

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

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## **Summary and Overall Recommendation**

*As the Independent Examiner into the Hampton Lucy 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 Hampton Lucy 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 Hampton Lucy 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 Hampton Lucy 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 several 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,***

***November 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 Hampton Lucy Neighbourhood Development Plan, which is here on referred to as the Plan, the Hampton Lucy Neighbourhood Plan, the HLNP or the NP.
- 1.1.4 The Plan was prepared by Hampton Lucy Parish Council working in consultation with the Local Planning Authority, namely Stratford on Avon District Council and a range of interested parties, statutory bodies, community groups, landowners and their agents, plus other key stakeholders.
- 1.1.5 This Report provides a recommendation as to proceeding to a Referendum. If this takes place and the Plan is endorsed by more than 50% of votes cast, then it would be 'made' by Stratford on Avon District Council and would be used to assist in the determination of any subsequent planning applications for the area concerned.

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

- 1.2.1 In accordance with current regulations, I was formally appointed by Stratford on Avon District Council, as the Examiner of the Neighbourhood Plan in September 2023. I was issued with the relevant documentation in October 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 Hampton Lucy 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 during the Regulation 14 or 16 stages of the Plan's preparation. Where relevant, comments on Regulation 16 representations are noted later in this report.

### 1.3 THE EXAMINATION PROCESS

1.3.1 I am aware that some of 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 in 2018 and 2019) and reissued with further amendments in 2021. In September 2023 a Written Ministerial Statement updated policy on planning for onshore wind development in England. ***Hence the leading document for the purposes of this Examination is the 2023 version of the NPPF. It is advised that this is acknowledged within the NP and Basic Conditions Statement – possibly by way of an addendum.***

***The QB / LPA has the option to note at the beginning of the NP / SBC that salient NPPF paragraph references are to the 2021 version of that document – or – undertake a review and update any changed paragraph references to the 2023 version of the NPPF.***

***I am content to leave this to the discretion of the QB/LPA providing the user of the NP is left in no doubt or confusion as to the NPPF version referenced in the explanatory text through the NP document.***

- 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 November 2023.

## 2.0 BACKGROUND TO THE HAMPTON LUCY NEIGHBOURHOOD PLAN

2.1. Further to a formal application, Stratford on Avon District Council confirmed the designation of the parish of Hampton Lucy as a Neighbourhood Plan Area in October



2014. The area is rural in nature with just over 200 residential properties accommodating circa 400 people in and around the village of Hampton Lucy and the hamlet of Hatton Rock. I note that the area has not been the subject of any other NP proposal.

2.2 Hampton Lucy 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 from 2014. This included local presentations, a Residents' Survey, a Housing Needs Survey, discussions on potential housing (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 (March 2023) 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 during the summer of 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 14 and 16, to the Draft and Submission Versions of the Plan which were submitted within the formal periods. As is common, 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 Hampton Lucy 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 Hampton Lucy Neighbourhood Area reflects the boundary of Hampton Lucy Parish. No other Neighbourhood Development Plan has been proposed for this area. The area is relatively confined, and as noted above, encompasses the main village of Hampton Lucy, the hamlet of Hatton Rock 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 2014. 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 Hampton Lucy 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 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 merit in aligning the date of the NP to the relevant Development Plan. 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 note that a series of public meetings and open days were held from 2015 and 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. This information is clearly set out on the HLNP 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 generally appropriate. Professional agents were retained by some landowners, 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, 2021 and 2023) 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. This principle has not been amended in the most recent version of the NPPF but for accuracy, I advise that the 2023 version of the NPPF be referenced 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 my 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 strategy 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 Hampton Lucy 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 in the summer of 2021. This involved liaison with the relevant statutory bodies. The screening responses advised that policies within the Hampton Lucy 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 (Sept 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 Hampton Lucy 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 a brief reference to compliance with the European Charter on Human Rights (ECHR) and Human Rights Act 1998 in para 5.6.

- 4.5.9 I am unaware of any matters proposed in the NP that challenge 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 HAMPTON LUCY 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 Hampton Lucy Neighbourhood Plan is straightforward and well explained. I find the figures and illustrations generally 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 and could be amended to provide clarity for any user.
- 5.1.2 The absence of paragraphs throughout some sections of the Plan is a matter of style and given the presentation of the document, I am not concerned by their omission.
- 5.1.3 The statutory context and relevant background to the Hampton Lucy NP is appropriately set out in the first two sections of the Plan. This sets the scene for the NP vision, set out in Section 3, and clarifies the key objectives of preserving and enhancing the built environment; promoting new high-quality homes to meet local needs, the natural environment, local community and infrastructure.
- 5.1.4 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.
- 5.1.5 Policies are set out in Sections 4 to 8 of the NP, under a series of objectives. Under each objective, specific policies are set out in boxes, accompanied by explanatory

text and reference to relevant NPPF paragraphs and Core Strategy policies. I note that Appendices to the NP contain factual information including a list of listed buildings and monuments, proformas of specific LGS assessments, details of biodiversity and an explanation of The Charles Maries trail.

- 5.1.6 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.
- 5.1.7 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. I have reviewed the comments issued by the QB through the Plan's preparation.
- 5.1.8 As with many NPs, some criticism has been levied through formal 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.
- 5.1.9 Further to the above, I now consider the NP policies against the Basic Conditions and for ease of reference follow the structure and headings as adopted in the Plan. As I have set out above, I find that the Plan is compliant with Basic Conditions 4 and 5 and the following 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)
- 5.1.10 I wish to stress that my examination has comprised a review of the policies and supporting text in the context of their compliance with the Basic Conditions. It has **not** comprised a forensic review of the rationale behind each policy. Where I found that the evidence base was unacceptably weak or erroneously interpreted or proposals have been suggested that conflict with extant statute or are ultra vires, I have suggested appropriate modifications. **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, considered the very helpful suggestions offered by the QB in its response to the Regulation 16 representations, where they concur with my findings. I have therefore proposed amended text where relevant and where I have



found policies to be non-compliant. In other cases, I consider that sufficient guidance has been presented so modification can be prepared by the QB/LPA.

- 5.1.11 I confirm again that I have reviewed all comments made as part of the Regulation 16 process, particularly where they have raised matters relating to compliance with national policy, sustainability, general conformity with the strategic policies of the Development Plan or the robustness of the evidence base. I have also picked up representations that highlight factual or typographical errors.

## 5.2 NEIGHBOURHOOD PLAN POLICIES

- 5.2.1 I now turn to the specific policies and supporting text. As I note above, sections 1 and 2 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.

- 5.2.2 I note that Figure 1 indicates the 'Neighbourhood Area'. I accept that the document continues to use this phraseology. Whilst it is more common practice to use the phrase 'Neighbourhood Plan Area', I accept that this minor change in reference does not detract from the essence of the Plan, nor should it introduce confusion to any reader.

- 5.2.3 I note the LPAs suggestion that the Regulation 14 consultation should be noted in para 1.6. I concur and endorse the QB's proposal that after the third sentence of para 1.6 the following is added;

***In September 2022, a Regulation 14 consultation was undertaken with the community (residents and businesses) within the Neighbourhood Area and with statutory consultees. A public meeting was held when the policies in the Plan were explained, and the view of stakeholders were heard. Responses to the Regulation 14 consultation were subsequently assessed and factored into the emerging Plan.***

- 5.2.4 A revised paragraph 1.7 should then commence with;

***'The Council will review the Plan in two years' time when all stakeholder (residents, landowners, businesses and statutory consultees) will be invited to provide their views again after the 2022 SAP has been adopted. Work has now commenced on the South Warwickshire Local Plan which will replace the strategic policies of the Core Strategy. The progress of this will also be considered by the Council in its review of the Neighbourhood Plan in two years' time.***

- 5.2.5 With these modifications, I find Section 1 compliant.

5.2.6 Figure 2 indicating Scheduled Monuments and Listed Buildings is accompanied by Appendix 1. **However, I concur with the comments made by the LPA that Fig 2 should be at a scale that is more easily read with individual sites of note listed out. I also advise that the whole NP boundary should be clearly indicated. This might necessitate multiple figures e.g figure 2(a) and (b) etc. I accept that it is of assistance to indicate assets that may lie beyond the NP boundary but nevertheless have an impact on the NP area, or visa versa. I note that Figure 4 illustrates heritage assets within and beyond the village boundary and am happy that this can remain.**

**5.2.7 With this modification, I find Section 2 compliant.**

5.2.8 Section 3 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. **No modification of the text is required.**

5.2.9 I consider that few elements are ambiguous, and the accompanying text provides a relevant and useful context for the subsequent policies found in Sections 4 to 8 of the NP. Generally, the policies are well constructed and clearly set out with good explanations following the formal policies and clear references to relevant NPPF and Core Strategy policies.

### 5.3.0 BUILT ENVIRONMENT

#### **POLICY BE1 - HERITAGE ASSETS AND CONSERVATION AREAS**

5.3.1 I welcome the explanation accompanying this policy that the use of the word 'development' in the NP means development of any nature, as defined under the Town and Country Planning Act 1990.

5.3.2 The approach of the policy is clear, as is the accompanying explanation. I note however that the QB has offered to modify the text referencing 'unacceptable harm' in light of Reg 16 representations and to reflect more appropriately the guidance in the NPPF. I concur and advise that the first line of the policy be rewritten as follows;

***'Proposals that would cause less than substantial harm to the special architectural or the historic significance of designated Heritage Assets.....'***

5.3.3 **With this modification, I find Policy BE1 compliant.**

### **POLICY BE2 – RE-USE OF BUILDINGS**

5.3.4 The accompanying text to this policy is, again, helpful and clear. While the policy itself presents an element of crossover with Policy BE1, I find it to be relevant given the findings of the community consultations.

5.3.5 Bullet (a) and bullet (f) appear to be unnecessary duplications. I advise that bullet (f) should be removed, and bullet (a) be redrafted as follows;

***(a) 'Does not have an unacceptable impact on the visual landscape amenity, valued views or heritage assets within the area and;'***

5.3.6 I concur with the LPA and consider that ***each subsequent bullet point (except for the last one) should conclude with 'and;' to avoid any confusion on the part of a user of the Plan that just one bullet need apply to a development, when in reality, they all apply.***

5.3.7 **Subject to the modifications noted above, I find Policy BE2 compliant.**

### **POLICY BE3 - LIGHTING AND DARK SKIES**

5.3.8 I find the nature and wording of this policy appropriate as it reflects the clear findings of the community consultation. ***I note that the QB accepts that the Highway Authority controls street lighting and reference to this should be added to the explanatory text, to assist both the user of the Plan and indeed the Highway Authority.***

5.3.9 **With this minor modification, I find Policy BE3 compliant.**

### **POLICY BE4 – AGRICULTURAL LAND AND LAND MANAGEMENT**

5.3.10 This policy duplicates NPPF guidance and Core Strategy policy and normally such duplication would be resisted. However, I note the relevance of the policy given the predominant rural nature of NP area and the finding of the consultations undertaken. I find Figure 5 helpful.

5.3.11 I note and concur with the QB's proposal in response to Reg 16 representations to delete one element of the text, so it reads as follows;

***Development proposals resulting in the loss of the best and most versatile agricultural land (Agricultural Lans Classification Grades 1,2 and 3a) will only be supported where it is demonstrated that poorer quality land is not available.'***

5.3.12 **With this modification, I find Policy BE4 compliant.**

## 5.4 HOUSING

### POLICY H1 – LOCATION OF NEW HOUSING DEVELOPMENT

- 5.4.1 This policy confirms the Hampton Lucy village boundary indicated at Figure 7, which accords with that included within the extant Development Plan and does not identify any specific land for additional development. Moreover, it advises that appropriate development within the village boundary will be supported and development beyond the boundary, within the 'countryside' will need to adhere to core strategy policy AS10. I find this and the accompanying explanation clear.
- 5.4.2 I note that attention has been given by the QB to the identification of potential additional or reserve housing sites and I have reviewed the work undertaken through the consultation process and the outcome of the Residents Survey. Mention has been made of the LPA's Site Allocation Plan (SAP 2020) and I note that there has been considerable discussion and consultation with respect to the amended emerging version of the SAP but that, to date, the SAP has not yet been formally updated and adopted by the LPA.
- 5.4.3 Of relevance to this NP, I note that land to the east of Snitterfield Street had at one stage been promoted as a potential residential development site, but after assessment, it was not pursued by the LPA. A further call for sites was undertaken and the site was highlighted again, and this time was endorsed by the LPA. Quite correctly this change in position was discussed by the Parish Council / QB. Representations for and against its formal designation were reviewed and after clear deliberation, the site was not supported by the QB. Accordingly, it has not been proposed formally within the NP.
- 5.4.4 I have reviewed Reg 14 and 16 representations made on this matter by the agents acting for the respective landowner.
- 5.4.5 I am well aware of the advice and guidance on situations where a submission version of a NP is presented for examination and work to support an emerging Development Plan, or part of it, has been undertaken. I note that NPPG 009 (ID 41-009-20190-509) specifically addresses this.
- 5.4.6 I am aware that the QB could have had regard to the progress of the respective site (Site I, J and K in the Residential Survey) and included it within its NP. However, they choose not to. Either action was open to the QB. My role is not to assess the merits of the allocation of the land but moreover to ensure that sufficient and robust assessment has been undertaken by the QB in finalizing its submission NP. I consider this has been the case.

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- 5.4.7 I concur that by omitting the respective site, the NP may well have a short shelf-life in terms of relevance with respect to any demand for new housing development land. But this does not make the Plan non-compliant.
- 5.4.8 I accept the argument presented by the QB that the SAP remains an emerging document and the land has not been formally designated as yet. There is clearly some difference in professional opinion as to the suitability of the land in question and I consider the QB has taken appropriate professional advice in coming to their conclusion to not formally identify the site at this stage.
- 5.4.9 I note the offer by the QB to reference Policy SAP 6 (Preferred Option 2022) in the policy but do not consider this appropriate. I feel that sufficient guidance as to the scale and impact of any development adjacent to the NP boundary exists in AS.10 and other policies within the NP. **In light of this, the reference in Policy H1 to 'self-build and custom-build housing' should be omitted, as it fails to provide any guidance on the scale of such development. Policy AS.10 does not reference self-build and/or custom-build development and the inclusion of such, within Policy H1, has not been supported by evidence.**
- 5.4.10 The QB has confirmed on numerous occasions that they would review the NP as and when the Development Plan progresses, and additional land is confirmed as being required. I consider this to be an appropriate position to take.
- 5.4.11 I do not concur with the stance taken by the agent for the land that the NP 'should allocate' the land in question and that failure to do so would make the NP non-compliant. It does not.
- 5.4.12 I am aware that other representation relating to flood risk have been submitted and that the QB have offered to modify the accompany text to policy H1. However, given other policies proposed in the NP, I do not consider this is warranted.
- 5.4.13 **Hence, subject to the deletion of the reference to 'self-build and custom-build' in the third paragraph of Policy H1, I find the rest of the text compliant.**
- 5.4.14 H2 – LOCAL NEED HOUSING SCHEMES**
- 5.4.15 This policy addresses a key issue raised during the community consultation process. Five appropriate criteria are set out to guide any user of the NP which reflect Core Strategy Policy CS15. I note that the QB is happy to amend the first paragraph of the policy. I concur and advise that it should read;
- Small scale Community-Led Housing (CLH) schemes and small-scale development for First Homes, as defined in the explanatory text below, beyond but adjacent to***

*the village boundary will be supported where all the following criteria are satisfied.....*

5.4.16 I find Policy H2 compliant with this modification.

#### 5.4.17 H3 – HOUSING DESIGN

5.4.18 This policy is extensive and sets out 17 criteria that any user of the Plan should consider when promoting new development. Clearly some of the elements raised would not apply to some forms of development and so, the addition of ***'where relevant given the nature of the development being pursued'*** should be added to the first sentence.

5.4.19 It is unclear whether bullet (o) leads on from bullet (n) or is a specific principle in its own right. I have assumed the latter and for clarity I consider that bullet (o) should be redrafted as follows;

***'New development should be designed to be safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.'***

5.4.20 With these modifications I find Policy H3 compliant.

#### 5.4.21 H4 – USE OF GARDEN LAND

The text suggests that this policy reflect Core Strategy CS6. It does, but in a very general way. Of more relevance is ***CS15 and CS16 and these references could be added for clarity. Their omission does not make the policy non-compliant but is presented as a suggestion only.***

5.4.22 Policy H4 is compliant as written.

### 5.5 NATURAL ENVIRONMENT

#### 5.5.1 POLICY NE1 – LOCAL GREEN SPACE DESIGNATIONS

5.5.2 This policy designates several Local Green Spaces (LGS) and is supported by a series of assessments attached at Appendix 2.

5.5.3 I note that the QB has offered to add a reference at the end of the policy to highlight sustainable drainage systems. However, this is already addressed in other proposed policies, and in the accompanying text, and so is not needed.

- 5.5.4 I have reviewed the approach taken by the QB and the assessments undertaken. I accept that there is clear local feeling as to any potential loss of open space within and around Hampton Lucy and indeed I appreciate that the areas identified as LGS are valued by the local community. However, the NPPF clearly sets out advice for the allocation of Local Green Spaces and similarly clear guidance is contained within the PPGN at paras 007, 010 and 011.
- 5.5.5 Para 007 Ref ID 37-007-20140306 states '*plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in any way to undermine this aim of plan making.*'
- 5.5.6 Also of note is the need for;
- any allocation to complement the local planning of sustainable development (NPPF para 101)
  - LGS to not be an extensive tract of land (NPPF para 102)
  - landowners to be contacted at an early stage and for their stance to be considered (PPGN para 019).
  - avoidance of duplicating other designations (PPGN para 010 and 011)
- 5.5.7 I am content with most sites proposed as LGS. While Site 7 is relatively larger than the others, I consider it to be an appropriate designation. While some Reg 16 representations have questioned the validity of some of the remaining allocations, I consider that sites 1 through to 8 and 10, 11 and 12 are appropriate as LGS.
- 5.5.8 My concern lies with Site 9 to the east of Snitterfield Street. I consider that its designation as LGS would not promote an effective use of land in meeting a need for homes and other uses (NPPF para 119) given the potential to identify land to the immediate north as a reserve housing site in the emerging SAP. I accept that the proposed Site 9 generally concurs with the illustrative plans presented to date by the promoters of the land, as open space accompanying a possible housing site. However, its formal designation at LGS would not allow for a flexible consideration of the general area and risks constraining the design of any potential future development and suitable access.
- 5.5.9 I consider there is risk in undermining strategic plan making. ***Given this, I find the sites identified at Policy NE1 appropriate designations as LGS with the exception of Site 9, which should be omitted. The remaining LGS sites should be renumbered accordingly.***
- 5.5.10 **Only with this modification do I find Policy NE1 compliant.**
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### 5.5.11 POLICY NE2 – VALUED VIEWS

5.5.12 I am aware that the setting of Hampton Lucy and the protection of the surrounding countryside is highly valued by the community. I note that QB has taken on board comments made at the Regulation 14 stage and the ensuing policy NE2 and figure 9 reflect the strength of feeling indicated through the consultation process.

5.5.13 Figure 9 does not clearly indicate the extent of the NP area and I note representations suggest that valued views (3) and (6) may not be valid as they originate beyond the plan boundary. I can understand the point raised but do not concur. The policy is proposed as a means of highlighting the value of the views indicated and to advise against development that could adversely impact that view. I feel the sentiment and approach could be regularised by the modification of the first line of the policy, as follows;

***'Development proposals within the NP boundary, should demonstrate.....'***

5.5.14 **With this modification, and definition of the NP area at Figure 9, I find Policy NE2 compliant.**

### POLICY NE3 – NATURE CONSERVATION AND BIODIVERSITY

5.5.15 This policy reflects the general principles of Core Strategies 5, 6 and 7 while applying them to the NP area. I find the policy text clear and Fig 10 helpful.

5.5.16 There is one typographic error in the last line of paragraph 3 of the policy. Retail should be replaced with 'retain'.

5.5.17 **With this minor modification, I find Policy NE3 compliant.**

### POLICY NE4 – FLOOD RISK

5.5.18 I note that QB has offered to amend the wording of this policy in response to Regulation 16 representations. I have reviewed the issues raised by the representations and concur generally with the QB's amended text. With some small alterations, I advise it is re-written as follows;

***Developments will be supported, unless;***

- a) They are in Flood Zones 2 and/or 3 or are otherwise assessed by the Environment Agency at high or medium risk of surface water flooding;***
- b) They are neither neutral nor beneficial to the capacity of these flood zones;***



- c) The risk to flooding to existing properties and land in the Neighbourhood Plan Area is increased;*
- d) It cannot be demonstrated that every effort has been made to steer developments to areas of lower flood risk where possible;*
- e) The development will not contribute to water bodies (defined as lakes and part of rivers, estuaries, coastal waters and ground water) reaching a good status or potential status in accordance with the Water Framework Directive or equivalent guidance, where this is feasible;*
- f) They do not contribute to the maintenance or restoration of the floodplain, where this is feasible;*
- g) Where appropriate they do not open up any existing culverts on a site providing more open space / green infrastructure of greater amenity or do not keep the creation of new culverts to a minimum;*
- h) In respect of surface water flood and development drainage it has not been demonstrated that the developer has considered options to manage risk in the following priority order: infiltration (water into the ground), discharging into an existing water body, and discharging into a surface water sewer.*
- i) If the above ground attenuation features have not been designed to be multifunctional and do not incorporate the four pillars of SuDs which are water quality, water quantity, amenity and biodiversity.*

*All developments will be expected to include sustainable drainage systems with new developments needing to account for flood risk when building on greenfield and brownfield sites, as supported by the sustainable drainage section of the Planning Practice Guidance (PPG) extant at the time of proposal.*

5.5.19 *I also advise that Figure 11 (Pluvial Flooding Map) incorporates a key and indicates the extent of the NP area.*

5.5.20 **With the above modifications, I find Policy NE4 compliant.**

#### **5.5.21 POLICY NE5 - THE RIVER AVON**

5.5.22 This policy, inter alia, refers to development adjacent to the NP area. This is ultra vires and should be amended to only refer to development within the NP area as follows;

*Development of riverside activities within the Neighbourhood Area for navigation or otherwise which negatively impact on land or buildings adjoining the River Avon with only be supported where the activity will.....*

**5.5.23 Only with this modification do I find Policy NE5 compliant.**

**5.6 LOCAL COMMUNITY, HEALTH AND WELLBEING**

**POLICY LCHW1 – ALLOTMENTS AND GROWING SPACES**

5.6.1 This policy reflects the strength of local sentiment indicated during the consultation process with regard to the protection of extant allotments and the promotion of new allotment sites. I note the complementary nature of this policy with that of Policy NE1 and Policy H4 and find that it should be clear to any user of the Plan.

5.6.2 However I accept the stance by one representation that a definition of 'allotment' should be included in the accompany text, to remove any ambiguity or confusion with garden land. To this end I advise that the following is included at the end of the Explanatory text;

***In this situation, an allotment is deemed to be a plot of land rented by an individual for the growing of vegetables or flowers for personal use or enjoyment. It does not include private amenity / garden land.***

**5.6.3 With this additional to the explanatory text, I find Policy LCHW1 compliant.**

**5.6.4 POLICY LCHW2 – COMMUNITY FACILITIES**

5.6.5 While I acknowledge the approach of the policy, its phrasing is unclear and needs to be modified.

5.6.6 I find the accompanying explanatory text helpful in its identification of community facilities within the NP area. ***However, it would assist any user of the Plan if these facilities were listed and identified on a map. This could then be cross-referenced within the policy.***

5.6.7 Accordingly I advise that the policy be redrafted as follows;

***'Development proposals that will lead to the loss or partial loss of any community facility, as indicated at Figure....., and would not enhance and/or improve that community facility, will not be supported unless it can be demonstrated that the facility is no longer in active use and has little prospect of being brought back into use.'***

**5.6.8 With this modification, I find Policy LCHW2 compliant.**

**5.6.9 POLICY LCHW3 – PROMOTING WALKING AND CYCLING**

5.6.10 This policy again reflects the findings of the community consultations and highlights the rural nature of the NP area and the value of public access.

5.6.11 ***However, extant Figure 13 which accompanies the policy should be supported by an appropriate key and acknowledgment. The definition of the National Cycle Way and the NP boundary indicated on Figure 14 should be re-coloured so as not conflict with the trunk roads crossing the area. The figure risks confusion by any user of the Plan.***

5.6.12 I also note the representations from one party that highlights the need to acknowledge horse riding. I support the modification proposed by the QB to address this. ***Accordingly, reference to 'horse-riding' should be included at paragraph 3 of the explanatory section and the first and third sections of the policy should be amended to read as follows;***

***'Where appropriate, development proposals should demonstrate how walking, horse riding and cycling opportunities have been incorporated and, where possible, how these will connect to existing routes.***

.....

***Proposals which either adversely affect existing walking, horse riding or cycling routes will not be supported.'***

5.6.13 **With these modifications, I find Policy LCHW3 compliant.**

**5.6.14 POLICY LCHW4 – PROMOTING NEW EMPLOYMENT OPPORTUNITIES**

5.6.15 This policy acknowledges the rural nature of the NP area and the need to protect the general amenity from adverse new development. The accompanying text clearly references the proximity of tourist attractions found in the wider vicinity and the extant nominal employment offer found within the NP area. Some of this commercial activity is the source of concern by the local community and so I find the policy appropriate in its approach to support new employment activity with appropriate reference to issues that any promoter would need to take into account.

5.6.16 **I find Policy LCHW4 compliant without modification.**

**5.7 INFRASTRUCTURE**

**5.7.1 POLICY IN1 – TRANSPORT HIGHWAY SAFETY AND THE IRON BRIDGE**

- 5.7.2 It is clear that the QB is aware that highway issues fall under the domain of the County Highway Department and hence are not generally covered by NP policies. I note in this case, however that the policy makes specific reference to a statutorily listed bridge.
- 5.7.3 Appropriately I consider this policy and the accompanying text addresses the concerns of the community and presents guidance to any user that reflects the very local nature of the highway network and the specific infrastructure serving the main settlement of Hampton Lucy.
- 5.7.4 The explanatory text references the issue of enforcing the weight restriction for the iron bridge. This is a matter that needs to be pursued directly with the Highway Authority, but I accept that it can remain as part of the accompanying text as an indication of the strength of local feeling.
- 5.7.5 ***For consistency, I suggest that a section sub-heading of 'Explanation' is inserted on page 50 before the accompanying text.***
- 5.7.6 **With this very minor modification, I find Policy IN1 compliant.**

**5.7.7 POLICY IN2 - PARKING**

- 5.7.8 This policy again is well set out and reflects the NPPF and salient Core Strategy policy CS.26. I note that the QB has offered to add an additional reference to drainage issues, in response to Reg 16 representations. With slight amendment to the proposed text, I concur with the approach.
- 5.7.9 For further clarity, I advise that the first paragraph is also modified. The policy should therefore read as follows;

***'New development proposals should provide off-road vehicle parking in accordance with the standards in SDC's adopted Development Requirements Supplementary Planning Document, and/or equivalent guidance, adopted by SDC.***

....

***Provision of vehicle parking to serve new development should introduce appropriate SUDs, where possible, and ensure that discharge/run off flows do not degrade the quality of accepting water bodies.'***

- 5.7.10 **With these modifications, I find Policy IN2 compliant.**

**5.7.11 POLICY IN3 - ENCOURAGING HOME BASED WORKING AND HIGH-SPEED BROADBAND**

5.7.12 I acknowledge and welcome the use of the words 'encouraged' and 'expected' within this policy. I appreciate that this does provide an emphatic position for any decision maker, but it does indicate a realistic attitude that a promoter / designer of new development should recognise. Furthermore, it reflects the salient sections of the NPPF and Core Strategy policy.

**5.7.13 I find Policy IN3 compliant without modification.**

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

6.1 Reference is made in the NP to the future review of the Plan at extant paragraph 1.6. This gives a clear indication that as and when the SAP is confirmed and the housing needs across the District are validated, the NP will be reviewed. This is specifically relevant to the identification of reserve housing sites.

6.2 Given the quality of the NP presented to me and the nature of the work undertaken to date, I have no reason to doubt the ability of, or the commitment to this stance, by the QB.

6.3 I find the approach taken by the QB and the commitment to future reviews of the NP to be **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 Hampton Lucy 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 Hampton Lucy Parish. **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 Hampton Lucy Neighbourhood Plan is generally a well-written document with minor typographical anomalies. I have noted earlier that there is a need to add one figure to assist the clarification of Policy LCHW2 and hence

subsequent figures will need re-numbering and the contents page modified accordingly.

- 8.2 I have also commented earlier on the more recent edition of the NPPF. I consider that an appropriate reference to this at the beginning of the NP would suffice. Alternatively, the QB may prefer to re-issue the Statement of Basic Conditions and amend any erroneous references to specific NPPF paragraphs. I would be happy with either approach.
- 8.3 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.
- 8.4 In some 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 and consider that these policies can remain as they are accompanied by supporting text which refers to a relevant evidence base. I note the helpful suggestions by the QB following the Regulation 16 stage of proceedings and where I concur with its stance, I have advised that the modified text is incorporated.
- 8.5 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.
- 8.6 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.
- 8.7 I do not have any concerns over the defined Plan Area nor with that area forming the basis for any Referendum.
- 8.8 **Hence, I recommend that further to the proposed modifications, the Hampton Lucy Neighbourhood Plan should proceed to a Referendum forthwith.**

Louise Brooke-Smith, OBE, FRICS, MRTPI

December 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 and September 2023.
- 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 Hampton Lucy Neighbourhood Plan and Reg 14 submissions
- Submission Version (2.3) of the Hampton Lucy Neighbourhood Plan and Reg 16 submissions
- Documents identified in the Hampton Lucy 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**

- |   |                    |
|---|--------------------|
| • Hampton Lucy Neighbourhood Plan;            | NP                 |
| • The Plan / The Neighbourhood Plan;          | NP                 |
| • Hampton Lucy / Hampton Lucy 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                |