

**A REPORT TO STRATFORD ON AVON DISTRICT COUNCIL
OF THE EXAMINATION OF
THE SOUTHAM NEIGHBOURHOOD PLAN 2011-2031
UNDERTAKEN BY
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INDEPENDENT EXAMINER
MARCH 2023**

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Summary and Overall Recommendation

As the Independent Examiner into the Southam 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 Southam Town 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 Southam 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 Southam 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,

March 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 Southam Neighbourhood Development Plan, which is here on referred to as the Plan, the Southam Neighbourhood Plan, the SNDP or the NP.
- 1.1.4 The Plan was prepared by Southam Town 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 Southam 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 proposed by HMGov for consultation, 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 SOUTHAM NEIGHBOURHOOD PLAN

2.1. Further to a formal application, Stratford on Avon District Council confirmed the designation of the entire civil parish of Southam as a Neighbourhood Plan Area in December 2014. I note that the area has not been the subject of any other NP proposal.

2.2 Southam Town 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 2016

and 2022. This began with the formation of a 'call to arms' via Facebook, the creation of a working group and subsequent consideration of the issues affecting the community. This led to the formation of a vision and then consideration of specific objectives and policies.

- 2.4 The consultation background to the Plan is set out clearly in the Consultation Statement (version 8, undated) 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, objectives and vision of the Plan. I find that this and the Consultation Statement to be proportionate to the nature of the Plan.
- 2.6 The Plan was subject to some changes as a result of the consultation process and the Reg 14 submissions by third parties in April 2022. A Submission Version was duly prepared and submitted to the LPA in November 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 under Regulation 16, 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 Southam Town 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 Southam Neighbourhood Area reflects the boundary of the town of Southam which includes surrounding countryside. No other Neighbourhood Development Plan has been proposed for this area. The area is relatively extensive, encompassing the main town of Southam and an area of open countryside. The smaller village of Stockton lies beyond the boundary to the north-east.

3.4 As noted above, an appropriately made application to prepare a NP was submitted to the Council by the Town 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 Southam 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 version 6 of 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 not an easy document to follow and while reference is made to a number of Appendices and figures, I find that elements of the necessary evidence needed to support some policies is difficult to clarify.
- 3.11 Nevertheless the Consultation Statement sets out the approach taken by the QB, and the organisations approached. 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 sufficiently 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 – as far as I have been able to given the papers before me and the information publicly available. I 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 Plan, as it progressed through its preparation stages, were clear and an appropriate response was taken by the QB. Some landowners secured the services of professional agents, other made individual submissions to the emerging NP. 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 Notwithstanding the lack of robust evidence or explanation in places, 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) (undated) 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 and NP.
- 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 Southam 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, 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 January 2021. This involved liaison with the relevant statutory bodies. The screening responses advised that policies within the Southam 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 (Feb 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 Southam 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. As an aside, it would be helpful if reference to this was included in the Basic Conditions Statement at Section 5.

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

4.5.7 **I find given the nature of policies proposed within the NP, an Environmental Impact Assessment is not required to accompany the NP. 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.**
- 4.5.11 I should add that the reference to the duty to Public Sector Equality at para 37 of the Plan is welcomed ***but the reference to 'protect characteristics' should be amended to read 'protected characteristics'.***

5.0 ASSESSMENT OF THE SOUTHAM 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 Southam Neighbourhood Plan is straightforward and generally well explained. I particularly welcome the use of paragraphs throughout the Plan which assists referencing by any reader / user. ***However I find the presentation of maps at the front of the document awkward and suggest these should be positioned at appropriate places through the main document, where they are relevant to the policies proposed. The number of the maps seems irregular as no Fig reference or title has been given to the map on page 15. I consider this to be an important map as it indicates the Southam Conservation Area, the built-up area boundary (BUAB), development proposed in the Core Strategy and other important designations of land.***
- 5.1.2 ***This should be titled appropriately, referenced as Fig 10 and added to the list of figures. Subsequent figures should then be renumbered. Furthermore, maps of the specific Local Green Spaces could be included as those proposed areas are discussed under Policy 01. This would allow clarity as to the exact position and extent of each site, rather than sole reliance on extant Figure 10.***

- 5.1.3 ***Although I feel they would assist any user of the Plan, as presented, however, they do not make the Plan non-compliant. Hence the instructing party and the QB are simply invited to consider this modification.***
- 5.1.4 The statutory context and relevant background to the Southam NP is appropriately set out in the introductory section of the Plan. This sets the scene for the vision and objectives. The subsequent policies set out in Section 4 are based on housing, environment, infrastructure and community matters which reflect both the strategic policies of the development plan and the NPPF.
- 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 NP. 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. The addition of any policies or amendments to the text as the Plan is being prepared, is at the discretion of the QB.
- 5.1.6 Policies are set out from paragraph 40 of the NP onwards, under a series of Objectives. I note that the introduction of the Plan sets out that the Objectives have been presented as a means of addressing the vision for the Southam. Under each objective, specific policies are set out in boxes, accompanied by explanatory text. I note that towards the end of the NP, a series of 'Aspirations' are set out. I comment on these later in my report but for the avoidance of doubt, these have not been presented as formal policies and hence have not come under the formal remit of my examination.
- 5.1.7 As the examiner, I have assessed the policies presented in the plan. In so doing I have reviewed the objectives and the explanatory text to ensure there is no ambiguity or confusion. Where this exists, I have proposed modifications.
- 5.1.8 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.
- 5.1.9 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. On balance, however, 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.

5.1.10 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).

5.1.11 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.

5.1.12 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.

OBJECTIVE #1 Conserve and Develop Local Green Spaces (Environment)

5.2.2 **POLCY 01: 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.

5.2.3 I find this to be generally the case in Southam. While I note that extant Figure 10 comprises a map of the LGSs, the inclusion of maps to directly accompany the explanatory text for each proposed LGS allocation would have been helpful.

5.2.4 I note that some sites considered as LGS have not been pursued, following the review by the independent agents retained by the QB to assist in assessment. I have reviewed those that have been presented in the Submission version of the NP, further to paras 99-101 of the NPPF and associated guidance in the NPPG. Further to this, I make the following specific observations;

- LGS1 Stowe Valley and Holy Well – is well justified and an acceptable allocation.
- LGS2 Abby Lane Green – is a very small but prominent area and an acceptable allocation.
- LGS3 Park Lane Recreation Ground – is an area that already benefits from an allocation as recreational land. While it's additional classification as LGS seems unnecessary as it would bring no further protection from future development, I accept the value it provides to the local community. I concur with its LGS allocation.
- LGS4 Tithe Lodge – is a recently landscaped area serving the town centre and considered an acceptable LGS allocation.
- LGS5 Grange Gardens and Peace Gardens – has similar special characteristics as LGS4 and deemed acceptable as LGS.
- LGS6 Southam College Playing Fields – is an extensive area that already benefits as allocated recreational land. ***Its additional classification as LGS seems unnecessary. I note the site is only used during school hours, has limited public access and has little ecological value other than peripheral trees and hedges common across the area. I suggest it is omitted from Policy 01.***
- LGS7 Merestone Park – is part of an extant quarry but reserved for conservation purposes I concur with its allocation as LGS.
- LGS8 Tollgate Road Play Area – is a justified LGS allocation.
- LGS9 River Stowe off A425 – is a justified LGS allocation.
- LGS10 Riverside Walk – is a justified LGS allocation.
- LGS11 Welsh Road East Allotments – has historic local relevance and considered to be a justified allocation.

- LGS12 Southam Cricket Club – is an extensive area that already benefits as allocated recreational land. ***Its additional classification as LGS seems unnecessary. I note the site is well used but it is a large tract of land with little ecological value expressed through the evidence base. I suggest it is omitted from Policy 01.***
 - LGS13 Southam United Rugby FC – is a further extensive area that already benefits as allocated recreational land. ***Its additional classification as LGS again seems unnecessary. While I accept the land appears to be well used by the community, it offers little ecological attributes its allocation as LGS would add little additional benefit. Its classification as LGS is questionable and I suggest it is omitted from Policy 01.***
- 5.2.5 ***Hence I advise that Sites LGS6, LGS12 and LGS13 should be omitted from Policy 01. All other sites should proceed as LGS allocation but be renumbered appropriately.***
- 5.2.6 **Only further to the above modifications, do I find Policy 01 compliant.**

POLICY 02; USE OF BROWNFIELD LAND

- 5.2.7 I am unsure what additional assistance this policy brings to any user of the NP, over and above the policies and guidance already found in the Core Strategy and NPPF. Indeed the accompanying text clearly states that the extent of brownfield land is limited anyway. However, I note para 83 which explains that the policy has been presented as a means of indicating support for brownfield development if the alternative were to be greenfield development.
- 5.2.8 **While broad in its approach, the inclusion of Policy 02 accords with the basic conditions and hence is compliant.**

OBJECTIVE #2; REFLECT AND ENHANCE SOUTHAM QUALITIES

POLICY 03; CONSERVATION AREAS

- 5.2.9 Para 87 seems to be missing a full reference and needs addressing. Otherwise, this policy is well set out and clear although any user of the NP would be assisted if a map indicating the extent of the Conservation Area was included as part of the explanatory text – but this is at the discretion of the QB.
- 5.2.10 **With the typographical modification addressed, I find Policy 03 compliant.**

OBJECTIVE #3; ENHANCE PUBLIC REALM

POLICY 04; DESIGNING OUT CRIME

- 5.2.11 This policy is clear with good reference to the evidence base. It also reflects the community's concerns as raised through the consultation process.
- 5.2.12 **Accordingly, I find Policy O4 compliant.**

OBJECTIVE #4; MEET THE HOUSING NEED

- 5.2.12 I note the comments raised by SDC with respect to the explanatory text and that the QB are happy to amend para 94 to read ***'The Core Strategy identified Southam as one of eight Main Rural Centres (MRCs) in the Stratford on Avon District to accommodate 3,800 homes between them. As of 2018 Southam had planning commitments or completion for 1108 dwellings'***.
- 5.2.13 **I find this a suitable amendment which would add clarity to the NP.**

POLICY 05; SITING OF GROUND FLOOR, SINGLE LEVEL DWELLINGS

- 5.2.14 This policy reflects the status of Southam as a Main Rural Centre and the corresponding housing allocation as indicated through the Development Plan. It is noted that this allocation has already been met and no new housing sites are proposed in the NP. This policy, however, specifically encourages the development of bungalows reflecting a need as shown in the Housing Needs Survey (2017). This approach and indeed the policy does not preclude other forms of development to come forward.
- 5.2.15 ***I note the reference within the policy to central amenities and that this concerns an area extending to 1km from the Post Office. This 'definition' should be moved to the accompanying text as a guide and not an onerous restraint within the policy.***
- 5.2.16 ***Reference to CS15 should be rewritten correctly as CS.15 to avoid any confusion. The QB have advised that the reference to Policy 04 at the end of the policy should read Policy 03. In my view it could read both Policy 04 and Policy 03. This matter is at the discretion of the QB.***
- 5.2.17 I consider that the addition of the reference to ***'in principle'*** should be added after ***'.....will be supported....'***. Finally, the title at 4.4.2 appears to reflect a previous version of the NP and the QB are understood to be content to amend this to read ***'justification: Siting of Ground Floor Single Level Dwellings' I concur that this would be appropriate given the nature of the policy and subsequent text.***

- 5.2.18 **Given the evidence base, I find this policy is appropriate and providing the various modifications above are addressed, Policy 05 is considered compliant.**

POLICY 06; SELF-BUILD & CUSTOM BUILT HOUSEBUILDING PROVISIONS.

- 5.2.19 The drafting of this policy is confusing by using the word infrastructure twice in the first sentence. ***This sentence should be redrafted.*** Furthermore, sites are clearly not being individually allocated in the NP for self-build projects. This is being proposed through the Districts Site Allocations Plan (SAP). Consideration should therefore be given to redrafting of the second sentence as ***'In supporting self-build projects, preference will be given to applicants registered with Stratford on Avon DC.'***
- 5.2.20 The accompanying text mentions the relevant register and that a self-build site has already been identified in Southam, through the SAP. Reference is made to 'Figure 13' at para 103 but it is unclear where Fig 13 is, i.e., in which document as it isn't the NP. Paras 102 and 103 require redrafting to set out 'SAP' in full and references appropriately in a footnote and address the ambiguity over Figure 13.
- 5.2.21 The phrase *'provided the site is sustainable'* is vague and hence could be confusing for any user of the Plan. Given the context of this policy, I suggest it is replaced with ***'.....provided the site lies within or adjacent to the BUAB'***.
- 5.2.22 **Only with the above modifications do I find Policy 06 compliant.**

OBJECTIVE #5; REFINE THE HOUSING MIX

POLICY 07; HOUSING MIX

- 5.2.23 This policy simply reflects the policy found in the Core Strategy and the evidence collected to support that document in so much as it relates to Southam. The explanatory text emphasizes the need for additional bungalows and complements Policy 05. However, para 110 references encouragement for 10% of sites above 20 units to be bungalows. I note that the QB have concurred with the LPA that this is unfounded and hence have agreed that para 110 is omitted. I accept this omission and suggest that the remainder of the NP is renumbered accordingly.
- 5.2.24 While I question what the policy adds over and above extant Core Document policies, the accompanying text makes cross reference to the evidence base and hence, technically, I find Policy 07 compliant.

OBJECTIVE #6; REDUCE CARBON AND RESOURCE DEMAND

POLICY 08; ENVIRONMENTAL SUSTAINABILITY

- 5.2.25 **At (a), the Plan presumes to control the contents of any new building by making reference to fossil fuel. While the intention of this policy is understood, as written I consider it breaches the remit of any NP, which as discussed earlier in my report, should only concern land use policies. The policy could achieve the same aspirations if (a) is omitted and a sentence is added to (c) to read ‘*New builds should be designed so as to allow any occupier to maximise use of sustainable forms of energy.*’**
- 5.2.26 **Only with this modification do I find Policy 08 compliant.**

POLICY 09; WATER CONSERVATION

- 5.2.27 I note the concern raised through the consultation period and the evidence referenced with respect to flood risks. **I consider the explanatory text clear, and I find this policy compliant.**

POLICY 10; ELECTRIC VEHICLES

- 5.2.28 I note that building regulations now address the issue of electric charging point but find this policy and the justification behind it clear. However, I consider the use of ‘must’ in the first sentence is onerous given that the provision of suitable electricity distribution networks is not a land use issue. Hence, I suggest the policy is modified as follows;
- ‘Consideration should be given to the provision of electric vehicle charging points for all new dwellings. In order to provide maximum flexibility and capacity, 3-phase supplies are encouraged for all domestic meters installed in new development.’***
- 5.2.29 **With this modification I find Policy 10 compliant.**

POLICY 11; DARK SKIES

- 5.2.30 I find this policy clear, and the accompanying text makes suitable cross reference to the evidence base. **Hence, I find Policy 11 compliant.**

OBJECTIVE #7; SAFE WALKING AND CYCLING

POLICY 12; SAFE WALKING AND CYCLING

- 5.2.31 I note the nature of the arterial roads through Southam and that they carry high levels of fast-moving vehicles. The consultations through the NP preparation clearly highlighted this and the need for safe means of travel walkers, cyclist and 'perambulators'. However, as advised by others through the preparation period, a NP remit does not extend to highway matters per se as these are under the auspices of the County Highway Authority. I note that Policy 12 accepts this and simply encourages new development proposals to provide appropriate pathways within the respective scheme and or links to adjacent provision, where it exists. *I see little need for the phrase 'We require that...'. And this can be omitted with the first sentence starting with 'Development should provide.....'*
- 5.2.32 **I find the justification text appropriate and with the minor modification to the first sentence, find Policy 12 compliant.**

OBJECTIVE #8; PARKING AND TRAFFIC

POLICY 13; RESIDENTIAL PARKING

- 5.2.33 I see little link between the explanatory text which refers to changing trends in consumerism and the uplift in the use of deliver vehicles and the nature of Policy 13 which refers very specifically to parking provision for new residential development. Indeed, I am unsure of the added value of this policy, over and above the guidance already found within the District's Councils adopted Supplementary Planning Document. However, I note the justification text makes reference to the Resident's Survey and the importance of adequate parking provision to the local community. It also explains that the policy is specifically aimed at addressing the poor parking patterns currently experienced.
- 5.2.34 **While users of the NP might consider the policy superfluous, as written it is compliant and hence could remain in the NP**

OBJECTIVE #9; FLOOD STRATEGY

POLICY 14; FLOOD RISK MANAGEMENT

- 5.2.35 The objective here is understandable given the concern raised through the NP's preparation. As such the policy is considered relevant. However, as written it is particularly technical. The reference to Qbar1 is welcomed but it is suggested that the explanation of its meaning could be included in the accompanying text. As noted

earlier, I also consider that the illustrations e.g indicating the extent of flood zones for the NP area are best located close to the relevant policies and text. This is a decision of style – and does not make the policy non-compliant but is something the QB and instructing body may wish to consider.

5.2.36 **With the above modification re Obar1, I find Policy14 compliant.**

POLICY 15; RIVERSIDE MANAGEMENT

5.2.37 This policy repeats standard Environment Agency requirements and guidance. The justification text is clear and I find Policy 15 compliant as presented.

OBJECTIVE #10; ENCOURAGE A VIBRANT COMMERCIAL CENTRE

POLICY 16; Commercial Area Development

5.2.38 The NP suggests that the objective is not supportable with land use policies. I find this odd as many other NPs have presented relevant land use policies relating to commercial areas, that are supported by their respective Development Plan and the NPPF. The NP then proceeds to present a policy that is drafted as a restricted policy against the loss of commercial development to residential purposes. As drafted, the policy would be contrary to national guidance and policy. Current permitted development rights clearly support the conversion, i.e. loss of commercial space to residential use.

5.2.39 It is recommended that the first sentence of Policy 16 should stand alone and for clarity be redrafted as ***'Any development that results in an increase in the vitality and viability of Southam's commercial centre, will be supported.'*** The reference to **'footfall'**, implies that monitoring of the number of visitors to the centre will be undertaken. While the sentiment is applauded, the practicality of this is potentially onerous and I consider that a reference to vitality and viability would achieve the same goal. The remaining element of the policy should be omitted.

5.2.40 **The accompanying text should be amended accordingly and an accurate refence to Policy 16 (not 17) made.**

5.2.41 **Only with the above modification do I find Policy 16 compliant.**

OBJECTIVE #11; CONSERVE SOUTHAM'S HERITAGE

5.2.42 The NP notes that this objective is 'not supportable with land use policies' Again I find this odd as many other NP have managed to prepare appropriate policies that

conserve and enhance parts of their respective NP areas. Instead, this NP makes reference to a number of aspirational projects. They concern statements that reflect the findings of the consultations and surveys undertaken during the NP's preparation.

5.2.43 While of general interest to any user of the NP, and making cross reference to the evidence base, these have not been presented as formal policies and hence could not be used to support or reject new development proposals. Technically they do not fall under this formal examination of the NP, however I present my comments as follows for information.

A1 - Although referenced as 'aspirational' as drafted, A1 -Safe Walking Routes, could have been presented as a formal policy and would have been deemed compliant.

A2 – Three Gateways, concerns highway works that fall under the auspices of the County Highway Authority.

A3 – Public Charging Points for Electric Vehicles is indeed an aspiration with no clear indication of where these might be located.

A4 – Information Signage and the request for additional signage for locations and trails around the NP area is laudable but it is unclear who it is aimed at. Normally this would be addressed by the Local and Town Council.

A5 – Outdoor Gathering Area, is a land use proposal that could have been presented as such.

A6 – High Street Layout and A7 – High Street Speed Limit, are again aspirations that would need to be addressed primarily by the Highway Authority.

A8 – Weeping Trees in the High Street, aspires to protect these trees. There is a spelling mistake of High(t) which should be amended. This aspiration could have been specifically highlighted within Policy 03 (Conservation), as trees within any Conservation Area are deemed to be protected to the same degree as having Tree Preservation Orders. The QB might consider adding such reference to the text accompanying Policy 03.

A9 - Commemorating the Fallen, is a matter that normally is addressed by a parish or town council.

A10 – Flood Risk Management, is a matter than could have been drafted as a formal policy and the use of balancing ponds highlighted in accompanying text as an example of potential works.

A11 – Southam College Relocation, could again have been presented as a formal policy given the evidence base and responses to the Town Survey. It is unclear why

the matter remains aspirations when a formal policy could be presented as; ***'The appropriate expansion of and/or the relocation of Southam College, should this be needed to address an increase in demand for college places, will be supported.'***

A12 – Potential Local Green Space, refers to land to the south of the Cemex Quarry site. I note that a more extensive area was originally proposed as LGS and indeed endorsed by independent consultants, notwithstanding the fact that the extensive site was deemed to be brownfield, in private ownership with little if any public access. Its allocation as LGS was not pursued in the Submission version of the NP. While A12 highlights a smaller part of the original consideration, I note that there remain access issues. If the area in question was suitable as LGS then it would have been included formally within Policy 01. By adding it to an 'aspirational' list implies that the site didn't meet the policy and guidance.

- 5.2.44 As explained, some of the aspirational elements highlighted in Section 5 of the NP could have been presented as formal policies and the QB may well reconsider these. Others very clearly fall beyond the remit of the NP and my formal examination. **I simply bring my considerations to the attention of the QB and instructing party and leave any action at their discretion.**

6.1 PLAN DELIVERY, IMPLEMENTATION, MONITORING AND REVIEW

- 6.1.1 Little reference is made in the NP to the future review of the Plan. It is suggested that this should be rectified and a clear indication given that a review will be undertaken to correlate to the cyclical review of the Core Strategy. This would normally be led by the Town Council at five yearly intervals. **This would be in accordance with current guidance and should be clarified accordingly in the NP should it progress to referendum.**

7.0 REFERENDUM

- 7.1 Further to my comments and the proposed modification above, I recommend to Stratford on Avon District Council that the Southam 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 Southam 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 Southam Neighbourhood Plan is generally a well-written document. I have noted earlier that the positioning of figures and particularly maps, is not user friendly and could be re-addressed so maps are placed adjacent to relevant policies.
- 8.2 I note that the Plan has been the subject of effective consultation and the resulting vision, objectives and ensuing policies generally reflect the findings of those consultations. Drafts of the NP have been the subject of appropriate amendments, which have taken on board relevant comments from statutory consultees and key stakeholders.
- 8.3 In places I find the text repetitive of extant adopted policies, but I accept that this simply reinforces the key issues of importance to the local community. There is an element of ambiguity within some policies and the accompanying texts 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 supporting text which makes reference to a relevant evidence base.
- 8.4 Overall, I consider that the document is appropriately justified with relevant 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.
- 8.5 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.
- 8.6 I do not have any concerns over the defined Plan Area nor with that area forming the basis for any Referendum.
- 8.7 **Hence, I recommend that further to the proposed modifications, the Southam Neighbourhood Plan should proceed to a Referendum forthwith.**

Louise Brooke-Smith, OBE, FRICS, MRTPI

March 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 Southam Neighbourhood Plan and Reg 14 submissions
- Submission Version of the Southam Neighbourhood Plan and Reg 16 submissions
- Documents identified in the Southam Neighbourhood Plan pages of the LPA and Town Council Websites, including the Basic Conditions Statement, Consultation Statement and related evidence base.
- Stratford on Avon District Core Strategy 2011-2031
- Remaining documents identified within the Southam NDP Examination Core Documents list, as presented to the Examiner by the LPA.

Appendix B – Examiner's use of Abbreviations

- | | |
|--|--------------------|
| • Southam Neighbourhood Plan; | NP |
| • The Plan / The Neighbourhood Plan; | NP |
| • Southam Town Council; | TC |
| • Qualifying Body; | QB |
| • Stratford on Avon District Council; | SDC/SoADC /Council |
| • Local Planning Authority; | LPA |
| • National Planning Policy Framework; | NPPF |
| • National Planning Practice Guidance; | NPPG |
| • Basic Conditions Statement; | BCS |