

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

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Summary and Overall Recommendation

As the Independent Examiner into the Long Marston 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 Marston Sicca 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 Long Marston Neighbourhood Plan (Submission Version 2.3). 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 Long Marston 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,

October 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 Long Marston Neighbourhood Development Plan, which is here on referred to as the Plan, the Long Marston Neighbourhood Plan, the LMNP or the NP.
- 1.1.4 The Plan was prepared by Marston Sicca Parish Council (also known as Long Marston 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 (Submission Version 2.3) in May 2023. I was issued with the relevant documentation in August 2023 and formally began the examination shortly thereafter.
- 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 Long Marston 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 was completed during restricted lockdown periods, the final stages of the NP's preparation were pursued when those restrictions 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 August 2023.

2.0 BACKGROUND TO THE LONG MARSTON NEIGHBOURHOOD PLAN

2.1. Further to a formal application, Stratford on Avon District Council confirmed the designation of part of the civil parish of Long Marston, also referred to as Marston Sicca as a Neighbourhood Plan Area in January 2017. The area excluded Long Marston Airfield and Meon Vale which are strategic sites in their own right and addressed through the Stratford on Avon Core Strategy. I note that the area has not been the subject of any other NP proposal.

2.2 Marston Sicca 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 included local presentations, a Village Fete 'mini survey', a housing needs survey, and discussions on potential SHLAA sites. A working group met regularly, and consideration was given to a series of issues raised by the local 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 (Dec 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, 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 between May and July 2022. A Submission Version was duly prepared and submitted to the LPA. After a formal period of public consultation, it was confirmed that the Plan could proceed to Examination.
- 2.7 I have been presented with written representations 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 Marston Sicca 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 Long Marston Neighbourhood Area generally reflects the boundary of the Marton Sicca Parish with the exception of Long Marston Airfield and Meon Vale, as noted above. No other Neighbourhood Development Plan has been proposed for this area. The area is relatively confined, encompassing the main village of Long Marston and an area of open countryside.

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 protocols 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 Long Marston 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 12 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 noted later in this report, in terms of the proposed policies, I find that the Plan meets legal requirements.

- **Development and use of land**

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

- **Public Consultation**

- 3.9 Planning legislation requires public consultation to take place during the production of Neighbourhood Development Plans. Any public consultation should be open and accessible, and any information presented should be easy to understand and to comment upon. It should enable all sectors of the local community the ability to comment on and hence shape the policies which may have a bearing on where they live, work or spend their leisure time.
- 3.10 I have reviewed the Consultation Statement prepared by the QB. As a requirement of the salient regulations of the Neighbourhood Development Planning (General) Regulations 2012 as amended, this was submitted to the Council and made available via the LPA and Parish's websites. I find the document comprehensive, and indicative of a thorough consultation exercise pursued over a number of years.
- 3.11 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, professional and statutory community was approached.
- 3.12 I have reviewed the salient surveys and documents relating to the consultation work undertaken by the QB. This information is clearly set out on the LMNP website which I find to be accessible and helpful. I consider that the various initiatives and the general approach adopted were 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, while others 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 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) (2023) and find it to be a 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 Long Marston 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, subject to modifications detailed later in this report, 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 an SEA screening was undertaken by agents (Lepus) on behalf of Stratford on Avon District Council between April and May 2022. This involved liaison with the relevant statutory bodies. The screening responses advised that policies within the Long Marston NP 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 (May 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 Long Marston 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 with the stance of Lepus and 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 **Furthermore, 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.**

5.0 ASSESSMENT OF THE LONG MARSTON 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 Long Marston Neighbourhood Plan (version 2.3) is straightforward and generally well explained. I particularly welcome the use of paragraphs throughout the Plan which assists referencing by any reader / user. I find the figures clear, and these have been inserted appropriately throughout the document, where they are relevant to the policies proposed. I have commented below on any figure or map found to be ambiguous. I have also identified where the reference to specific figures is erroneous and needs updating.

5.1.2 I am aware that the Parish is known as both Marston Sicca and Long Marston. While the main settlement is now known as Long Marston, it has historically been known as Marston Sicca. At times I have found the use of both names on figures and in the text a little confusing. I accept that the use of two names is noted briefly within the opening section, **but it would be helpful if reference is included in Section 3 which explains that both names are commonly used and interchanged.**

5.1.3 **Although I feel this would assist any user of the Plan, as presented, this does 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 Long Marston NP is appropriately set out in the introductory sections of the Plan. This sets the scene for the vision and objectives. The subsequent policies are set out in Section 5 and address the key objectives.
- 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. Some suggestions have been included in the Submission Version of the NP while some have not. 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 in Sections 5 of the NP, under a series of Objectives. Under each objective, specific policies are set out in boxes, accompanied by explanatory text. I note that Appendix A refers to a Community Project with respect to traffic. I comment on this later in my report but for the avoidance of doubt, this has not been presented as formal policy and hence has not come under the formal remit of my examination.
- 5.1.7 Both Appendix A and B should be included in the Table of Contents. The title 'Table of Contents' should be placed at the top of page 3.
- 5.1.8 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.
- 5.1.9 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.
- 5.1.10 As with many NPs, some criticism has been levied through Representations, as to the efficacy of consultation and 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.
- 5.1.11 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 sections of this Report assess 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)

5.1.12 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. **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.

5.1.13 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.

5.2.2 Sections 1 through to 3 present a good overview of why the NP has been prepared and the approach taken. Sufficient historical, demographic, socio-economic and topographical context is presented. The final paragraphs of Section 1 need to be numbered.

5.2.3 Section 4 clearly sets out the vision and objectives of the NP. These appropriately reflect the findings of the consultations with stake holders and the community survey undertaken by the QB.

5.3.4 I consider that few elements are ambiguous, and the accompanying text provides a relevant and useful context for the subsequent policies.

5.3 LANDSCAPE AND THE NATURAL ENVIRONMENT

POLICY L&E 1 CONSERVATION AND ENVIRONMENTAL SUSTAINABILITY

5.3.1 I consider that there is extensive supporting text and reference to a comprehensive set of sources to support this policy.

5.3.2 I am aware that the policy has been the subject of considerable change in its scope and its phraseology. Much of the previous repetition and ambiguous text has been removed and the resulting set of bullet points reads well. While I consider there is still some duplication of areas covered by other policies later in the NP, such as water management, I accept that this presents emphasis and reflects a key issue and objective highlighted by the local community as being of importance.

5.3.3 **Accordingly, I find Policy L&E 1 compliant without modification.**

POLICY L&E 2 LOCAL GAP

5.3.4 The accompanying text to this policy is, again, helpful and informative. It sets out the context and the extent of feeling by the local community. I note that the figures accompanying this policy have been improved since the draft publication of the NP and the approach taken by the policy is clear.

5.3.5 I accept that relatively recent appeal decisions have upheld refusal of planning consent to develop within this area, citing the physical importance of this open green area to the character of the area. This is explained fully in the accompanying text. Hence, I do not consider it necessary to repeat the reference to the salient appeal decision or use a quote from the Inspector's findings.

5.3.6 The policy would be appropriate and compliant as follows;

The Long Marston Local Gap is defined in Figure 17. This local gap has an open and undeveloped nature which contributes to the rural character and setting of the village. This should be maintained in order to preserve its function as an important "green finger" which creates a physical break in the built form of the village and provides a transition to the countryside beyond the houses off Wyre Lane.

5.3.7 I consider that in para 5.2.3 of the NP ***BUAB needs to be set out in full, as Built-Up Area Boundary, to remove any potential confusion.***

5.3.8 I am unaware whether the QB considered designating the land in question as Local Green Space but agree that designation of the land under policy L&E 2 is preferable.

5.3.9 I note the observation by the LPA that the gap doesn't accord entirely with the built-up area boundary. The QB have explained that this reflects the wishes of one single landowner. ***In contrast I consider that the 'local gap' boundary should, for reasons***

of consistency, follow the alignment of the BUAB. Not designating the small extent of garden land which lies beyond the BUAB, as part of the 'local gap' appears to undermine the purpose of the policy.

5.3.10 **As such, subject to the modifications noted above, I find Policy L&E 2 compliant.**

POLICY L&E 3 VALUED LANDSCAPES, VISTAS AND SKYLINES

5.3.11 I find the nature of this policy appropriate as it reflects one of the objectives of the NP. The justification in terms of the evidence base and consultation work undertaken by the QB, is generally acceptable and in the most part, robust.

5.3.12 Reference is made to 'valued landscapes' and I am content that these are appropriately illustrated on Figure 19 and accompanying photographs. I note the representation made with regard to land south of Bicknall, and whether this should be included as a defined area for control but am happy that the evidence base to support this is robust.

5.3.13 While I consider that the wording of the first paragraph of the policy is rather cumbersome, it is just sufficiently clear to guide any reader of the NP or decision maker. The onus is on the developer or promoter of new development to explain how their development integrates with or otherwise doesn't detract from the character of the landscape setting.

5.3.14 The second paragraph, however, refers to valued landscapes, important vistas and skylines being 'respected' This is vague and subjective. Little assistance is given in the accompanying text as to what is deemed to be suitable in terms of respect. I consider that the 2 paragraphs could be combined as follows;

Development proposals impacting on all valued landscapes, as shown in Figure 19, as well as important vistas and skylines, particularly where they relate to heritage assets, rising land, village approaches and settlement boundaries must demonstrate how they are appropriate to, and integrate with, the character of the landscape setting whilst conserving, and where appropriate, enhancing the character of the landscape.

5.3.15 **With this modification, I find Policy L&E 3 compliant.**

POLICY L&E 4 MAINTAINING FOOTPATHS AND ACCESS TO THE COUNTRYSIDE

5.3.16 This policy sets out criteria that should be adopted by any promoter of development or taken into consideration by decision makers. Most of the criteria are clear. However, a couple are ambiguous and could cause confusion:

5.3.17 Criteria (d) would be ultra vires unless a developer had a legal right or obligation to maintain or otherwise improve a public right of way. In many cases a development site would simply abut a PRoW. I note this matter has been raised by the LPA and the QB has proposed modified text as follows;

(d) Ensure that its boundaries next to or adjacent to footpaths are comprised predominantly of natural planting.

5.3.18 I find this appropriate.

5.3.19 **Similarly the QB has accepted representations that have questioned the second sentence and have accepted that it should be omitted. Again, I concur.**

5.3.20 **With the above modifications, I find Policy L&E 4 compliant.**

POLICY L&E 5 CLIMATE EMERGENCY

5.3.21 This policy, accompanied by helpful text which references the evidence base and relevant background information. The policy comprises a series of statements setting out criteria which provide appropriate guidance to any reader of the NP or decision maker. Most of the criteria are clear and indeed have been appropriately amended since the publication of the draft version of the NP.

5.3.22 However, I note that in response to the Reg 16 submissions, the QB has proposed to amend (e) to read as follows;

Renewable energy development will be supported, provided that it does not adversely affect the residential amenity, tranquility and rural character of the village and the neighbourhood area, such as unacceptable visual impact, excessive noise or traffic.'

5.3.23 I concur with this proposed text.

5.3.24 ***Bullet (f) appears incongruous as it refers to design matters and would be better positioned within Policy DEV2 Ensuring Appropriate High-Quality Design. I consider it should be removed from Policy L&E5. I note that the QB has already accepted its omission.***

5.3.24 Hence, **with the modifications noted above, I find Policy L&E 5 compliant.**

5.4 COMMUNITY

POLICY COM 1 PROTECTING COMMUNITY FACILITIES AND ASSETS

- 5.4.1 This is the single policy now addressing the community objective of protecting local amenities and facilities. It comprises a series of criteria that reflect the findings of the community surveys and consultations.
- 5.4.2 ***The reference to 'or this plan' under criterion (c) is not needed and can be omitted to simply refer to Figure 27.***
- 5.4.3 **With this minor modification, I find Policy Com1 compliant.**

5.5 INFRASTRUCTURE

POLICY INF 1 BUSINESS AND EMPLOYMENT

- 5.5.1 This policy addresses commercial development and sets out a series of criteria that reflect the NP infrastructure objectives. The accompanying text is clear and provides suitable context and reference to the evidence base.
- 5.5.2 The series of criteria points are reasonable straightforward, but I consider it would remove ambiguity and potential confusion if the following matters were addressed.
- 5.5.3 **Criteria (b) should be amended to remove the minor typographic error and read as follows;**
- 'The developer can demonstrate.....'***
- 5.5.5 ***Criteria (c) should only comprise the first sentence. The second sentence should comprise a new criterion and the subsequent elements would follow as sub - bullets as follows:***
- (d) Proposals to diversify farm business will be supported when they meet the following criteria;***
- ***Diversification and extension of rural business based on existing farm sites will be supported only where there would be no harm to the character or biodiversity of the countryside or to aspects of local heritage.***
 - ***Where such diversification or extension of business require additional building, this must be appropriate in scale to the rural location and if necessary be screened by landform or planting.***
- 5.5.6 It is unclear whether little bullets 'b' and 'c' relate to the diversification and extension of rural business on existing farm sites or refers to new development out-with existing farm sites.
- 5.5.7 ***On the assumption of the former, they could continue to form third and fourth bullets relating to farm diversification. If they don't relate to farm diversification, then it should be set out as new main criteria (e) and (f).***

5.5.8 **Only with the above modifications do I find Policy INF1 compliant.**

POLICY INF 2 FOUL WATER DRAINAGE

5.5.9 I am aware that the QB has taken advice from the respective water authority and addressed comments issued at the Regulation 14 stage of proceedings. Accordingly, I find this policy reasonably clear. However, it contains some unnecessary duplication which makes the policy cumbersome and confusion;

5.5.10 ***Criteria (e) is repeated at (h) and in any event the issues raised are already covered in (g). I consider that the policy should therefore comprise criteria (a) to (d) as presented and then followed by (f) and (g) and with these criteria reordered as (e) and (f).***

5.5.11 **With these modifications, I find Policy IF2 compliant.**

POLICY INF 3 FLOODING – PLUVIAL FLOODING POLICY

5.5.12 I find the points covered by this policy clear and informative to any reader of the NP or a decision maker. The policy comprises a series of criteria which have taken on board representations from the statutory water authority.

5.5.12 ***Criteria (e) however is a general approach and will not be applicable in all circumstances. Hence, I agree with the representations made by the LPA and welcomed by the QB that 'Where appropriate,' should be inserted at the beginning of the sentence.***

5.5.13 ***Criteria (h) repeats much of criteria (b) and (c). I consider this to be superfluous, and potentially confusing for any reader, adding little to the overall policy. Hence, I consider it could be modified to simply refer to its last sentence as follows;***

(h) Connecting to a combined sewer system is not suitable and not favourable.

5.5.14 ***Criteria (g) again repeats much of (b) (c) and (h) and can be omitted.***

5.5.15 The accompanying text presents a clear context for the two policies. ***For clarity it would be helpful if the reference in paragraph 7.3.5 to a 'recent Met Office report' was supported by a date and report name.***

5.5.16 ***Figure 28 (Surface Water Flood Risk in Long Marston) would be assisted if it was dated and reproduced to indicate the NP area boundary.***

5.5.17 **With the above modifications, I find Policy INF3 compliant.**

INF 4 COMMUNICATIONS

- 5.5.18 This policy is understandably important to the local community and clearly reflects the consultation findings as the NP was being prepared.
- 5.5.19 The phrasing of the policy is appropriate as it acknowledges that in most cases a developer of either commercial or residential property cannot confirm the provision of state-of-the-art IT at the outset but can design property to allow suitable connection at a later date.
- 5.5.20 **Accordingly, I find Policy INF4 complaint without modification.**

5.6 HERITAGE AND ARCHAEOLOGICAL ASSETS

POLICY HA 1 HERITAGE AND ARCHAEOLOGICAL ASSETS

- 5.6.1 This policy again reflects one of the objectives of the NP and the findings of the community survey and consultations.
- 5.6.2 It is presented in a clear manner and supported by appropriate text which references the evidence base.
- 5.6.3 ***Fig 31 illustrating the Long Marston Historic Environment Assessment Archaeological Sensitivity Map includes a large black line enclosing the village and referenced as 'buffer'. It is unclear what this means and hence clarification should be given.***
- 5.6.4 However, this is not in itself a compliancy matter and is simply presented to the LPA / QB as a suggestion to remove any ambiguity.
- 5.6.5 **I find Policy HA1 compliant as written.**

5.7 DEVELOPMENT

POLICY DEV 1 MAINTAINING THE RURAL CHARACTER

- 5.7.1 While some of the elements listed in this policy repeat elements contained in earlier policies, I accept that this reflects the findings of the community survey and consultations. I note that the QB have proposed an improved wording for criteria (f) as follows;
- 'Where signage is fixed to a premises, it should be of a design and scale that is in keeping with the village's rural character.'***
- 5.7.2 I find this appropriate and the accompanying text helpful and informative.

5.7.3 **Accordingly, with the slightly modified text for criteria (f), I find Policy DEV1 compliant.**

POLICY DEV 2 ENSURING APPROPRIATE HIGH-QUALITY DEVELOPMENT

5.7.4 This policy again is well set out and comprises a series of criteria that should assist both a developer and a decision maker.

5.7.5 However, I consider that a reader or decision maker could be confused by the juxtaposition of criteria (b) and (c) which appear to contradict themselves. ***I note that the QB has accepted this and has suggested that (c) is removed. I concur.***

5.7.6 ***I consider that element (f) of Policy L&E5 should be relocated and added to Policy DEV2.***

'Resource efficient design, including the use of local materials, energy efficient technologies and sustainable construction techniques, will be supported.'

5.7.7 **With these modifications, I find Policy Dev2 compliant.**

POLICY DEV 3 PRESERVING THE SEPARATE IDENTIFY OF LONG MARSTON

5.7.8 This policy emphasises the findings of the community consultations to avoid any coalescence of the village of Long Marston with adjacent development. The policy is clearly written and supported by clear illustrations and maps. I have noted the representations made in objection to the policy but consider that the evidence base and the approach taken by the QB in drafting the policy is appropriate.

5.7.9 However, the policy offers only limited support for some forms of new housing beyond the built-up area boundary and hence appears to be at odds local needs housing, covered by Policy DEV4, which is supportive of small sites beyond but adjacent to the Built-Up Boundary.

5.7.10 The policy also fails to acknowledge the potential under permitted development rights to reuse redundant agricultural buildings for residential purposes. Reference should be made to this. There is no reference to the implementation of an Article 4 direction which would remove permitted development rights and hence for the avoidance of any confusion on the part of a reader of the NP, reference should be made in the second sentence of the second paragraph to the use of permitted development rights, under current statute. The following is proposed:

'Further to Policy DEV4 and in addition to the use of extant permitted development rights allowing the conversion of redundant agricultural buildings, support for new

housing in the countryside will also be given for dwellings for rural workers, replacement of dwellings and individual dwellings of exceptional design.....

5.7.11 Only with the above modifications, do I find policy DEV3 compliant.

POLICY DEV 4 HOUSING FOR LOCAL PEOPLE

5.7.12 This policy specifically addresses the community survey's findings with respect to the need for housing to address local needs.

5.7.13 The bullet points within the policy are reasonably clear. However, I note a degree of repetition and hence the risk of confusion. Also, it would help the reader if the order of bullets was more logical. I suggest the following;

(a) Developments should provide a suitable mix of size and type of homes to ensure the housing needs of people with a local connection to the parish.

(b) Housing Schemes shall prioritise allocation to those with a local connection which is defined as follows:

- ***being born in the parish or whose parents were ordinarily resident in the parish at the time of birth;***
- ***currently live in the parish and has done so for at least the past 12 months,***
- ***used to live in the parish and did so for a continuous period of not less than 3 years;***
- ***currently works in the parish and has done so for at least the past 12 months for an average of not less than 16 hours per week;***
- ***or currently has a close family member (i.e., mother, father, brother, sister, son, daughter) living in the parish and who has done so for a continuous period of not less than 3 years.***

(c) Small-scale local needs schemes and local cost affordable home ownership schemes will be supported on sites beyond, but adjacent to, the Built-up-Area Boundary where the following is demonstrated:

- ***There is a proven and unmet local need, having regard to the latest Housing Needs Survey; and***
- ***Appropriate arrangements will be put in place via a planning obligation to regulate its future occupancy to ensure the continued availability of the housing to meet the needs of local people.***

(d) For Discounted Market Sale homes, the Minimum discount will be 40% Local Needs

- 5.7.14 The above modification of the policy also takes into account the changes proposed by the QB following the Reg 16 stage of proceedings.
- 5.7.15 **With these modifications, I find Policy DEV4 compliant.**

POLICY DEV 5 CAR PARKING

- 5.7.16 I find that some elements of this policy are covered by other NP policies and/or the adopted Local Plan.
- 5.7.17 However, I accept that parking was a key issue highlighted by the community survey and consultation responses and repetition to address different objectives in the NP, can present appropriate emphasis.
- 5.7.18 I further accept that the NPPF advises that parking requirements can be best clarified through neighbourhood plans. Nevertheless, the ratio proposed in criteria (a) of the policy is in excess of that required in the LPA's SPD. If complied with, a substantial and potentially unacceptable number of parking spaces might be required to serve larger homes. I note that this matter has been acknowledged by the QB who have proposed to amend criteria (a) to read as follows;

Provision for the parking of motor vehicles, including garages and car ports, in accordance with Stratford on Avon District Council's development requirements Part O, is available within the curtilage of the development.'

- 5.7.19 **I consider this to be an appropriate modification.**
- 5.7.20 **Hence, with the modification above, I find Policy DEV5 complaint.**

POLICY DEV 6 FUTURE HOUSING

- 5.7.21 This policy is the most contentious within the NP and attracted the most representation. It identifies land to the east of Long Marston Road as a reserve housing site.
- 5.7.22 This site would be released for housing development of up to 8 units, should a need arise and subject to CS 16 of the Core Strategy. I am content that the choice of was undertaken in an appropriate manner by the QB, having undertaken a call for sites and a thorough review of potential sites. I am aware that some representations have questioned the designation of this site and have contended that other land is more suitable.

- 5.7.23 My role as Examiner is not to preside over a beauty contest of sites, but moreover, to assess whether the approach taken by the QB and the evidence base used was suitable and robust. I find that this was the case and the rationale for identifying the site in question has been clearly set out in the accompanying text.
- 5.7.24 Long Marston is a Category 4 Local Service Village as designated by the Local Planning Authority in its Core Strategy. Paragraph 8.6.2 of the submission NP should amend the second word 'Stratford' to Strategy. Under this designation, a need for 32 new homes had been confirmed between 2011 and 2031. By 2020, 78 new units had been completed and hence the Core Strategy allocation has been exceeded already.
- 5.7.25 The QB was aware that the site, and indeed others considered, had previously been identified in the Local Planning Authority's Site Allocation Plan (2020) and more recently in 2022 in the Site Allocations Plan Preferred Options) as a potential site for 10 self-build/custom build dwellings.
- 5.7.26 The chosen site is a previously developed site, namely a large plot currently accommodating a single residence. Its designation as a potential development site, should need be confirmed through the remainder of the NP period, is considered to be pragmatic and appropriate.
- 5.7.27 Furthermore, I consider that clear guidance is presented in the policy to any potential developer of the land in question.
- 5.7.28 ***Accordingly, I find Policy DEV6 complaint without modification to the text.***

5.8 Appendices

- 5.8.1 I note that Appendix A refers to a community project relating to traffic and the commissioning of a comprehensive survey. This reflected comments arising from the community consultations and survey. The QB quite correctly has presented this for information purposes as it relates to matters out-with the remit of a NP and under the jurisdiction of the Highway Authority.
- 5.8.2 It does not fall under the remit of my examination but I accept that it does no harm in being included as Appendix A.

6.0 PLAN DELIVERY, IMPLEMENTATION, MONITORING AND REVIEW

- 6.1 Reference is made in the NP to the future review of the Plan at paragraph 1.6 and 2.9. This gives a clear indication given that a review will be undertaken to correlate to the

cyclical review of the Core Strategy. **This is in accordance with current guidance and 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 Long Marston 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 only part of the Long Marston Parish, i.e., it excludes the Meon Vale development and development land associated with Long Marston Airfield. **I am content that this defined NP area should also reflect the area for any forthcoming Referendum.**

8.0 SUMMARY AND RECOMMENDATION

- 8.1 I find that the Long Marston Neighbourhood Plan is generally a well-written document.
- 8.2 I note that the Plan has been the subject of effective consultation, and the resulting vision, objectives and ensuing policies 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 Long Marston Neighbourhood Plan should proceed to a Referendum forthwith.**

Louise Brooke-Smith, OBE, FRICS, MRTPI

October 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 Long Marston Neighbourhood Plan and Reg 14 submissions
- Submission Version (2.3) of the Long Marston Neighbourhood Plan and Reg 16 submissions
- Documents identified in the Long Marston Neighbourhood Plan pages of the LPA and Parish Council Websites, including the Basic Conditions Statement, Consultation Statement and related evidence base.
- Stratford on Avon District Core Strategy 2011-2031

Appendix B – Examiner's use of Abbreviations

- | | |
|--|--------------------|
| • Long Marston Neighbourhood Plan; | NP |
| • The Plan / The Neighbourhood Plan; | NP |
| • Marston Sicca / Long Marston Parish Council; | PC |
| • 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 |