbourhood 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.

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

## 8.0 SUMMARY AND RECOMMENDATION

8.1 I find that the Tredington Neighbourhood Plan is generally a well-written and clear 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.

8.2 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.

8.3 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.

- 8.4 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.
- 8.5 I do not have any concerns over the defined Plan Area nor with that area forming the basis for any Referendum.
- 8.6 **Hence, I recommend that further to the proposed modifications, the Tredington Neighbourhood Plan should proceed to a Referendum forthwith.**

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

**February 2023**

## 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 Tredington Neighbourhood Plan
- Submission Version of the Tredington Neighbourhood Plan
- Documents identified in the Tredington Neighbourhood Plan pages of the LPA and Parish Council Websites
- Stratford on Avon District Core Strategy 2011-2031

## Appendix B – Examiner's use of Abbreviations

- |  |                |
|--|----------------|
| • Tredington Neighbourhood Plan;       | NP             |
| • The Plan / The Neighbourhood Plan;   | NP             |
| • Tredington 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            |