

Stratford on Avon District Council

Harbury and Deppers Bridge Neighbourhood Development Plan 2017 - 2031

Independent Examiner's Report

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30 July 2018

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Summary

I have been appointed as the independent examiner of the Harbury and Deppers Bridge Neighbourhood Development Plan.

The Parish contains the village of Harbury and the hamlet of Deppers Bridge some 5 miles south east of Leamington Spa. Harbury is identified in the Core Strategy as a Local Service Village. The Plan contains 19 policies that range from defining a settlement boundary for Harbury village together with Local Green Spaces to supporting the promotion of employment uses. The well written and presented Plan builds on earlier work in a Village Design Statement and Parish Plan and makes use of other important initiatives in the Parish. It adds a layer of local context and detail to District-level policies that would be impossible for District-wide policies to do.

Whilst the Plan does not allocate any sites for housing, it provides a balance between supporting limited growth and seeking to protect and enhance its natural and built environmental attributes.

I have recommended modifications which, by and large, are to help ensure that the Plan is a workable document that provides a practical framework for decision making.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Stratford on Avon District Council that the Harbury and Deppers Bridge Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Ann Skippers Planning
30 July 2018



1.0 Introduction

This is the report of the independent examiner into the Harbury and Deppers Bridge Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Stratford on Avon District Council (SDC) with the agreement of the Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over twenty-five years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions¹ are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and is:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site² or a European offshore marine site³ either alone or in combination with other plans or projects.

The examiner is also required to check⁴ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁵

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Stratford on Avon District Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

² As defined in the Conservation of Habitats and Species Regulations 2012

³ As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁴ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

⁵ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

3.0 Neighbourhood plan preparation

A Consultation Statement has been submitted.

A useful timeline is included that summarises the main stages of work on the Plan. From this it is very clear that extensive work has been carried out on the Plan since October 2013. As well as questionnaires, a number of open afternoons and meetings with key stakeholders including societies, schools and developers have been held.

The questionnaire in October 2013 to all households in the Plan area generated a response of some 25%. The subsequent Open Afternoon was well publicised and over 100 people attended. A Youth Questionnaire was also generated for students at Southam College and one for Primary School children.

A dedicated website was established.

Meetings with providers of services and facilities in the village took place.

A second Open Afternoon was held in May 2015 and widely publicised using a variety of methods including letters to businesses and groups, telephone calls to stakeholders, the Harbury and Ladbroke Magazine, posters, postcards, a Facebook page and the website. The St Francis Group and Gladman Developments and The Price Family Trust and other individuals and organisations had stalls and provided information. After this event, a draft Plan was produced and views canvassed on its general direction of travel.

Meetings were held with a variety of stakeholders including SDC, landowners, the development industry and other organisations and people as well as businesses in the Parish.

Pre-submission (Regulation 14) consultation was held between 1 August – 23 September 2016. Following this, the Parish Council decided to revise the Plan and to run a second period of Regulation 14 consultation. This second period ran between 6 February – 20 March 2017.

The Consultation Statement details the responses from the two Regulation 14 periods of consultation.

I consider there has been satisfactory engagement with the community and other bodies throughout the process.

Submission (Regulation 16) consultation was carried out between 11 January – 22 February 2018.

The Regulation 16 stage attracted 15 representations from different people or organisations. I have taken all the representations received into account.

4.0 The examination process

I have set out my remit earlier in this report. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁶ PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷ Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

Some representations offer useful suggestions which the Parish Council may wish to consider when the Plan is reviewed.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

PPG⁸ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.⁹ After consideration of all the documentation and representations I decided that it was not necessary to hold a hearing.

I sought clarification on a number of matters from the Parish Council and SDC in writing and my list of questions is attached to this report as Appendix 2.

I am very grateful to both Councils who have provided me with comprehensive answers to my questions. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

Additionally, NPIERS, the Neighbourhood Planning Independent Examiner Referral Service, has published guidance to service users and examiners.

Amongst other matters, the guidance indicates that the qualifying body, in this case, Harbury Parish Council, will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for the Parish Council to make any comments; it is only if they wish to do so. If a qualifying body wishes to make comments, the guidance indicates that any such comments should be made within two weeks after close of the Regulation 16 stage.

⁶ PPG para 055 ref id 41-055-20180222

⁷ *Ibid*

⁸ *Ibid* para 056 ref id 41-056-20180222

⁹ *Ibid*

I therefore wrote to ask whether the Parish Council wished to make any comments on any or all of the representations received at Regulation 16 stage and asked for any comments by 27 April 2018. The Parish Council have confirmed they do not wish to comment on any of the representations.

I am very grateful to SDC for ensuring that the examination has run smoothly.

I made an unaccompanied site visit to the neighbourhood plan area on 16 May 2018.

5.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

Qualifying body

Harbury Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

Plan area

The Plan area was approved by SDC on 8 September 2014. The Plan area is coterminous with the Parish administrative boundary. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with the necessary requirements. The Plan area is shown on page 6 of the Plan.

Plan period

The Plan covers the period 2017– 2031. This is clearly stated on the Plan’s front cover. However, page 9 of the Plan indicates the Plan period is 2011 – 2031 to align with SDC level plans. The Basic Conditions Statement indicates the Plan period is from the Plan being made, indicated as 2016, to 2031, but the period is confirmed as 2017 – 2031 as well. In response to a query on this, it has been confirmed that the Plan period is 2017 – 2031.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community’s priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this

category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹⁰ Subject to any such recommendations, this requirement can be satisfactorily met.

6.0 The basic conditions

Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. On 24 July 2018, a revised NPPF was published. Paragraph 214 in Annex 1 of that document explains that:

“The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.”

Footnote 69 explains that for neighbourhood plans “submission” means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

It is therefore clear that it is the previous NPPF published in 2012 that is relevant to this particular examination. Any references to the NPPF in this report refer to the NPPF published in 2012.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.¹¹

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.¹²

¹⁰ PPG para 004 ref id 41-004-20170728

¹¹ NPPF paras 14, 16

¹² *Ibid* para 184

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.¹³

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at planningguidance.communities.gov.uk which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous¹⁴ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.¹⁵

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁶ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.¹⁷

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance through a simple table and commentary on how the Plan's policies align with the NPPF's core planning principles.

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole¹⁸ constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.¹⁹

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains a section that explains how the Plan aligns with each of the three components of sustainable development outlined in the NPPF in Table 2.

¹³ NPPF para 17

¹⁴ PPG para 041 ref id 41-041-20140306

¹⁵ *Ibid*

¹⁶ *Ibid* para 040 ref id 41-040-20160211

¹⁷ *Ibid*

¹⁸ NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

¹⁹ *Ibid* para 7

General conformity with the strategic policies in the development plan

The development plan relevant to this examination is the Stratford-on-Avon District Core Strategy 2011 to 2031 (CS) adopted on 11 July 2016.

The Basic Conditions Statement has a table that sets out all of the Plan policies and discusses them with regard to the most relevant CS policies. This has provided a very useful context for my own consideration of this basic condition and is comprehensive in its coverage and commentary.

Emerging plans at SDC level of relevance to this examination

In addition I note that SDC is currently preparing a Site Allocations Plan (SAP) which focuses on the identification of reserve sites in accordance with Policy CS.16 of the CS and covers a number of other issues including the definition of built-up area boundaries. Consultation on the SAP Revising Scoping and Initial Options ended on 9 March 2018.

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

Strategic Environmental Assessment

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.

A Screening Document dated February 2017 has been submitted. This updates an earlier screening opinion of October 2016 that the Plan is unlikely to have significant effects. The SEA screening was reviewed because a revised settlement boundary was included in the Plan. The revised Screening Document concluded that a SEA is not required. The requisite consultation with the statutory consultees was undertaken. All three statutory consultees, the Environment Agency (EA), Natural England (NE) and Historic England (HE) responded with all three concurring that a SEA would not be required.

I have treated the Screening Document to be the statement of reasons that PPG advises must be prepared and submitted with the neighbourhood plan proposal and made

available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.²⁰

I am of the view that EU obligations in respect of SEA have been satisfied.

Habitats Regulations Assessment

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.²¹ The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

A Screening Document dated October 2017 confirmed that the nearest European site to the Plan area is Ensor's Pool Special Area of Conservation (SAC) located some 30km to the north. The Screening Document concluded that the Plan would not have likely significant effects on any European sites alone or in combination with other plans and concluded that a full HRA would not be needed. Natural England were consulted and agreed with the conclusion of the Screening Document.²²

Given the nature, characteristics and distance of the European site and the nature and contents of the Plan, I consider that a full HRA is not required and that the further basic condition set out in Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) is complied with. I have also considered any implications arising from the judgment in the case of *People Over Wind, Peter Sweetman v Coillte Teoranta*²³ and asked the local planning authority to do the same. My letter to SDC is attached at Appendix 3. SDC have confirmed they do not consider any further HRA work is needed. I have also independently considered this matter and consider that the Screening Document is legally compliant in the light of the judgment and that no further action is required as a result of this judgment in relation to this particular Plan.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement includes a section on this. There is nothing in the Plan that leads me to conclude there is any breach of the Convention or that the Plan is otherwise incompatible with it.

PPG²⁴ confirms that it is the responsibility of the local planning authority, in this case SDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is SDC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should

²⁰ PPG para 028 ref id 11-028-20150209

²¹ *Ibid* para 047 ref id 11-047-20150209

²² Letter from Natural England of 31 October 2017

²³ Case C-323/17

²⁴ PPG para 031 ref id 11-031-20150209

proceed to referendum and when it takes the decision on whether or not to make the plan.

7.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. As a reminder, where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented to a high standard and has two tables of contents and of policies which are helpful. I found the document easy to read and use. Photographs are interspersed throughout the document giving it a distinctive flavour.

1 What is a Neighbourhood Development Plan and why do we need one for the parish of Harbury?

This well written section contains essential background information and sets out a simple diagram to show how the process of plan making. It is a useful lead in to the Plan. Some elements of it will of course need some natural updating as the Plan progresses towards being made.

There is a typo in Figure 3 on page 10 of the Plan which should be corrected.

- **Add a “s” to “Depper Bridge” in Figure 3 on page 10 of the Plan**

2 Preparing the Harbury Neighbourhood Development Plan

This well written section sets out the process of Plan making and includes a very useful timeline summarising the key events and milestones in the process. This section and the timeline in paragraph 2.2 will require some natural updating as the Plan is finalised.

3 Harbury Profile

This well written section contains a useful introduction to many of the key issues facing the Parish and its residents.

4 Vision and Objectives

The vision is:

“Our vision is of a socially cohesive and mutually supporting rural parish. A low carbon parish with adequate infrastructure, that respects the value of the surrounding farmland and natural landscape and offers essential services, recreation, employment and housing opportunities for people of all ages and income levels.”.

The vision is supported by nine objectives.

The vision objectives are all clearly articulated and are appropriate for this Plan. However, I agree with SDC that it would be appropriate to ensure that objective 3 aligns with Policy H.07 and for this reason, a modification is recommended. A consequential amendment to this objective on page 39 of the Plan will also be needed.

The Parish Council confirms that the map on page 28 of the Plan is “Map 1” referred to in Policy H.01. In order to help with clarity, a modification is recommended to include a title, map number and key.

- **Change the word “all” in objective 3 to “important”**
- **Consequential amendments to objective 3 will be needed throughout the Plan**
- **Add a title “Map 1” and a key to the map on page 28 of the Plan which identifies all the features indicated on the map i.e. the settlement boundary and the blue triangles**

5 Policies and Proposals

Each of the nine objectives heads a set of policies designed to achieve the objective. Structuring the Plan in this way has been successful.

Policy H.01 New Housing Development in Harbury Village

Policy CS.16 of the CS requires the delivery of at least 14,600 new homes between 2011 and 2031. Development is distributed in accordance with CS Policy CS.15 which sets out the settlement hierarchy for the District. Harbury is identified as a Local Service Village (LSV) in this hierarchy. Within LSVs, CS Policy CS.15 explains that development will take place on sites identified in neighbourhood plans and through small-scale schemes within settlement boundaries or otherwise within their physical confines.

CS Policy CS.16 provides for approximately 2,000 dwellings in the 45 LSVs. Harbury is a 'Category 1' LSV. Category 1 LSVs are to provide some 450 dwellings of the 2,000 total with no more than around 25% being provided in any one settlement.

The Plan explains that as of March 2015 38 homes had been built with a further 90 with planning permission equating to 128 new dwellings or some 28% of the 450 dwelling figure in the CS. In addition the brownfield site, Harbury Cement Works, falls partly within the Plan area, but the 200 or so new dwellings for this site have not been included in the calculation for the period up to 2031.

SDC has commented that the figures in paragraph 5.7 now require updating. The latest housing figures are 63 dwellings built, 71 committed making a total of 134 houses. In the interests of accuracy these figures should be updated.

I recognise that SDC is preparing a SAP which will allocate reserve sites. The SAP does not identify a settlement boundary for Harbury because this Plan does this although a reserve site is proposed at land west of Bush Heath Lane. The SAP is however at a relatively early stage and at the present time, Harbury has met and exceeded, its housing figure target in the CS. SDC has confirmed that the Plan makes appropriate provision for housing in line with current requirements. Whilst a representation seeks the inclusion of a reserve site in Harbury, there is no requirement for neighbourhood plans to allocate sites regardless of the merits or otherwise of those sites put forward.

Policy H.01 directs new housing development to Harbury and defines a new settlement boundary which is clearly indicated on Map 1 (which as a result of an earlier modification now clearly titled with a key). The settlement boundary includes commitments and takes account of the community's support for protecting the eastern and western boundaries of the built-up area.

The policy then contains seven criteria for any such proposals to meet. All are clearly worded and seek to ensure that any development is appropriate helping to ensure that it is sustainable.

Criterion b) refers to the conservation and enhancement of heritage assets and this is a high bar that does not align with national policy and advice or the statutory test for development in conservation areas or for development that might affect conservation areas which is the preservation or enhancement of the character or appearance of the conservation area. Accordingly I recommend that criterion b) is modified to reflect this statutory duty and to reflect national policy more closely.

Subject to this modification, the policy will meet the basic conditions.

The supporting text to the policy contains two references to "Policy HNPD1" which are now superseded and these should be brought up to date.

- **Amend criterion b) to read: "conserve or enhance *the significance of* designated and non-designated heritage assets;"**

- Change two references to “Policy HNPD1” on page 31 of the Plan to “*Policy H.01*”
- Update paragraph 5.7 on page 32 of the Plan to read: “...as at March 2017, 63 homes had been built, 71 dwellings committed making a total of 134 houses.”

Policy H.02 New Housing Development in Deppers Bridge and the Open Countryside

This policy sets out the types of development that will be supported in Deppers Bridge and outside the settlement boundary for Harbury. It supports replacement dwellings, the reuse of redundant buildings, development that would bring heritage assets back into use and homes for agricultural and forestry workers adding a local layer of detail to CS Policy AS.10. It includes a number of appropriate caveats.

Deppers Bridge is identified in the CS as an “other settlement” where CS Policies CS.15 and AS.10 indicate that new housing will be limited to small-scale community-led schemes which meet a need identified by the local community. In this instance the community does not consider development in Deppers Bridge would be sustainable and therefore this policy seeks to limit development. There is however, a potential inconsistency with Policy H.04 which permits local needs schemes exceptionally adjoining the built-up area of Deppers Bridge subject to various other criteria. To recognise this, modification is made to this otherwise clearly worded policy and supporting text. With this modification, the policy will meet the basic conditions.

- Add a new criterion e) that reads: “*in accordance with Policy H.04.*”
- Remove the “and” at the end of criterion c) and insert it at the end of criterion d)
- Add “*In the Core Strategy*” at the start of paragraph 5.11 on page 34 of the Plan
- Add the word “*However,*” to the start of the second sentence of paragraph 5.11

Policy H.03 Securing a Suitable Mix of Housing Types, Tenures and Sizes in New Development

For schemes of six or more dwellings, this policy requires a range of house types, sizes and tenures to be provided. It specifically seeks to provide for the needs of older and younger people. The housing mix to be provided is subject to up to date information and consultation with the Parish Council.

The policy takes account of national policy by helping to provide a wide choice of homes and plan for a mix of housing based on the needs of the community and will help to achieve sustainable development. It reflects CS Policies CS.18 and CS.19. A modification is recommended to add a little more flexibility and to ensure the policy has the precision sought by national policy and guidance.

In addition the policy requires developers to “consult and take into account the views of the Parish Council...”. Whilst I accept this is good practice, I am mindful that the NPPF,²⁵ whilst encouraging early engagement and consultation states that local planning authorities cannot require developer engagement before a planning application is submitted. Therefore a modification is made to this element of the policy to take account of the NPPF.

The supporting text refers to a Housing Needs Survey dated 2011. The Plan should be ‘future proofed’ and the insertion of a phrase to deal with this is recommended and this will align better with Policy H.03 and H.04.

- **Amend the phrase “...including a proportion of homes to meet the needs of older and younger residents as well as those seeking to build their own home.” in the policy to “including a proportion of homes *suitable* to meet the needs of older and younger residents as well as *the potential to provide for those seeking to build their own home on appropriate sites.*”**
- **Change the sentence that reads “Before finalising the housing mix on such sites developers should consult and take into account the views of the Parish Council along with up-to-date demographic, housing need, self and custom build demand and strategic housing market information.” to “Before finalising the housing mix on such sites developers *must take account of* up-to-date demographic, housing need, self and custom build demand and strategic housing market information *and are particularly encouraged to consult and take into account the views of the Parish Council.*”**
- **Add a new sentence to paragraph 5.14 on page 36 of the Plan that reads: “*However, it is appreciated that the most up to date evidence on housing need should be used.*”**

Policy H.04 Local Needs Schemes

Policy H.04 supports housing that meets evidenced local needs in areas where housing would not normally be considered appropriate subject to four criteria. The first allows such development adjoining the settlement boundary for Harbury and the built-up area of Deppers Bridge. The second is that any such development is suitably located in

²⁵ NPPF para 189

Harbury and convenient for services and facilities. Thirdly, the development must be secured for local needs in perpetuity and finally the Parish Council should be consulted.

The intention of the policy is understood. However, I feel the wording used could be improved for clarity and precision and accordingly make modifications to reflect this. Furthermore the requirement to consult the Parish Council has been discussed in relation to Policy H.03 and a modification is made to alter this to take account of the NPPF.

In addition this policy permits housing to meet local needs on sites that would not otherwise be considered suitable for housing development. A representation from the Environment Agency confirms that Harbury and Deppers Bridge are located within Flood Zone 1 (low risk), but that existing development in Deppers Bridge is located within 100m of the River Itchen and its floodplain. As a result the wording used in the policy could be interpreted that development might be permitted in the floodplain. I consider that in order to provide the practical framework for decision taking sought by national policy and guidance that a new criterion should be added which will address the Environment Agency's concern, take account of the CS and particularly Policy CS.4 and ensure that the Plan contributes to the achievement of sustainable development.

This, together with the other modifications to the wording of the policy, will ensure it meets the basic conditions.

There is a small typo in paragraph 5.15 that should be corrected.

- **Amend Policy H.04 to read:**

“When it can be demonstrated through robust and up to date local housing needs information and that need cannot be met by affordable housing provision through a market-led scheme, housing development for local needs will be supported when all of the following criteria are met:

- a) ***In Harbury village the site should adjoin the settlement boundary and in Deppers Bridge it should immediately adjoin existing built up development in the hamlet;***
- b) ***Development should be located in Flood Zone 1 and the floodplain of the River Itchen should be maintained and where opportunities arise, restored to maximise the natural storage of flood water, reduce flooding and increase landscape, conservation and ecology value;***
- c) ***In Harbury village the site is within reasonable walking distance of public transport and local community facilities;***
- d) ***The future use of such housing is secured in perpetuity to meet a local need.***

Developers are also particularly encouraged to consult with the Parish Council to gain their support for the proposal at an early stage.”

- Correct “eception” to “*exception*” in paragraph 5.15 on page 37 of the Plan

Policy H.05 Housing Development and Design Principles

High quality design is sought by this criteria based policy. The policy takes its lead from the Harbury Village Design Statement first produced in 1998. It seeks to ensure that new development is appropriate and reinforces local distinctiveness.

It will therefore help to achieve sustainable development. It takes account of national policy and guidance which particularly seeks good design indicating it is indivisible from good planning.²⁶ It accords with the NPPF’s emphasis on good design and its aims to create or reinforce a sense of place and to respond to local character and history.²⁷

It is in general conformity with the CS and in particular Policy CS.9.

The policy is worded clearly and meets the basic conditions. No modifications are therefore recommended. I note the point made by SDC that this policy should apply to all development. I agree with this comment, but this is not a modification I need to recommend in order for the Plan to meet the basic conditions. Should this change be something that the Parish Council and SDC wish to pursue, the applicability of the policy to all development rather than only housing development, could be achieved by inserting the policy in a different section of the Plan and changing the title of the policy by removing the word housing and removing the word housing from the first paragraph of the policy. In my view such changes would also meet the basic conditions.

Policy H.06 Green Infrastructure

The NPPF defines green infrastructure as a network of multi-functional green space that can deliver a variety of environmental and quality of life benefits. In addition green infrastructure can help to manage impacts from climate change. This policy plans positively for the protection, enhancement and creation of green infrastructure. It reflects CS Policy CS.7. It is clearly worded. It meets the basic conditions and no modifications are suggested.

²⁶ NPPF para 56 and Section 7

²⁷ *Ibid* section 7 generally and specifically para 58

Policy H.07 Protecting and Enhancing Local Green Spaces

A number of Local Green Spaces (LGS) are proposed by this policy.

The NPPF explains that LGSs are green areas of particular importance to local communities.²⁸ The effect of such a designation is that new development will be ruled out other than in very special circumstances. Identifying such areas should be consistent with local planning of sustainable development and complement investment.

The NPPF makes it clear that this designation will not be appropriate for most green areas or open space. Further guidance about LGSs is given in PPG.

The proposed areas are all shown clearly on Maps 2a and 2b. Appendix 2 of the Plan contains an analysis of the proposed LGSs. I visited all the areas on my site visit.

Church Paddock forms an important part of the setting of the Church and is central to the historic core of the village. It is particularly valued for its wildlife, trees and historic value.

Church Paddock Allotments is a paddock and allotments that form part of the setting of the Church, but provides allotments in a central location and is valued for its recreation and wildlife.

The Pound is an area of land with mature trees and seat as well as a stone wall that adds to the character of the village. It is a village green that is particularly valued for its beauty and trees.

Old New Inn Green is a triangle of village green within the Conservation Area that is characteristic of the village.

Binswood End Green is land on a corner with a horse chestnut tree and seat that adds to the setting of the village and its character. It falls within the Conservation Area.

Pump Green has a water pump, seating and the war memorial and contributes to the setting of the Church. It is particularly valued for its history.

Bullring Green is a small area in the heart of the village valued for its historic significance.

Deppers Bridge Playing Field is a well defined area largely laid to grass with a hedge boundary, large trees and play equipment valued as the only recreation area in this settlement.

²⁸ NPPF paras 76, 77 and 78

Harbury Playing Fields consists of a recreation area with tennis courts and play equipment including a zip wire used extensively for recreation and walking at the time of my visit.

Pineham Allotments is adjacent to the Harbury Playing Fields and is an area of well used and busy allotments at the time of my visit. It is valued for recreation and wildlife.

Manor Orchard Green forms a small grassed area that forms part of the integral character of this residential area. It is valued for its recreational use. I queried whether this area had been shown correctly on Map 2a (Area H.07k) as a result of my site visit. The Parish Council has confirmed that it was shown inaccurately and have provided a corrected location map. As this map shows the area concerned more logically given the features on the ground and the area is smaller than that shown in the submission version of the Plan, I consider no party would be prejudiced by a modification to correctly identify this site.

Frances Road Green is an area near a recently constructed terrace of houses which adds to the openness of the estate and character of the area.

Some of the proposed LGSs fall within a Conservation Area. I have considered whether there is any additional local benefit to be gained from designation as a LGS as advised by PPG.²⁹ I consider that the LGS designation expresses the areas of particular significance and importance to the local community and therefore there is added value.

In my view, the proposed LGSs are sensibly and clearly defined. All are in close proximity to the community they serve, are local in character and hold a particular local significance because of their beauty and contribution to the character and appearance of the Parish, historic significance, their recreation value or for their trees and wildlife. All meet the criteria in the NPPF satisfactorily.

Turning now to the policy itself, the policy refers back to the Maps 2a and 2b. It is clearly written only allowing development in exceptional circumstances whilst retaining flexibility. The only modifications suggested are to ensure that the policy designates these areas as LGSs and to make the policy wording clearer and more reflective of the NPPF's stance on LGSs.

In response to a query, a slither of land is shown on Map 2a that does not appear to be a proposed LGS. In the interests of accuracy, this area, a sewage processing station off Bush Heath Lane should be deleted from Map 2a.

In addition, a photograph of Queens Close Green is included in this section of the Plan, but is not a proposed LGS. To avoid any confusion, this should be removed from this section of the Plan.

²⁹ PPG para 011 ref id 37-011-20140306

- **Substitute the words “will be protected” in the first sentence of the policy with *are designated*”**
- **Delete the words “for non-open land uses” in the last paragraph of the policy**
- **Correct the area for proposed Local Green Space H.07k shown on Map 2a by amending Map 2a to accord with the map sent to me in response to my questions of clarification by email of 18 June 2018**
- **Remove the slither of land off Bush Heath Lane from Map 2a**
- **Remove the photo of Queens Close Green from this section of the Plan**

Policy H.08 Protecting Small, Incidental Open Spaces

This policy seeks to protect other smaller areas of open space such as grass verges. The policy only permits the loss of such areas if a suitable alternative is provided or it can be demonstrated that the space performs no useful function. In my view, it would be unlikely that either of these scenarios would arise given the likely nature of these spaces. I have therefore considered whether the protection of these spaces is important to the character and setting of the Parish. At my site visit, I saw that such spaces do form part of the integral character and distinctiveness of the area. Their protection would contribute to the achievement of sustainable development. The policy in itself is clearly worded. However, in the interests of clarity it should be linked to the open spaces identified in Appendix 2 of the Plan. Subject to this modification, the policy would meet the basic conditions.

- **Add the words: “*as identified in Appendix 2 of the Plan*” after “...in the loss of the other small, open spaces...” in the first sentence of the policy**

Policy H.09 Protecting Significant Views

The supporting text explains that views out of Harbury are important because of the topography and landscape of the area. These are important to its character, its distinctiveness in the landscape and to its ‘feel’ and sense of place as I experienced on my site visit.

Policy H.09 seeks to ensure that any development that might affect these views, identified clearly on Map 1, on page 28 of the Plan, will take account of them. In addition views within the village of the windmill and parish church are similarly protected.

I saw each of the four viewpoints identified on Map 1 at my visit together with views of the windmill and church. All have been identified appropriately and the views on Map 1 provide longer distance views across the surrounding farmland and landscape and are close to public footpaths. The views in the heart of the village are important with glimpses as well as wider views of the windmill and church adding much to the character of Harbury. The Village Design Statement also recognises the importance of these views.

The policy provides an appropriate balance between protecting important views and supporting development. It takes account of national policy and guidance in recognising the intrinsic character and beauty of the countryside and promoting and reinforcing local distinctiveness and will help to achieve sustainable development. Amongst other things, CS Policy CS.9 refers to the need for sensitive development that makes the best use of onsite assets such as landscaping features and public views and vistas and does not harm existing ones. I consider this policy adds a local layer to CS Policy CS.9 and builds on earlier work undertaken as part of the Village Design Statement. It therefore meets the basic conditions and no modifications are recommended.

Policy H.10 Landscape Design Principles

Policy H.10 is a criteria based policy that seeks to ensure that any development takes account of the particular landscape features that are so important to its setting and local distinctiveness. The criteria include the preservation of the well-defined east and west boundaries of Harbury, trees and hedgerows and lighting impact on dark skies. It picks up on the distinctive characteristics and features of the Parish and takes account of CS Policy CS.5. The policy is worded well and will contribute to the achievement of sustainable development. It therefore meets the basic conditions and no modifications are recommended.

Policy H.11 Ensuring New Development Provides Appropriate Infrastructure

This policy seeks to ensure that the right infrastructure accompanies development. It is not prescriptive about what this infrastructure might be and so there is a level of flexibility within it.

The supporting text explains that the community is particularly concerned about services, roads, drainage and sewerage capacity. In addition issues such as school places and medical facilities are referred to. The text includes a table of potential infrastructure improvements that the community would like to see; some related to the development and use of land and other matters such as dog fouling which are not. Nevertheless the table illustrates the range of issues well. The text explains that

infrastructure will be secured through planning obligations as well as Community Infrastructure Levy (CIL).

SDC has now adopted CIL and so some updating is needed to paragraph 5.26.

Whilst the policy is non-specific, it acknowledges the need for infrastructure and the community's desire to seek improvements to a wide variety of issues. The policy is clearly worded and meets the basic conditions. In particular it will help to achieve sustainable development and adds a local layer of detail to CS Policy CS.25. As a result no modifications to the policy are recommended.

- **Update the second sentence in paragraph 5.26 on page 49 of the Plan by replacing the words “...when it is adopted later in 2017” to “*adopted on 11 December 2017 and effective from 1 February 2018.*”**

Policy H.12 Protecting Existing Community Facilities

Policy H.12 contains a list of 18 facilities ranging from the village hall to public houses that the Plan seeks to protect. The policy only supports the loss of any facilities if equivalent or better provision is made elsewhere or after a minimum marketing period of 12 months it can be shown that the use is no longer viable. The 18 facilities are shown on Maps 3 and 4.

The policy is clearly worded and takes a reasonable approach. I note that SDC comment that usually a minimum marketing period of six months is used and this policy seeks a minimum of a year. In order to add a little more flexibility, a modification is made to address this point.

The NPPF³⁰ promotes the retention and development of local services and community facilities including shops, public houses and places of worship. CS Policy CS.25 seeks to retain such facilities subject to various criteria.

- **Add the words “*or as otherwise may be justified by the circumstances of the premises in question and agreed*” after “...(a minimum of twelve months...)” in the policy**

Policy H.13 Development of New Community Facilities

This policy supports new facilities or improvements to existing facilities provided that any effects on local character, landscape and residential amenity are acceptable. Facilities for younger and older residents are particularly encouraged. It reflects the

³⁰ NPPF para 28

stance of the NPPF in relation to local services and community facilities in rural areas and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are suggested.

Policy H.14 Sustainable Design and Energy Efficiency

Policy H.14 seeks to achieve sustainable design and energy efficiency and this is clearly of importance to the community. The supporting text refers to two community initiatives, the Harbury Energy Initiative and the Electric Car Club.

However, the Government announced in a Written Ministerial Statement (WMS) of 25 March 2015, that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans. Some of the measures referred to in the policy would be regarded as such standards. However, I consider that as the policy encourages, rather than requires, such measures and therefore is flexible in its approach to achieving sustainable design and energy efficiency, then the policy would meet the basic conditions in this regard. The policy also applies to other types of development and is in general conformity with the CS, particularly Policies CS.2, CS.4 and CS.9.

Criterion c. of the policy seeks the use of sustainable drainage. A WMS³¹ advises that from 6 April 2015, policy and decisions on major development should ensure that Sustainable Drainage Systems are put in place where appropriate. Therefore with some flexibility this criterion will be acceptable. In addition SDC make the point that this criterion should also refer to “upstream”. The modification suggested will address both issues.

- **Amend criterion c. to read: “Use sustainable drainage to reduce risk of flooding on site, downstream and upstream, wherever it is appropriate to do so; and”**

Policy H.15 Highways and Transport

This policy seeks to ensure that the traffic impact on the local road network from new development is acceptable and promotes the use of public transport. This is in line with the NPPF’s promotion of sustainable transport. It reflects CS Policy CS.26.

The wording of the policy does not provide the practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency sought by the NPPF.³² This is because the policy only seeks safe and suitable access where appropriate. There are also two other modifications to ensure the policy

³¹ Written Ministerial Statement 18 December 2014

³² NPPF para 17

provides the practical framework sought by national policy. Subject to this modification, the policy will meet the basic conditions.

- **Amend Policy H.15 to read:**

“Development proposals should include measures to minimise *and make acceptable any* impact on the *local road network* by providing:

a. safe and suitable access; and

b. *encouraging* the use of public transport including new and enhanced pedestrian routes to the existing *network* and where necessary new bus *infrastructure*.”

Policy H.16 Business and Employment Development in the Centre of Harbury Village

Shops, businesses, offices and community uses are supported by this policy provided that any impacts on the Conservation Area and the character of the Parish are acceptable and subject to satisfactory traffic and transport impacts.

The policy takes account of the NPPF’s stance on the development of local services and community facilities and CS Policy CS.22 whilst recognising the key issues of community concern. The policy meets the basic conditions and in particular will contribute to the achievement of sustainable development and no modifications are recommended.

Policy H.17 Protecting Existing Employment Premises

The NPPF supports prosperous rural economies and economic growth to support jobs³³ and CS Policy CS.22 seeks to provide for a wide range of businesses and commercial activities in sustainable locations.

Four sites identified on Map 5 are protected for employment use by this policy. Employment use is also encouraged on these four sites subject to satisfactory impacts on the local road network and residents. The policy is flexible in that changes of use are permitted if the existing use is no longer suitable after marketing and the proposed new use would be compatible with adjacent uses and occupiers. This latter criterion is to be particularly welcomed given the impact that different or other uses can have on occupiers of business premises and reflects the agent of change principle.

The wording of the policy requires more precision and clarity in line with national policy and guidance and to take account of the stance in the CS. Subject to these modifications, the policy will meet the basic conditions.

³³ NPPF para 28

A separately identified community action to establish a business network is also included in the supporting text. It is however very clear that this is a non-planning issue.

- **Amend the second paragraph of the policy to read: “Development for employment uses in these *specified* areas and premises will be supported *provided that the proposal would have an acceptable impact on the local road network and residential amenity.*”**
- **Amend criterion a. to read: “The existing use is no longer considered suitable or *viable* for continued employment use after an *appropriate* period of active marketing *to be agreed with the local planning authority; and*”**

Policy H.18 Protecting and Enhancing Local Shops and Businesses

Support for Use Classes A1, A2 and B1 is given by this policy. Any changes of use of retail premises to non-retail uses are only supported if there is no longer a need for the facility or better provision is provided elsewhere in the Parish. There is a clear desire to support the existing level of such facilities that Harbury village is currently fortunate to have. The Plan explains that these are valued local facilities.

However, there is a danger that the latter half of the policy might stagnate those premises which are no longer viable. Subject to inclusion of this in the policy, it will provide a practical framework for decision making as sought by the NPPF and meet the basic conditions.

- **Amend the second paragraph of the policy to read: “Change of use of retail premises to non-retail uses will only be supported *where planning permission is required* if the applicant can demonstrate there is no longer a need for such provision *or the use is no longer viable, or suitable, or better provision is provided in a suitable location elsewhere in or convenient to the neighbourhood plan area.*”**

Policy H.19 Protecting Local Heritage

This policy seeks to conserve 16 different local non-designated heritage assets named in the policy and shown on Map 6. The assets range from pumps to stone walls to ironwork. The policy also seeks to ensure that archaeological assets are taken into account.

It is my understanding that whilst the Plan can identify a potential list of such assets, the process for identifying local heritage assets rests with the local planning authority. The

Plan could however identify these buildings as historic structures of local significance worthy of being preserved and enhanced.

It is also possible for a policy, as Policy H.19 does, to seek to retain and protect local heritage assets. The NPPF explains that the significance of a non-designated heritage asset should be taken into account in the determination of any planning application.³⁴ A balanced judgment will be needed having regard to the scale of any harm or loss and the significance of the asset.³⁵ The wording of the policy therefore needs some amendment to ensure regard is had to the NPPF as well as CS Policy CS.8.

With the modifications detailed below, the policy will meet the basic conditions.

- **Change the first paragraph of the policy to read: “*Development should conserve the following heritage assets listed below and identified on Map 6 taking into account the scale of any harm or loss to them and the significance of the heritage asset:*”**

6 How to comment on this document

This section will of course need to be removed from the finalised version of the Plan.

- **Remove section 6**

7 Monitoring and Review

Annual monitoring will be undertaken by the Parish Council and a willingness to review the Plan as necessary is signaled. Whilst monitoring is not a requirement of neighbourhood plans, I consider it good practice to do so.

Appendices

Appendix 1 Listed Buildings usefully contains information about listed buildings as of May 2016 is provided. It would be useful to ensure that users of the Plan seek the most up to date information and this should be added so that the Plan provides a practical framework for decision making.

- **Add a sentence to the first paragraph of Appendix 1 that reads: “*The most up to date information on listed buildings should be sought from Historic England or the local planning authority.*”**

Appendix 2 Local Green and Open Spaces Analysis is useful and sits alongside Policy H.07 of the Plan.

³⁴ NPPF para 135

³⁵ *Ibid*

Appendix 3 Sites of Special Scientific Interest is referred to on page 15 of the Plan.

Appendix 4 Public Rights of Way is useful and relates to Policy H.10.

8.0 Conclusions and recommendations

I am satisfied that the Harbury and Deppers Bridge Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Stratford on Avon District Council that, subject to the modifications proposed in this report, the Harbury and Deppers Bridge Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Harbury and Deppers Bridge Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan should proceed to a referendum based on the Harbury and Deppers Bridge Neighbourhood Plan area as approved by Stratford on Avon District Council on 8 September 2014.

Ann Skippers MRTPI

Ann Skippers Planning
30 July 2018

Appendix 1

List of key documents specific to this examination

Harbury and Deppers Bridge Neighbourhood Development Plan 2017 – 2031 Regulation 16 Submission Consultation Draft

Basic Conditions Statement dated November 2017

Consultation Statement November 2017

Strategic Environmental Assessment Screening Document February 2017

Habitats Regulations Assessment of the Harbury and Deppers Bridge Neighbourhood Plan October 2017

Harbury Planning Policy Assessment and Evidence Base Review July 2015

Traffic and Transport Within Deppers Bridge Undated report

Village Design Statement 1998

Stratford-on-Avon District Core Strategy 2011 – 2031

Site Allocations Plan Regulation 18 Consultation Revised Scoping & Initial Options January 2018 and Appendices

Various information on www.harbury-pc.gov.uk

List ends

Appendix 2

Questions of clarification from the examiner

Examinations of the Harbury and Deppers Bridge Neighbourhood Plan Questions of clarification from the Examiner to the Parish Council and Stratford on Avon District Council (SDC)

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

Questions relating to the Neighbourhood Plan

1. Was a dedicated website for the Neighbourhood Plan established?
2. Page 58 of the Consultation Statement indicates that Tables 5 and 6 set out the responses received to the 'second' Regulation 14 period of consultation. Please confirm whether this is correct and if so whether the Consultation Statement includes the requisite information.
3. Page 13 of the Plan refers to a Planning Policy Assessment and Evidence Base Review and other technical documents. Do these remain relevant to the Plan and if so, please direct me to where I might find them.
4. Please provide me with a copy of, or a link to, a map that shows the approved neighbourhood plan area (the link on the SDC does not provide this).
5. Please confirm the date the neighbourhood plan area was approved by SDC.
6. Please confirm the start and end dates of the Plan period.
7. Please provide me with a copy of, or a link to, any response received from Natural England in relation to the consultation on the Habitats Regulations Assessment.
8. Please provide me with a copy of, or link to, the separate report on Deppers Bridge referred to on page 22 of the Plan.
9. Is the map on page 28 of the Plan, Map 1 referred to in Policy H.01?
10. Please would SDC:
 - a) provide up to date housing figures to update paragraph 5.7 on page 32 of the Plan
 - b) confirm whether or not SDC is satisfied the Plan makes appropriate provision for housing in line with CS requirements at the current time

- c) confirm the time period for these figures to ensure it aligns with the Plan period (see question 6 above).
11. In relation to Policy H.07, has the proposed Local Green Space at Manor Orchard Green been correctly identified on Map 2a?
 12. There is a slither of land identified on Map 2a that does not seem to be a proposed Local Green Space. Is this right? Please let me know what this area is.
 13. Is the photograph of Queens Close Green on page 43 correctly included in the Plan?
 14. In relation to Policy H.08, are [all] these other small, open spaces identified in Appendix 2 of the Plan? If not, what are the other spaces not identified as proposed Local Green Spaces in Appendix 2?
 15. Please provide me with a copy of, or link to, the Village Design Statement.

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks.

Ann Skippers
Independent Examiner
27 May 2018

Appendix 3

Letter to SDC of 12 July 2018

Letter to Rosemary Williams
Policy Planner, Policy Team
Stratford on Avon District Council
Elizabeth House
Church Street
Stratford upon Avon
Warwickshire, CV37 6HX

12 July 2018

Dear Rosemary,

Examination of the Harbury and Deppers Bridge Neighbourhood Plan

I am writing to draw your attention to a recent judgment of the Court of Justice of the European Union.

In the case of *People Over Wind, Peter Sweetman v Coillte Teoranta*, the Court ruled that Article 6 (3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of appropriate assessment (AA) and that it is not permissible to take account of measures intended to reduce or avoid any harmful effects of a plan or project on a European site at the screening stage.

Earlier case law had established that reduction or avoidance measures could be taken into account when considering whether a plan or proposal would be likely to have a significant effect on a European site. However, the implications of the more recent judgment is that this is no longer the case.

I would therefore be grateful if the Council could consider the HRA Screening Report and advise me on whether it considers it to be legally compliant in the light of the judgment. If it is considered not to be legally compliant and to have fallen foul of the judgment, I would ask that the Council advises me of what further work would be required to rectify this, together with an indicative timescale for that work, including any further consultation.

I will clearly reach my own view on this matter as well. Once you have had an opportunity to consider what, if any, further work needs to be undertaken, I suggest that we agree a way forward for the examination of this Neighbourhood Plan.

Your early response would be appreciated. This letter is of course a matter of public record and should be placed on the relevant websites.

With many thanks,

Ann Skippers MRTPI
Independent Examiner