



## **DECISION STATEMENT**

### **NEIGHBOURHOOD PLAN PROCEEDING TO REFERENDUM**

#### **1. Beaudesert and Henley-in-Arden Neighbourhood Development Plan**

- 1.1 I confirm that the Beaudesert and Henley-in-Arden Neighbourhood Development Plan (BHNDP), as revised according to the modifications set out below, complies with the legal requirements and Basic Conditions set out in the Localism Act 2011, and with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Plan can therefore proceed to referendum. It is anticipated that a referendum could be held in May 2024.
- 1.2 I also declare that I have no personal or prejudicial interest in respect of this decision.

Signed

A handwritten signature in black ink that reads "JCP Careford".

John Careford,  
Head of Development

#### **1. Background**

- 2.1 The District Council confirms that for the purposes of Regulation 5 (1) of The Regulations Beaudesert and Henley-in-Arden Joint Parish Council is the "Qualifying Body" for their area.
- 2.2 In March 2014, Beaudesert and Henley-in-Arden Joint Parish Council requested that, in accordance with section 5(1) of the Neighbourhood Planning (General) Regulations 2012 ("The Regulations"), the Parishes of Beaudesert and Henley-in-Arden be designated as a Neighbourhood Area, for which a Neighbourhood Development Plan will be prepared.
- 2.3 In accordance with Regulation 6 of the Regulations, Stratford-on-Avon District Council placed on their website this application, including a Parish boundary map, for a 6 week period between 22 May 2014 and 4 July 2014. In addition, it publicised the application by issuing a press release.

Similarly, the relevant application, together with details of where representations could be sent, and by what date, was advertised within the appropriate Parishes via the Joint Parish Council.

- 2.4 The District Council designated the Beaudesert and Henley-in-Arden Neighbourhood Area by way of approval of The Cabinet on 9 September 2014.
- 2.5 In accordance with Regulation 7 of The Regulations, the decision to designate the Beaudesert and Henley-in-Arden Neighbourhood Area was advertised on the District Council website together with the name, area covered and map of the area.
- 2.6 The Joint Parish Council consulted on a pre-submission version of their draft Neighbourhood Development Plan between 23 January and 13 March 2019 fulfilling the obligations set out in Regulation 14 of The Regulations. The plan was subsequently resubmitted by the Parish Council for a further six-week pre-submission re-consultation on their draft NDP on 16 July 2020.
- 2.7 The Joint Parish Council submitted their Neighbourhood Development Plan to Stratford-on-Avon District Council in July 2023 in accordance with Regulation 15 of The Regulations.
- 2.8 The District Council publicised the submitted Plan and its supporting documents for 6 weeks between 12 October and 24 November 2023, in accordance with Regulation 16 of The Regulations.
- 2.9 Dr Louise Brooke-Smith was appointed by the District Council to independently examine the Plan in November 2023, and the Examination took place between December 2023 and February 2024, with the final Examiner's report being issued on 14 February 2024.
- 2.10 The Examiner concluded he was satisfied that the Beaudesert and Henley-in-Arden Neighbourhood Development Plan was capable of meeting the legal requirements set out in the Localism Act 2011, including meeting the Basic Conditions, subject to the modifications set out in her report, as set out in the table below.
- 2.11 Schedule 4B s.12 to the Town and Country Planning Act 1990, as inserted by the Localism Act 2011, requires that a Local Authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each recommendation. If the Local Authority is satisfied that, subject to the modifications made, the draft Neighbourhood Development Plan meets the legal requirements and Basic Conditions as set out in legislation, a referendum must be held on the 'making' (adoption) of the Plan by the Local Authority. If the Local Authority is not satisfied that the plan meets the basic conditions and legal requirements then it must refuse the proposal. Should a referendum take place, a majority of residents who turn out to vote must vote in favour of the Neighbourhood Plan (50% plus one vote) before it can be 'made'.
- 2.12 The Basic Conditions are:
  1. Have regard to national policy and guidance issued by the Secretary of State.
  2. Contribute to the achievement of sustainable development.

3. Be in general conformity with the strategic policies contained in the development plan for the area of the Authority (or any part of that area).
4. Does not breach, but is otherwise compatible with EU obligations – this includes the SEA Directive of 2001/42/EC and Human Rights requirements.

2.13 In a small number of instances, some additional modifications to the Plan are also proposed by the District Council for reasons of clarity or accuracy. These are detailed within Table 1 (p.4) below, in conjunction with the policies to which they apply. These modifications are not considered to require a further Regulation 17A consultation under the conditions set out by paragraph 13(1) of Schedule 4B to the Town and Country Planning Act 1990.

**Examiner's Recommendations and Local Authority's Response (Regulation 18(1))**

Examiner's Recommendation (incl. page number in the report)	Section in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
Recommendation 1, Pg 8			
<p><b>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.</b></p> <p><b>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.</b></p> <p><b>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.</b></p>	Throughout	<p><i>Modification Agreed</i></p> <p>To meet Basic Condition 1</p>	NPPF references updated to 2023 version throughout NDP and Basic Conditions Statement.
Recommendation 2, Pg 14			
<p><b>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.</b></p>	Throughout	<p><i>Modification Agreed</i></p> <p>For clarity and accuracy</p>	References to Stratford upon Avon updated to Stratford-on-Avon throughout document, where relevant.
Recommendation 3, Pg 15			
<p><b>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.</b></p>	Basic Conditions Statement	<p><i>Modification Agreed</i></p> <p>To meet Basic Condition 1</p>	Basic Conditions Statement updated to include reference to screening out of Habitats Regulation Assessment.

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Recommendation 4, Pg 16			
<b>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.</b>	Figure 2	<i>Modification Agreed</i>  For clarity and accuracy	New Figure added to NDP showing Green Belt and Special Landscape Area Designation at Figure 2.
Recommendation 5, Pg 16			
<b>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.</b>	Section 9	<i>Modification Agreed</i>  To meet Basic Condition 1 and for clarity and accuracy	Reference to NPPF updated to 2023 version.
Recommendation 6, Pg 16			
<b>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.</b>	Section 10	<i>Modification Agreed</i>  For clarity and accuracy	Paragraph 10.2 amended to delete the following: <del>"Land aspirations, whilst not being formal policies, will provide assistance for the purposes of interpreting policies set out in this NDP"</del>
Recommendation 7, Pg 17			
<b>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.</b>	Section 10	<i>Modification Agreed</i>  For clarity and accuracy	Amend beginning of paragraph 10.8.1: <del>"Biodiversity and Ecology"</del>
Recommendation 8, Pg 17			
<b>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.</b>	Section 12	<i>Modification Agreed</i>  For clarity and accuracy	Move Community Aspirations to new Appendix 6.  Renummer 'Review' section as Section 12

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<p>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.</p> <p>-</p> <p>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.</p>			
Recommendation 9, Pg 19			
<p>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.</p>	Policy H1	<p><i>Modification Agreed</i></p> <p>For clarity and accuracy</p>	Add in reference to new Figure 2 to criterion 2. of Policy H1.
Recommendation 10, Pg 20			
<p>Paragraph 11.9 does not flow, perhaps because of the omission of the word 'guidance'? This should be clarified and addressed by the QB.</p>	Section 11	<p><i>Modification Agreed</i></p> <p>For clarity and accuracy</p>	Amend paragraph 11.9: "Applicants or developers proposing new homes must show how they have responded to the guidance provided through SDC Developments requirements Supplementary <u>planning guidance</u> "
Recommendation 11, Pg 20			
<p>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.</p>	Section 11	<p><i>Modification Agreed</i></p> <p>For clarity and accuracy</p>	Add link to guidance in para 11.10.
Recommendation 12, Pg 20			
<p>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</p>	Figure 2	<p><i>Modification Agreed</i></p> <p>For clarity and accuracy</p>	Enlarge Figure 2 (now renumbered as Figure 3)

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Recommendation 13, Pg 20			
<p>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).</p> <p>(1) refers to Figure 2 which is found on page 15, not 16. This should be amended.</p> <p>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</p>	Policy H1	<p><i>Modification Agreed</i></p> <p>To meet Basic Conditions 1 and 3</p>	<p>Amend Policy H1 as follows:</p> <ol style="list-style-type: none"> <li>1. The built up area boundary of Henley is defined by the Settlement Boundary as shown in Figure <del>32</del> on Page 16. New housing development within the Settlement Boundary will be supported in principle.</li> <li>2. All areas outside of the Settlement Boundary are classed as Green Belt and countryside. New housing in the Green Belt and countryside will be strictly controlled and resisted in favour of development within the existing Settlement Boundary.</li> <li>3. <b><u>New housing developments should be restricted to small-scale development in keeping with the character of the Joint Parish.</u></b></li> </ol> <p>Add text to explanation:  <b><u>"The built-up area boundary reflects that within the adopted Core Strategy and the emerging Site Allocations Plan (2022)"</u></b></p>
Recommendation 14, Pg 21			
<p>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.</p> <p>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:</p> <ol style="list-style-type: none"> <li>a) The site or sites adjoin the Settlement Boundary, and</li> <li>b) The profile of the scheme, in terms of the number, type, size and scale of the dwellings proposed is</li> </ol>	Policy H2	<p><i>Modification Agreed</i></p> <p>To meet Basic Condition 3</p>	<p>Amend Policy H2 as follows:</p> <p><b><u>"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:</u></b></p> <ol style="list-style-type: none"> <li>a) <b><u>The site or sites adjoin the Settlement Boundary, and</u></b></li> <li>b) <b><u>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</u></b></li> <li>c) <b><u>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.</u></b></li> <li>d) <b><u>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."</u></b></li> </ol> <p><del>To meet identified needs within the community, the provision of high quality affordable housing through a rural exception site will be supported where the following criteria are met:</del></p>

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<p>justified by evidence of need from an up-to-date local housing needs survey, and</p> <p>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.</p> <p>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.</p> <p>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.'</p>			<p>a) The site adjoins the Settlement Boundary;</p> <p>b) The type and scale of affordable housing is justified by evidence of need from a local housing needs survey;</p> <p>c) Planning obligations will be used to ensure that the market and affordable housing is available in perpetuity for people with a local connection to the Plan area; and d) The development consists entirely of affordable housing or is for a mixed tenure scheme where an element of market housing is essential to the delivery of the affordable housing. The market housing must be the minimum necessary to make the scheme viable and be of a type and size that will meet a specific locally identified housing need for low cost market housing. First Homes and self build proposals will be welcomed.</p> <p>Replace fourth paragraph of Explanation as follows:  '<u>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.</u></p> <p>Add new paragraph to Explanation:  '<u>First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes. Specifically, First Homes are discounted market sale units which:</u>  a) <u>must be discounted by a minimum of 30% against the market value;</u>  b) <u>are sold to a person or persons meeting the First Homes eligibility criteria;</u>  c) <u>on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,</u>  d) <u>after the discount has been applied, the first sale must be at a price no higher than £250,000</u>  <u>More details are available here: <a href="https://www.gov.uk/guidance/first-homes#first-homes-definition-and-eligibility-requirements">https://www.gov.uk/guidance/first-homes#first-homes-definition-and-eligibility-requirements</a></u>'</p>
Recommendation 15, Pg 23			
<p>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.  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</p>	Policy E1	<p><i>Modification Agreed</i></p> <p>For clarity and accuracy and to meet Basic Condition 3</p>	<p>Redraft Policy E1 as follows:  "Proposals resulting in the loss of land or premises identified for, or currently in, employment use will only be supported providing all of the following criteria are met:  a) There is a sufficient supply of sites within the Neighbourhood Area for a range of employment uses to meet <b>existing needs</b> <del>both immediate and longer term requirements over the Plan period;</del>  b) The applicant can demonstrate, through the submission of a minimum 6 month marketing exercise, that the site/premises is no longer viable;</p>



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<p>deleted. 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.'</p>			<p>c) <del>Re-</del>Development of the site for other appropriate uses will facilitate the relocation of an existing business <u>on the site</u> to a more suitable site; and d) <u>Any</u> Unacceptable environmental problems <u>that</u> are associated with the current use of the site <u>will be alleviated by the proposal, where appropriate</u> <del>and the proposal will, where possible, alleviate them.</del></p> <p>Extensions to existing commercial buildings in the Neighbourhood Area will be supported providing there is no conflict with other policies in this Plan."</p>
Recommendation 16, Pg 23			
<p>With the deletion of (d) I find Policy E2 compliant.</p>	Policy E2	<p><i>Modification Agreed</i></p> <p>For clarity and accuracy</p>	<p>Delete criterion d) from Policy E2: <del>"d. Do not conflict with national policy."</del></p>
Recommendation 17, Pg 24			
<p>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.'</p>	Policy E3	<p><i>Modification Agreed</i></p> <p>For clarity and accuracy</p>	<p>Amend last sentence of explanation: "Proposals for new leisure and tourism-based facilities must respect the Green Belt designation surrounding the <u>settlement boundary</u> <del>Neighbourhood Area.</del>"</p>
Recommendation 18, Pg 24			
<p>I suggest 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."</p>	Policy E4	<p><i>Modification Agreed</i></p> <p>To meet Basic Condition 1</p>	<p>Amend first paragraph of policy as follows: "All new residential and commercial developments within the Neighbourhood Area, <u>not exempt under permitted development rights</u>, will be expected to include the necessary infrastructure to facilitate fibre optic connection"</p>
Recommendation 19, Pg 24			
<p>I advise that the first sentence of the policy is modified to read; 'The provision of space in new dwellings to support home working.....'</p> <p>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</p>	Policy E5	<p><i>Modification Agreed</i></p> <p>For clarity and accuracy and to meet Basic Condition 1</p>	<p>Modify first paragraph of Policy E5 as follows: "The provision of space in new <del>and existing</del> dwellings to support home working, such as flexible space capable of use as, or adaptability to, a home office, is supported where"</p> <p>Modify last sentence of Explanation 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 <del>that would otherwise not be supported in rural locations.</del></p>

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<p>removing the necessity to travel to work and therefore such schemes are a relatively sustainable form of development.'</p>			
<p>Recommendation 20, Pg 25</p>			
<p><b>The reference to Appendix 3 should be amended to read 'Appendix 1' in the first sentence.</b> 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;  <b>'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;'</b></p> <p>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. <b>I advise that reference to electric charging points be deleted.</b></p> <p>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;</p> <p><b>' 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.....'</b></p>	<p>Policy C1</p>	<p><i>Modification Agreed</i></p> <p>To accord with Basic Condition 1 and for clarity and accuracy</p>	<p>Amend Policy wording as follows:  "Proposals that would result in the loss of an existing community <b>facility</b> (as listed and described in Appendix <del>1</del> 3) facility will not be supported unless any of the following factors apply"</p> <p>Amend Explanation as follows:  "<b>In addition to better facilities for the over-10s, other enhancements <u>suggested by the community for the consideration of any developers and/or statutory provider</u>, include extensions to existing car parks; prioritising the design of new streets around pedestrians and cyclists; future-proofing new development around sustainable movement, for example, <del>requiring all new homes and business premises to provide electric vehicle charging points,</del> encouraging the use of ground source heat pumps; encouraging major development to enhance the scope for public transport/public transport connections; supporting recreational, leisure, educational, fitness and nature-based opportunities at the Mount and supporting development that provides for community events."</b></p>
<p>Recommendation 21, Pg 26</p>			
<p><b>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.</b></p> <p><b>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.</b></p>	<p>Policy C2</p>	<p><i>Modification Agreed</i></p> <p>To accord with Basic Condition 1 and for clarity and accuracy</p>	<p>Amend reference from Appendix 1 to Appendix 2 within policy wording.</p> <p>Remove Site 1 from Policy and renumber remaining LGS sites accordingly in Policy and Appendix 2.</p>

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<p>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.</p>			
<p>Recommendation 22, Pg 26</p>			
<p>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 the need to make reference to Appendix 3, not 4.</p>	<p>Policy C3</p>	<p><i>Modification Agreed</i></p> <p>For clarity and accuracy</p>	<p>Amend Policy wording as follows:            “The improvement of existing community sports and leisure facilities at the Memorial Sports Ground and the development of new community sports and leisure facilities in the Neighbourhood Area is supported.</p> <p>The loss of community sports and leisure facilities will not be supported unless replaced by equivalent or better facilities in an equally or more accessible location (see Appendix <u>3 4</u>).”</p> <p>Amend last sentence of explanatory text:            “Failing alternative, appropriate replacement facilities of no lesser quality than those being replaced <b><u>will be supported.</u></b>”</p>
<p>Recommendation 23, Pg 27</p>			
<p>The explanatory text references at the second bullet point ‘International Agreement’. This is vague and should be fully referenced and dated.</p>	<p>Policy N1</p>	<p><i>Modification Agreed</i></p> <p>For clarity and accuracy</p>	<p>Amend Explanation as follows:            “<del>International</del> <b><u>Paris climate</u></b> agreement <b><u>2015</u></b> - To hold the increase in global average temperature below 2°C above pre-industrial levels”</p>
<p>Recommendation 24, Pg 27</p>			
<p>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;</p> <p>““All new development will be encouraged to protect all trees and hedges where appropriate, as per BS 5837: 2012 Trees in relation to design, demolition and construction or as subsequently revised or replaced. Where this is not appropriate, new trees and hedges should be planted to replace those lost. Most new developments should incorporate appropriate new tree and hedge planting</p>	<p>Policy N2</p>	<p><i>Modification Agreed</i></p> <p>For clarity and accuracy</p>	<p>Amend Policy wording as follows:  <del>“Development proposals that impact on green infrastructure, including trees, hedgerows and woodland, should demonstrate how they will protect and enhance biodiversity. The creation of new habitats, for example the planting of orchards, will be supported.</del>  <b><u>All new development will be encouraged to protect all trees and hedges where appropriate, as per BS5837: 2012 Trees in relation to design, demolition and construction or as subsequently revised or replaced. Where this is not appropriate, new trees and hedges should be planted to replace those lost. Most new developments should incorporate appropriate new tree and hedge planting of a suitable size and species in their plans. The new hedge or shrub planting should be implemented as per the recommendations in BS 4428:1989 Code of practice for general landscape operations and any new tree planting should be carried out in accordance with BS 8545:2014 Trees from nursery to independence in the landscape or as subsequently revised or replaced. Relevant new development proposals will be expected to demonstrate that they have,</u></b></p>

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<p>of a suitable size and species in their plans. The new hedge or shrub planting should be implemented as per the recommendations in BS 4428:1989 Code of practice for general landscape operations and any new tree planting should be carried out in accordance with BS 8545:2014 Trees from nursery to independence in the landscape or as subsequently revised or replaced.</p> <p>Relevant new development proposals will be expected to demonstrate that they have, where possible, had regard to appropriate sustainable landscaping, in order to avoid later retrofitting of poor quality or token landscape design”.</p>			<p><u>where possible, had regard to appropriate sustainable landscaping, in order to avoid later retrofitting of poor quality or token landscape design.</u></p>
<p>Recommendation 25, Pg 27</p>			
<p>The figure accompanying this policy should be titled <b>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.</b></p> <p>I note that a <b>Landscape Sensitivity Assessment (LSA)</b> 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.</p> <p>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).</p>	<p>Policy N3</p>	<p><i>Modification Agreed</i></p> <p>For clarity and accuracy</p>	<p>Retitle Figure accordingly.</p> <p>Amend policy to refer to Appendix 4, not Appendix 2.</p> <p>Include reference to LSA in Explanation.</p> <p>Amend Policy wording as follows:  “1. Area of River Alne Flood Plains viewed from William James Way looking North East <del>during dry period in Summer.</del>  2. Flood Plain Area <del>in Summer</del> looking South East from William James Way towards the Mount  3. Looking South East from William James Way towards the Mount <del>with the Flood Plain in flood.</del>  4. The Mount summit Looking North West over North Henley  5. The Mount summit Looking North over the Tree Plantation  6. View down to the Southern Entrance in Beaudesert Ln. along the Heart of England &amp; Millennium Way with May’s wood on horizon.”</p>
<p>Recommendation 26, Pg 28</p>			
<p>- The reference in (b) to ‘high quality’ should be supported by cross reference in the accompanying explanatory text to specific extant standards or</p>	<p>Policy B1</p>	<p><i>Modification Partially Agreed</i></p>	<p>Amend Policy wording as follows:  “Where appropriate, all new development within the Neighbourhood Area will be expected to:</p>

Examiner's Recommendation (incl. page number in the report)	Section in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p>guidelines. As written, the criteria are ambiguous.</p> <ul style="list-style-type: none"> <li>- (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.</li> <li>- (e) repeats other policies in the NP but I accept it can be included in Policy B1 for emphasis.</li> <li>- (g) duplicates extant policy and hence is superfluous and can be deleted.</li> <li>- 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.</li> <li>- (i) is unnecessary given (a) and can be deleted</li> <li>- (k) the reference to Building for Life 20121 (Bfl1.2) has a typographical error and should be corrected.</li> </ul>		<p>It is agreed that the majority of modifications are necessary in order to meet Basic Conditions 1 and 3 and for clarity and accuracy.</p> <p>However, regarding the proposed modification relating to criterion b), this criterion refers to 'high standard of energy efficiency' and it is considered that sufficient guidance on this is provided within Part V of the SDC Development Requirements SPD.</p>	<ul style="list-style-type: none"> <li>a) be compatible with the distinctive and varied character of the area, respecting the local settlement pattern and building styles, lines and materials with both hard and soft landscaping and measures to encourage biodiversity;</li> <li>b) Incorporate a high standard of energy efficiency in the design and build of the proposed dwellings and where practical be carbon neutral;</li> <li>c) conserve and enhance heritage assets and their settings including listed buildings and the designated conservation area;</li> <li>d) avoid the conversion of business premises in the Conservation Area into residential dwellings where this would cause significant harm to residential amenity <b>of either the converted property or neighbouring dwellings;</b></li> <li>e) protect, and enhance landscape and biodiversity by incorporating native landscaping consistent with the local character of the Special Landscape Area;</li> <li>f) ensure adequate provision is made within developments so that waste and recycling bins are not in public view;</li> <li><del>g) provide for suitable and safe off road parking in line with part 0 of SDCs Development Requirements SPD.</del></li> <li>h) where appropriate, be preceded by an archaeological survey where development is within or adjacent to the conservation area <del>or other known areas of historical importance;</del></li> <li><del>i) be in keeping with the character and style of existing buildings in the immediate vicinity;</del></li> <li>j) be designed to complement or enhance the historic character by adhering to high quality design principles as set out in the District Council's Development Requirements Supplementary Planning Document or its successor document, including provision for emergency services infrastructure where necessary; and</li> <li>k) demonstrate evaluation against Building for Life 20121 (<b>Bfl 1.2</b>) whereby all criteria achieving a 'Green' score will be supported. Developments which include a 'Red' score against any criterion should be avoided through re-design."</li> </ul> <p>Insert new Figure 6 to show the Conservation Area.</p>
Recommendation 27, Pg 29			
Consider Policy B2 be modified as follows; 'Where planning consent is required, the conversion of existing agricultural buildings to housing, business	Policy B2	<i>Modification Agreed</i>	Amend policy wording as follows: <b>"Where planning consent is required,</b> the conversion of existing agricultural buildings of architectural merit to housing, business space or tourist accommodation will be

Examiner's Recommendation (incl. page number in the report)	Section in submission draft NDP	SDC Decision and reason	New text or amendment to original text, as applicable – as shown in Referendum version NDP
<p><b>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.'</b></p>		<p>To meet Basic Condition 1 and for clarity and accuracy</p>	<p>supported where development respects local character, residential amenity and highway safety. Such development will be expected to enhance biodiversity and have regard for <del>Green Belt policy.</del>"</p>
<p>Recommendation 28, Pg 29</p>			
<p>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.</p> <p>I advise, to avoid confusion, that the reference to 'village' in the second Drainage paragraph be replaced as follows;</p> <p><b>"Proposals to expedite the improvement and upgrade the existing drainage network across the Neighbourhood Plan area will be supported."</b></p> <p><b>The typographical error in the last sentence of the accompanying explanatory text and the addition of '2' should be addressed.</b></p>	<p>Policy B3</p>	<p><i>Modification Agreed</i></p> <p>For clarity and accuracy</p>	<p>Amend policy wording under 'Drainage' as follows:          "All proposals for new residential dwellings or new commercial buildings must demonstrate that there are or will be adequate water supply and water treatment facilities in place to serve the whole development. Proposals that would result in an unacceptable risk to the quality and or quantity of a water body or water bodies will not be supported.</p> <p>Proposals to expedite the improvement and upgrade the existing drainage network <del>in the village</del> <b>across the Neighbourhood Area</b> will be supported. All developments will be expected to demonstrate that there are suitable and satisfactory arrangements in place to deal with foul water."</p> <p>Correct typos in Explanation.</p>
<p>Recommendation 29, Pg 30</p>			
<p><b>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.</b></p>	<p>Policy B4</p>	<p><i>Modification Agreed</i></p> <p>For clarity and accuracy</p>	<p>Insert reference to Figure 5 in policy wording.</p>

**Assessment of the Neighbourhood Plan as a whole, against the three dimensions of sustainable development, as set out in the National Planning Policy Framework (NPPF):**

<b>Sustainable Development Role (NPPF)</b>	<b>Neighbourhood Development Plan's Contribution</b>
Economic	<p>The Neighbourhood Plan seeks to support the local economy through supporting the expansion of existing business premises and local tourism and leisure uses within the neighbourhood area.</p> <p>If implemented these policies will have a positive impact on the local economy, safeguarding jobs and local services.</p>
Social	<p>The Neighbourhood Plan sets a framework that will help to support the achievement of sustainable social development.</p> <p>The Plan promotes the retention and improvement of local community facilities and services.</p> <p>The Plan looks to safeguard Local Green Spaces.</p> <p>Policies seek to promote the local distinctiveness of the area, and conserve and enhance heritage assets.</p>
Environmental	<p>The Neighbourhood Plan includes a number of policies that support environmental sustainability for the community.</p> <p>The Plan has policies that look to protect heritage assets, natural features, valued landscapes as well as designate areas of Local Green Space.</p> <p>The NDP includes policies to protect the natural environment for future generations which have a positive impact on the environmental sustainability of the plan.</p>

3.1 The District Council concurs with the view of the Examiner that:

- Subject to the modifications above, the Beaudesert and Henley-in-Arden Neighbourhood Plan meets the Basic Conditions set out in paragraph 2.12 above; and
- The referendum area should be coterminous with the neighbourhood area.

#### **4. Availability of Decision Statement and Examiner's Report (Regulation 18(2))**

This Decision Statement and the Examiners Report can be inspected online at:

[https://www.stratford.gov.uk/planning-building/Beaudesert and Henley-in-Arden-neighbourhood-plan.cfm](https://www.stratford.gov.uk/planning-building/Beaudesert%20and%20Henley-in-Arden-neighbourhood-plan.cfm)

And can be viewed in paper form at:

Stratford-on-Avon District Council  
Elizabeth House  
Church Street  
Stratford-upon-Avon  
CV37 6HX