

A REPORT TO STRATFORD ON AVON DISTRICT COUNCIL
OF THE EXAMINATION OF
THE BEAUDESERT AND HENLEY IN ARDEN NEIGHBOURHOOD PLAN 2011-2031
UNDERTAKEN BY
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INDEPENDENT EXAMINER
FEBRUARY 2024

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Summary and Overall Recommendation

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

I confirm that I am independent of the Qualifying Body, namely the joint Beaudesert and Henley in Arden Parish Councils 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 Beaudesert and Henley in Arden 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 Beaudesert and Henley in Arden 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,

February 2024

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

1.2 APPOINTMENT AND ROLE OF THE INDEPENDENT EXAMINER

- 1.2.1 In accordance with current regulations, I was formally appointed by Stratford on Avon District Council, as the Examiner of the Neighbourhood Plan in November 2023. I was issued with the relevant documentation in December 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 Beaudesert and Henley in Arden 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) was issued in 2012 and most recently revised in December 2023. Prior to this the NPPF was revised in 2018, 2019, 2021 and September 2023. However, further changes of the document were issued in December 2023. This most recent version of the NPPF presents changes to the requirements of providing land for future housing needs. The general policy relating to Neighbourhood Plans remains in place as does the overall approach endorsing sustainable development.*

I understand that the submission version of the NP was prepared reflecting the 2021 version of the NPPF. Although I note that at least one comment by the QB, in response to Reg 16 representations, is made to the 2023 version.

The QB / LPA have the option to reconfirm the text at the beginning of the NP / Basic Conditions Statement that salient NPPF paragraph references are to the 2021 version of that document but acknowledge that the document has been updated – or – undertake a review and update any changed paragraph references to the December 2023 version of the NPPF. I consider the latter would be the better practice to adopt.

I do not believe that the changes presented in the Dec 2023 version of the NPPF change any of the critical elements that are reflected in the proposed policies of the BHNP.

I consider that for the avoidance of any doubt in the mind of any user of the NP, the most recent version of the NPPF (Dec 2023) is referenced in the Basic Conditions Statement and any 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 have undertaken an unaccompanied site visit to the Plan area.

2.0 BACKGROUND TO THE BEAUDESERT AND HENLEY IN ARDEN NEIGHBOURHOOD PLAN

2.1. Further to a formal application, Stratford on Avon District Council confirmed the designation of the parish of Beaudesert and Henley in Arden as a Neighbourhood Plan Area in 2014. The area is rural in nature, lying to the east of the town of Redditch and north of Stratford on Avon. Beaudesert parish lies to the east of the River Alne and Henley in Arden to the west. The NP area lies within the designated West Midlands Green Belt and is also a specified Special Landscape Area. I am advised that the population living within the NP area is circa 3,196 based primarily within the town of Henley in Arden. I note that the area has not been the subject of any other NP proposal.

2.2 The Joint Beaudesert and Henley in Arden Parish Council, as the relevant Qualifying Body, initiated work associated with the NP and a Steering Group 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 2014 and 2023. This included local presentations, a Town Questionnaire, formal and informal meetings. The Steering 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 V.04 (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, 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 the Joint Beaudesert and Henley in Arden 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 Beaudesert and Henley in Arden Neighbourhood Area reflects the boundary of Beaudesert and Henley in Arden Parishes. No other Neighbourhood Development Plan has been proposed for this area. The area is predominantly rural, and as noted above, encompasses the main town of Henley in Arden, and the smaller hamlet of Beaudesert lying to the north.

3.4 As noted above, an appropriately made application to prepare a NP was submitted to the Council by the Joint Parish Councils 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 Beaudesert and Henley in Arden 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 13 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 within the NP documentation.

- **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. I comment further on this, and the more far-reaching aspirations found in Section 12 of the NP, later in my report.

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 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 clear 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 one landowner, while other residents and landowners 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 the submissions at Reg 14 stage of proceedings to the draft version of the NP were appropriately assessed, undertaken or refuted by the QB and this stance clearly 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 does, however, need to be updated**

in terms of references to specific paragraphs from the most recent version of the NPPF, namely that published in December 2023.

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 suggest that the December 2023 version of the NPPF be referenced in the BCS and NP (see my comments earlier on this matter),**
- 4.2.2 The Framework remains 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 planning principles, as set out in the NPPF (2021) 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 on the understand that updated NPPF paragraph numbers can be inserted where necessary into the table contained within the BCS.**

4.3 SUSTAINABLE DEVELOPMENT

- 4.3.1 Any Neighbourhood Development Plan should contribute to the achievement of sustainable development. The NPPF (2021 and 2023) 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 Beaudesert and Henley in Arden Neighbourhood Area comprises the Stratford on Avon District Core Strategy 2011 – 2031. Appropriate reference is made to this in the Basic Conditions Statement (BCS). **I note the request by the LPA that references to the name of the authority and any salient document, be consistent through all documents as 'Stratford on Avon' as opposed to Stratford upon Avon. The QB has accepted this, and I concur.**

4.4.2 Section 4 of the BCS explains how the proposed NP policies are in general conformity with strategic policies and highlights specific Core Strategy policies from the Development Plan. I find this to be appropriate and helpful.

4.4.3 **Hence, I find that, subject to modifications detailed elsewhere 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 2019 on the draft NP. This report was subsequently updated to reflect the emerging NP as at June 2023. The screening involved liaison

with the relevant statutory bodies. The screening responses advised that policies within the Beaudesert and Henley in Arden NP were not expected to have any significant environmental effect and hence an SEA was not required. This was endorsed by the LPA in formal correspondence of July 2023.

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 regards to Habitat Regulations. It concluded that no Habitats Regulation Assessment (HRA) was required as the Beaudesert and Henley in Arden NDP made all necessary references to the Development Plan's HRA and no NDP policies were being introduced that undermined this. **I am advised that 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 **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 BEAUDESERT AND HENLEY IN ARDEN 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 Beaudesert and Henley in Arden 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 statutory context and relevant background to the Beaudesert and Henley in Arden NP is appropriately set out in the first nine sections of the Plan. These set the scene for the NP vision in terms of the governance structure (the Joint Parosh Councils), and commentary on the socio-economic profile, landscape, historic background, and community facilities. The NP vision is set out in Section 10. This clarifies five key objectives addressing housing, the economy, the community, the natural environment and the built environment. These set the context for specific policies that follow in Section 11.

5.1.3 Before I comments on these, I wish to highlight the following points;

- **Foreword – Reflecting my earlier comments on the various versions of the NPPF, it would be appropriate to add reference in the opening paragraph, or with a footnote, to the Dec 2023 version of the NPPF. I note that reference to the 2023.version of the NPPF is referenced at paragraph 2.2 of the NP.**
- **Fig 1 – I fully appreciate that the NP area is washed by the West Midlands Green Belt and the Arden Special Landscape Area designation, with the conurbation of Henley in Arden, i.e. the designated built-up area, specifically released. It would be helpful to any user of the NP to indicate this on either Fig 1, or an additional figure accompanying Section 6.**
- **Section 9, at paragraph 5, makes further reference to NPPF July 2021. There needs to be consistent reference through the NP as to which version of the NPPF is being used.**
- **Section 10 explains the vision of the NP. Paragraph 10.2 states that**

'Land aspirations, whilst not being formal policies, will provide assistance for the purposes of interpreting policies set out in this NDP.'

It is unclear what this means. Explanatory text can accompany specific policies to guide any user. However, 'aspirations' if included within a NP can be confusing. It is advised that this sentence is removed.

- I note that the QB is content to remove the words 'Biodiversity and Ecology' from the beginning of paragraph 10.8.1. I concur with this.
- Similarly, Section 12 of the NP sets out extensive 'Community Aspirations'. I fully accept that these reflect comments presented through the consultation process and there is value in setting these out. It is a way of indicating that the community's views have been heard.

I note that the first paragraph of Section 12 states that;

'They have not been examined as part of the Independent Examination of the NDP and thus will not have 'weight' in the decision making process in the same way as the policies in the NDP'.

- I have not examined the 'Community Aspirations' as they do not form part of the NP in terms of compliance with the basic conditions.

However, I consider this section would be best positioned in the Appendix of the NP and not presented as a formal section of the main text. This would remove any ambiguity.

- I note the extant Appendices to the NP. I suggest that this does not need to be referenced as Section 14. It isn't referenced as such on the contents page. Extant Section 12 'Community Aspirations' should be added as Appendix 6 and hence Section 13 'Review' would be renumbered as Section 12.

5.1.4 I now turn to the policies as presented in the Plan. As the examiner, I have reviewed the objectives and the explanatory text to ensure there is no ambiguity or confusion. Where this exists, I have proposed modifications.

5.1.5 In terms of evidence to support the NP policies, I have reviewed the documents in the public domain and additional survey information sent to me by the LPA (having been supplied by the agent advising the QB). I have considered the list of third parties and statutory consultees who were approached during the preparation of the draft and submission version of the Plan and have reviewed the comments issued by the QB through the Plan's preparation.

5.1.6 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.

5.1.7 On balance, I consider that a proportionate amount of background information and an appropriate evidence base has been used by the QB to prepare draft policies to address the vision and objectives of the NP.

5.1.8 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)

5.1.9 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.

5.1.10 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 As I note above, sections 1 through to 10 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 In terms of the five objectives and the accompanying policies, I consider that few elements are ambiguous. However, the style of this NP is such that the explanatory text accompanying each specific policy is relatively broad. Unlike other NP, no reference is made to either relevant Core Strategy policies, the NPPF or any specific evidence base. As the examiner I am aware that there is supporting evidence. Any new user of the NP might find this evidence base helpful as a reference point.
- 5.2.4 I note that this matter has been raised by the LPA and the QB has responded in advising that relevant policy and NPPF references are presented in the BCS. I concur with the QB. However, by adopting this style, a relatively bland document emerges where any user, should they be minded, has to refer to the BCS and Consultation Statement for justification for specific policies. I feel the style adopted and lack of referencing to the evidence base for specific policies fails to comprehensively reflect the amount of work which has clearly been undertaken by the QB and Steering Group.
- 5.2.5 Nevertheless, the omission of relevant references in the explanatory text accompanying each policy does not make those policies non-compliant, and I accept this has been a matter of style.

5.3.0 HOUSING

- 5.3.1 The open paragraph and text within the 'Strategic Objective' for this section of policies is relatively clear, although I have already commented on the need for consistency on reference to which version of the NPPF is being used.
- 5.3.2 I have previously commented upon the need to illustrate the extent of the Green Belt and how the settlement of Henley in Arden is specifically released from it. **I consider cross reference to a new appropriate figure to accompany paragraph 11.1 and bullet 2 of Policy H1, would assist but isn't compulsory for compliance.**

- 5.3.3 In terms of format, it is unclear why some paragraphs are numbered, and others are not. This does not detract from the message of the text but may simply reflect the addition of text and the reluctance to renumber subsequent paragraphs. **I confirm that it does not make the section non-complaint.**
- 5.3.4 I am, however, surprised that some elements of the text up to paragraph 11.10 have not been included within or presented as a specific policy in this section of the NP but is reflected in policies in the Built Environment section. This is at the discretion of the QB and Steering Group. As presented, it offers context, but any decision maker may not consider it to be sufficiently robust. **I accept that this is not a compliance matter.**
- 5.3.5 **Paragraph 11.9 does not flow, perhaps because of the omission of the word 'guidance'? This should be clarified and addressed by the QB. 11.10 refers to Secured by Design and Lifetime Homes standards but not within any context. This should be addressed fully referenced with publication dates inserted.**
- 5.3.6 While Figure 2 can be enlarged on screen, in hard copy, it is a very small scale which makes it difficult to read. **While this is not a compliance issue, I suggest that it is presented at a larger scale.**

POLICY H1 – HOUSING GROWTH

- 5.3.7 This policy is relatively straightforward. The explanation notes that the housing need for Henley in Arden, as presented in the Development Plan, has been addressed and hence no further dedicated housing sites have been identified. I am aware that the Core Strategy indicates that *'about ninety homes'* are required in the town over the Plan period and that Reserve Sites 'may' be needed. I accept that the QB have chosen, at this stage, to not identify additional sites for immediate development or in reserve to address any current or future housing need. This is at its discretion.
- 5.3.8 Any new housing development within the Settlement Boundary, also known as the Built Up Area Boundary (BUAB), will be supported. **I note the Reg 16 comment by the LPA suggesting that the definition of the BUAB should be explained. I concur and advise that explanatory text should be included in the accompanying commentary, i.e. that it reflects the BUAB as confirmed in the extant Core Strategy and the emerging Site Allocations Plan (2022).**
- 5.3.9 **(1) refers to Figure 2 which is found on page 15, not 16. This should be amended.**
- 5.3.10 (2) advises that any development beyond the Green Belt will be resisted and would need to reflect national guidance. I find this superfluous given Core Strategy Policy, namely AS.10 Development in the countryside and villages, subject to it not being

harmful to the openness of the Green Belt and CS10 specifically relating to the Green Belt and the NPPF (2023 paras 152-155). **However, I accept that it presents specific emphasis in the context of this NP and hence can remain.**

- 5.3.11 However, it is unclear whether the last sentence of the policy at (2) refers to housing beyond or within the settlement boundary. Clearly given the NPPF and the Core Strategy policies, some housing beyond the settlement boundary can be acceptable in exceptional circumstances (NPPF Para 154). As such, I advise that the last sentence of (2) should be a separate, i.e. a third bullet point. I note that the text at paragraph 11.6, relating to social and affordable housing, suggests that any such new housing should be within the boundary. This is acceptable in terms of it being 'encouraged', and was highlighted through the consultation process.
- 5.3.12 I find that with the above modifications, Policy H1 is compliant with the basic conditions and specifically with the NPPF (2023) and relevant Core Strategy policies.

POLICY H2 – RURAL EXCEPTION SITE

- 5.3.13 This policy accepts that a need might exist for affordable housing and that, if proven, this would be supported adjacent to the settlement boundary, providing criteria are met. As noted above, the text at 11.6 indicates that the intent is for such development to lie within the settlement boundary and encouragement will be given as such.
- 5.3.14 I accept that extant (c) addresses the community's stance that any affordable housing should be prioritized for local people and not those in need from across the district.
- 5.3.15 This is a sensitive issue and notwithstanding the explanatory text referencing the vision and Section 11, little assistance is provided to any user as to what constitutes a 'local connection'. No direct data or evidence has been presented to me, to clarify this.
- 5.3.16 I am content with the approach taken by the QB but consider that an additional or modified paragraph is included within the accompanying text to explain what constitutes a 'local connection'. I am aware that as written Policy H2 does not directly repeat Core Strategy CS15, but it does add specific detail to that policy. **Hence more clarification would be helpful and address compliance with the basic conditions.**
- 5.3.17 **Similarly, no clarification is provided as to what constitutes 'First Homes' in the last sentence of the policy. This means the matter is ambiguous. If this reference is to**

remain, an explanation needs to be included within the accompany explanatory text or within the text between paragraphs 11.1 and 11.10.

5.3.18 I am aware that the LPA Reg 16 submission has suggested alternative wording for the text of Policy H2 and the accompanying explanatory text. I note that the QB have not supported this proposed amendment. However, I consider that the majority of the LPA's proposals would suffice in addressing my concerns and would be an appropriate modification of the text of Policy H2, while still addressing the community's concern that local needs be met locally.

5.3.19 **I do not consider that the title of Policy H2 needs to be changed but I do advise that the text be redrafted as follows;**

To meet identified local needs within the Plan area, the provision of one of more small-scale community-led schemes will be supported where the following criteria are met:

- a) The site or sites adjoin the Settlement Boundary, and***
- b) The profile of the scheme, in terms of the number, type, size and scale of the dwellings proposed is justified by evidence of need from an up-to-date local housing needs survey, and***
- c) A planning obligation will be used to ensure that all housing is available in perpetuity for people with a qualifying local connection to the Plan area.***
- d) The development consists of affordable housing or is a mixed-tenure scheme where an element of open market housing is proven to be essential to delivery of the affordable element. The market housing must be the minimum necessary to support the viability of the whole scheme.***

5.3.20 While I note the LPA's proposed alternative explanatory text, I find this to be in a style which would not reflect that of the NP. However, I do consider that clarification of the extant 4th paragraph of the explanatory text (referring to a 'local connection') is required and advise that the 4th paragraph is replaced with the following;

'The Parish Council is concerned to prioritise any affordable housing for people with a connection to the Parish, as expressed in the Vision of the NP. This applies both on first letting or sale of a property and all subsequent lettings or re-sales, in perpetuity. Such occupancy will be controlled via a planning agreement. This will reflect the principles set out in Part S of the District Council's Development Requirements Supplementary Planning Document or any successor document.'

5.3.21 **Only further to the modifications expressed above, do I find Policy H2 compliant.**

5.4.0 ECONOMY

5.4.1 The objective of these five policies is clearly set out, albeit with little cross reference to the Vision.

POLICY E1 – PROTECTING AND SUPPORTING EXISTING EMPLOYMENT SITES

5.4.2 I find the nature and wording of this policy appropriate as it reflects the clear findings of the community consultation. However, my concern lies with (a) and the obligation to identify sites for employment use that will meet longer-term requirements over the Plan period. I consider this is overly onerous and conflicts with (b)

5.4.3 I advise that (a) be redrafted to reads as follows;

(a) There is a sufficient supply of sites within the Neighbourhood Area for a range of employment uses to meet existing needs.

5.4.4 Bullet (c) is unclear in its meaning or intention. If it means that use of the site in question would allow a local business to relocate, then this needs to be more explicit. Otherwise, (c) is ambiguous and should be deleted.

5.4.5 I concur with the representation made at Reg 16 stage with regard to (d) and note that the QB is content for it to be rewritten as;

(d) 'Any unacceptable environmental problems that are associated with the current use of the site will be alleviated by the proposal, where appropriate.'

5.4.6 **Only with these modifications, I find Policy E1 compliant.**

POLICY E2 – NEW EMPLOYMENT OPPORTUNITIES

5.4.7 This policy reflects aspiration indicated during the consultation process to create new employment beyond the settlement boundary.

5.4.8 As such the policy is acceptable with the exception of **(d) which is superfluous and simply guides any reader to have an account of national policy, which they would have to do anyway.**

5.4.9 **With the deletion of (d) I find Policy E2 compliant.**

POLICY E3 – LEISURE AND TOURISM

5.4.10 This policy appears very broad and at face value adds very little to the extant Core Strategic policies and the NPPF. However, I accept that given the extent of leisure facilities and the stance of the community indicated through the consultations process, the addition and or improvement of facilities is supported.

5.4.11 **To avoid confusion, I advise that the last sentence of the explanatory text is amended to read;**

'Proposals for the new leisure and tourism based facilities must respect Green Belt designation surrounding the settlement boundary.'

5.4.12 **With this modification, I find Policy E3 compliant.**

POLICY E4 – HIGH SPEED INTERNET ACCESS AND TELECOMMUNICATIONS

5.4.13 This policy addresses issues raised during the community consultation process and is well expressed. I note the potential for confusion with respect the enforceability of the policy in terms of permitted development and **hence I suggest that a minor modification, as follows;**

All new residential and commercial developments within the Neighbourhood Area, not exempt under permitted development rights, will be expected to include the necessary infrastructure to facilitate fibre optic connection.

5.4.14 **With this modification, I find Policy E4 compliant.**

E5 – HOMES BASED WORKING

5.4.15 This policy again reflects comments expressed through the consultation process. My concern is the approach taken with regard to existing dwellings. The use or adaptation of internal space of an existing property for home working does not generally require specific consent. Similarly, providing the dwelling is not subject to statutory listing or lies within a conservation area, or subject to an Article 4 directive, the use of a garden shed for personal work purposes does not require consent. Furthermore, the change of use of rural property for residential purposes with a minority element for personal work purposes is permitted, subject to environmental and highway considerations.

5.4.16 **Hence, I advise that the first sentence of the policy is modified to read;**

'The provision of space in new dwellings to support home working.....'

- 5.4.17 The explanatory text should remove the last sentence as it is in conflict with current permitted development rights and presents confusion to a reader. **I advise it reads as follows;**

'Mixed use schemes where an occupier can work and live within the same planning unit has the benefit of removing the necessity to travel to work and therefore such schemes are a relatively sustainable form of development.'

- 5.4.18 **With these modifications I find Policy E5 compliant.**

5.5.0 COMMUNITY

- 5.5.1 **There is clearly a very strong community spirit across the NP area, as reflected in the consultation process. The three policies within this section address a need to protect and enhance facilities Generally they are appropriate and the accompanying explanatory text helpful.**

POLICY C1 – PROTECTING AND ENHANCING EXISTING COMMUNITY ASSETS / FACILITIES

- 5.5.2 *The reference to Appendix 3 should be amended to read 'Appendix 1' in the first sentence. And for ease of reading, I suggest that the word 'facility' in the first sentence is moved to follow 'community'. Hence the opening sentence should read;*

'Proposals that would result in the loss of an existing community facility (as listed and described in Appendix 1) will not be supported unless any of the following factor apply;'

- 5.5.3 The last paragraph of the explanatory text is ambiguous and suggests a range of improvements. These read as a wish list and include elements that are covered by building regulations. **I advise that reference to electric charging points be deleted.**

- 5.5.4 **The phrase 'suggested by the community for the consideration of any developer and/or statutory provider' should be added to the first sentence of the last paragraph, as follows;**

' In addition to better facilities for the over 10s, other enhancements suggested by the community for the consideration of any developers and/or statutory provider, include.....'

- 5.5.5 **With these modifications I find Policy C1 compliant.**

POLICY C2 – DESIGNATED LOCAL GREEN SPACE

- 5.5.6 This policy designates several Local Green Spaces (LGS) and is supported by a series of assessments attached at Appendix 2. **This needs to be amended in the text of the policy.**
- 5.5.7 I have reviewed the approach taken by the QB and the assessments undertaken. I accept that there is a clear local feeling as to any potential loss of open space, specifically around the town of Henley in Arden. 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.
- 5.5.8 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.'*
- 5.5.9 Also of note is the need for;
- any allocation to complement the local planning of sustainable development,
 - LGS to not be an extensive tract of land,
 - landowners to be contacted at an early stage and for their stance to be considered,
 - avoidance of duplicating other designations.
- 5.5.10 I am content with most sites proposed as LGS. However, I have concern with Site 1. This concern is not related to its size but moreover the fact that it is already a Scheduled Ancient Monument. As such it is already afforded considerable protection from inappropriate development.
- 5.5.11 **I consider its additional designation as a LGS would be superfluous and unnecessary. Hence, I advise that it be deleted as a Designated Local Green Space.**
- 5.5.12 **With this modification, I find Policy C2 compliant.**

POLICY C3 – SPORTS AND LEISURE FACILITIES

- 5.5.13 This policy reflects the general principles of extant Core Strategies and the sentiment illustrated through the consultation process. I find the approach taken clear and unambiguous, **except for the wording of the last sentence of the explanatory text. I believe there may be a word missing and there is a need to make reference to Appendix 3, not 4.**
- 5.5.14 **Hence, with these points of clarification, I find Policy C3 compliant.**
-

5.6 NATURAL ENVIRONMENT

5.6.1 Particular emphasis is placed in this section on the protection and enhancement of the local landscape and the benefits of renewable energy.

POLICY N1 – RENEWABLE ENERGY

5.6.2 This policy needs to address the updated version of reference to the NPPF, as previously raised in this report. While I have concern over the addition this policy presents, over and above Core Strategy policy and the NPPF, I accept that its inclusion reflects the findings of the consultation process. It also presents emphasis for the use of renewable energy.

5.6.2 The explanatory text makes reference, at the second bullet point, to 'International Agreement'. **This is vague and should be fully referenced and dated.**

5.6.3 **With this minor modification, I find Policy N1 compliant.**

POLICY N2 – TREES AND HEDGEROWS

5.6.4 I acknowledge the approach of this policy reflects the findings of the consultation process. It is clear and the explanatory text helpful. I note that the QB is content to include amended text as proposed by the LPA at the Reg 16 stage of proceedings. I find the proposed amended text acceptable;

5.6.5 **Hence with the amended text, as suggested by the LPA, I find Policy N2 compliant.**

POLICY N3 – VALUED VIEWS

5.6.6 This policy again reflects the findings of the community consultations and highlights the rural nature of the NP area and the value of the landscape.

5.6.7 **The figure accompanying this policy should be titled Figure 4 – this appears to have been omitted. While the policy is clearly drafted, reference is made to Appendix 2. The policy needs to be amended to refer to Appendix 4, and not Appendix 2 as is currently the case.**

5.6.8 My concern lies with the lack of clear evidence to support the policy. Appendix 4 simply contains a duplication of the figure (4), but at a larger scale, indicating the views proposed for protection from the inappropriate impact of development, plus two short paragraphs of explanation and a series of photographs.

5.6.9 I note that a Landscape Sensitivity Assessment (LSA) was undertaken in 2011 and it appears that the QB has used this to inform the policy. **I consider that a link to the LSA is included within the explanatory text, or at Appendix 4.**

5.6.10 I note that the text of two of the 'valued views' refer to specific seasons. I have assumed that these have been taken from the descriptions of the photographs contained at Appendix 4. **I see no need to include the 'seasonal' reference, nor the visual references to land being in flood. I advise that;**

***'during the dry period in Summer'* should be omitted from (1)**

***'in Summer'* should be omitted from (2)**

***'with the flood plain in flood'* should be omitted from (3).**

5.6.11 **With these modifications, I find Policy N3 compliant.**

5.7 BUILT ENVIRONMENT

5.7.1 **The addition of a paragraph number for the introductory text to the section is odd and could be removed.**

POLICY B1 – DESIGN QUALITY

5.7.2 This policy appears to be a catch-all for issues highlighted in the introductory text to the housing section. I find the approach acceptable, and in any event is at the discretion of the QB, but have concerns as follows;

- the reference in (b) to 'high quality' should be supported by cross reference in the accompanying explanatory text to specific extant standards or guidelines. As written, the criteria are ambiguous.

- (d) is ambiguous in that it advises against the conversion of property in the conservation area from business use to residential use where this would cause 'significant harm to residential amenity' It is unclear which residential amenity is being referenced; the converted property or adjacent residential property. This text should be re-written to clarify this.

- (e) repeats other policies in the NP but I accept it can be included in Policy B1 for emphasis.

- (g) duplicates extant policy and hence is superfluous and can be deleted.

- to assist any user of the NP, (h) should be accompanied by a map clearly indicating the conservation area AND 'known areas of historic importance' or details of how

any user of the NP can obtain such information. If this cannot be addressed, then (h) should be deleted.

- (i) is unnecessary given (a) and can be deleted.

- (k) the reference to Building for Life 20121 (Bfl1.2) has a typographical error and should be corrected.

5.7.3 **With the above modification, I find Policy B1 compliant.**

POLICY B2 – REUSE OF RURAL BUILDINGS

5.7.4 I am concerned that this policy, and explanatory text, fails to acknowledge that conversion of rural buildings can take place as permitted development. While certain criteria need to be addressed in any such change of use, Policy B2 imposes additional constraints that are considered ultra vires.

5.7.5 For the avoidance of any confusion, I advise that the accompanying text makes reference to this. The reference to 'have regard to Green Belt policy' is superfluous and can be deleted. As such I consider Policy B2 be modified as follows;

'Where planning consent is required, the conversion of existing agricultural buildings to housing, business space or tourist accommodation will be supported where development respects local character, residential amenity and highway safety. Such development will be expected to enhance biodiversity.'

5.7.6 **With this modification, I find Policy B2 compliant.**

POLICY B3 – WATER MANAGEMENT

5.7.7 This policy addressed flood risk and drainage and is clear in its intent. I see no reason to include the word 'unacceptable' in the first paragraph of text under 'Drainage' as 'any' risk should not have support.

5.7.8 I advise, to avoid confusion, that the reference to 'village' in the second Drainage paragraph be replaced as follows;

Proposals to expedite the improvement and upgrade the existing drainage network across the Neighbourhood Plan area will be supported.

5.7.9 The typographical error in the last sentence of the accompanying explanatory text and the addition of '2' should be addressed.

5.7.10 **With these modifications, I find Policy B3 compliant.**

POLICY B4 - DESIGNATED HERITAGE ASSETS

5.7.11 This policy is clear and straight forward. However, the explanatory text refers to Figure 5 which is missing. **Figure 5 should either be inserted, or the reference removed.**

5.7.12 **With this modification, I find Policy B3 compliant.**

5.8 COMMUNITY ASPIRATIONS

5.8.1 **I have commented upon this section of the NP earlier. I do not consider it should sit within the main body of the NP but should be moved into the Appendices.**

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 Section 13. **I have noted above that this should be renumbered as Section 12 and extant Section 12 be moved to the Appendices.**

6.2 There is a clear indication that as and when the emerging Joint Local Plan is progressed and updated housing needs across the District are validated, the NP will be reviewed. 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 Beaudesert and Henley in Arden 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 Beaudesert and Henley in Arden 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 Beaudesert and Henley in Arden Neighbourhood Plan is generally a well-written document, albeit requiring some modifications to proposed policies. I have noted earlier that there is a need to add Figure 5 (or remove its reference) and name Figure 4. Section 12 should be repositioned in the Appendices and hence Section 13 be renumbered as 12.
- 8.2 I have also commented earlier on the more recent edition of the NPPF. I consider that clarity as to which version of the NPPF has been used by the QB needs to be presented, and consistency to its reference should be adopted. The QB is advised to re-issue the Statement of Basic Conditions with reference to the most up to date version of the NPPF and amend any erroneous references to specific NPPF paragraphs. I consider this would be the most professional approach to take.
- 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 reinforces the key issues of importance to the local community and consider that these policies can remain as they are accompanied by appropriate supporting text and a relevant evidence base exists. 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 supported by appropriate evidence. This is not always quoted in the submission version of the NP, but I have been presented with this evidence and am content that it lies within the public realm.
- 8.6 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.
- 8.7 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.
- 8.8 I do not have any concerns over the defined Plan Area nor with that area forming the basis for any Referendum.

8.9 **Hence, I recommend that further to the proposed modifications, the Beaudesert and Henley in Arden Neighbourhood Plan should proceed to a Referendum forthwith.**

Louise Brooke-Smith, OBE, FRICS, MRTPI

February 2024

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 / Sept 2023 and Dec 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 Beaudesert and Henley in Arden Neighbourhood Plan and Reg 14 submissions
- Submission Version (2.3) of the Beaudesert and Henley in Arden Neighbourhood Plan and Reg 16 submissions
- Documents identified in the Beaudesert and Henley in Arden 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

- Beaudesert and Henley in Arden Neighbourhood Plan; NP
- The Plan / The Neighbourhood Plan; NP
- Beaudesert and Henley in Arden Joint 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