

EXAMINER'S REPORT
SHIPSTON-on-STOUR NEIGHBOURHOOD DEVELOPMENT PLAN
2016-2031

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ABBREVIATIONS

The following are the abbreviations used in this examination:

CAONB - Cotswold Area of Outstanding Natural Beauty
CIL- Community Infrastructure Levy
HRA - Habitats Regulation Assessment
NPPF - National Planning Policy Framework
NPPG - National Planning Policy Guidance
SDC - Stratford-upon-Avon District Council
SEA – Strategic Environmental Assessment

INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by the Shipston-on-Stour Town Council in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.

2. If the plan is made, following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

3. The Plan covers the whole of the Parish, which had a population just over 5,000 in the 2011 Census.

4. I have been appointed by the District Council (SDC), in consultation with the Town Council, to carry out this independent examination. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute

5. I confirm that I am independent of the Town Council and the local planning authority and have no interest in any land, which is affected by the Neighbourhood Development Plan.

6. This report is the outcome of my examination of the submitted version of the Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If SDC puts the plan forward to a referendum and it then receives the support of over 50% of those voting, then the Plan will be “made” by the Council as the Local Planning Authority.

BACKGROUND DOCUMENTS

7. I have considered the following documents as part of this examination:

Documents submitted by the Town Council:

The Neighbourhood Plan submitted to SDC under regulation 15 of the Neighbourhood Planning (General) Regulations 2012.
Basic Conditions Statement, April 2017.
Consultation Statement, September 2017.
Strategic Environmental Assessment, SEA Screening Document, January 2017 prepared by Lepus Consulting.
Habitats Regulations Assessment Screening Document, Lepus Consulting, October 2017.
Compelling Case for Local Green Space (LGS) Designation

All documents listed on the Neighbourhood Plan website under the Documents tab. The link is <http://www.shipstonnp.org/documents.html>. This includes a number of research and evidence documents and analysis of pre-submission consultation responses.

Responses to the consultations under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 as follows:

Regulation 16 Representation Responses as listed in the SDC "Index of Representations".

Local and National Policies:

National Planning Policy Framework (NPPF); National Planning Policy Guidance (NPPG)

SDC Core Strategy 2011-2031

Other documents:

Made Report 7 July 2017 regarding Weavers Meadow, Shoulderway Lane.

Email to Rosemary Williams of SDC, from examiner of 25/1/18 and response at 12:17 and 12:24 on the 26th January 2018.

Email from Rosemary Williams of SDC to examiner of 31/1/18 requesting confirmation of receipt of representation from Stansgate on behalf of Mr. P Holley (originally sent on 8/1/18 and acknowledged on 9/1/18)

Email from examiner of 2/2/18 to Rosemary Williams SDC and response of 5/2/18.

Planning application documentation as it appears on the Council web site in relation to application reference 17/02741/FUL Erection of 18 dwellings (including 6 affordable and 3 local market homes); construction of access road; formation of attenuation pond; provision of open space and landscaping; erection of garage to serve 'Ridgeway'; and all other associated works.

THE EXAMINATION

8. The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

9. The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the plan area.

10. As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. I am satisfied from the information that has been made available to me and my site visits that the examination can be carried out without a hearing.

11. I visited the Plan area on the 29th January 2018 and assessed the implications of the proposed Plan as part of the examination.

PROCEDURAL MATTERS

12. It is necessary to determine that the plan complies with the following procedural matters¹:

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

13. The Town Council is authorized as the qualifying body² to act for the purposes of a neighbourhood development plan if the area of the plan includes the whole or any part of the area of the Council.

14. The whole parish was formally designated as Neighbourhood Area by SDC in

¹ Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as amended)

² as determined by Section 61G(2) of the Town and Country Planning Act 1990

April 2013.

15. The Plan clearly states that it relates to the period 2016-2031.

16. The Plan does not include any provision about development that is “excluded development”³, such as minerals, waste disposal and major infrastructure projects.

17. I am satisfied that the plan does not relate to more than one neighbourhood area.

CONSULTATION

18. The Town Council has submitted a Consultation Statement, September 2017, which explains how they have carried out a programme of consultation as the Plan has progressed.

19. The Town Council has through a dedicated team carried out a systematic and thorough programme of consultation aimed at residents, various community organisations and the business community.

20. The Consultation Statement identifies initiatives in the early stages of the plan preparation from 2012 to identify issues of importance to the local community. These efforts included the organization of events publicized through the “Shipston Forum”, local media and Town Council’s web site. There was an initial event in the Townsend Hall where questionnaires were handed out to elicit views as to what was important. Further questionnaires were placed in the “Forum” and circulated to over 2000 households. A number of other sessions were arranged to develop issues and ideas. These included a drop-in workshop in March 2013, Town Council meetings and attendance by delegated community volunteers at various popular local events, including the annual Wool Fair, Victorian Evening, Primary School Fete and the Shipston Xfest organized by the Youth Club.

21. These events and associated questionnaires helped to inform the key inputs shaping the vision and objectives of the Plan.

22. The Warwickshire Rural Community Council carried out a survey into affordable and market-housing needs, which produced 749 responses. This along with the Housing Topic group’s research was reported in the Forum.

23. Two business surveys were completed in December 2014 including an online survey targeting homeworkers. Thirty-five responses were received.

24. Meetings were held with a number of community groups including those representing schools, churches, scouts, youth club, senior citizens and visually impaired persons.

³ as defined in Section 61K, of the Town and Country Planning Act 1990

25. A specific meeting was held with “Totally Locally” a group representing local businesses.

26. Following the preparation of draft policies, direct consultation was made to statutory consultees, landowners, developers and public bodies. An Open Day was held on 10th May 2016 to engage these consultees in the draft policies.

27. On December 15th 2016 a public consultation was carried out as an “Open Day”. The public, community groups businesses and parish councils in the Warwickshire area were invited. This resulted in attendance by 20% of local households. An additional event of the same nature was held on January 14th.

28. The effectiveness of the “Open Days” was evaluated by the team on the basis of questionnaire responses and attendance. As a result further attempts to involve young people were made by engaging directly via meetings, workshops and questionnaires with the Youth Club and High School to seek out their perceptions of the town.

29. In February 2016 a questionnaire seeking opinion on draft policies was sent to all households in Shipston. Twenty per cent of household’s responded and 3,000 individual comments were received considered and where appropriate incorporated into the Plan.

30. The Plan was re-drafted and the first formal “pre-submission” phase of consultation was carried over a 6-week period in November and December 2016. All interested parties were contacted and a link to the draft plan was provided on the web site allowing online comment. Drop-in sessions were arranged at the Town Council offices. Thirty-nine responses were received.

31. A series of meetings were carried out by the team from January to March 2017 to consider modifications to the Plan. Two meetings were carried out with landowners/developers to clarify matters. Further consultation was carried out with SDC.

32. This culminated in the submission to SDC and the subsequent final formal consultation under regulation 16⁴.

33. During this process the Town Council has sought to engage all sectors of the community in policy formulation. It has sought professional advice and actively engaged District Council officers in the process.

24. I am satisfied that the “Consultation Statement”, demonstrates a good level of consultation to meet the requirements of Plan preparation.

25. In accordance with the Regulations,⁵ the Consultation Statement summarises the

⁴ see the Neighbourhood Planning (General) Regulations 2012

main issues and concerns raised by the persons consulted. It describes how these issues and concerns have been considered and, where relevant addressed in the Plan with reference to documents in the appendix, including a summary of responses to the regulation 14 consultation in appendices CEF040 and CEF041.

BASIC CONDITIONS

26. It is necessary to decide whether the Neighbourhood Development Plan meets the “basic conditions” specified in the Act.⁶ This element of the examination relates to the contents of the Plan.

27. This Plan meets the basic conditions if:

- a) It has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) The making of the plan contributes to sustainable development,
- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area,
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) Prescribed conditions are met in relation to the Plan and prescribed matters have been complied. The prescribed condition is that the ‘making’ of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) (either alone or in combination with other plans or projects).

28. The Town Council has submitted a “Basic Conditions Statement”, April 2017, to seek to demonstrate conformity. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above.

SUSTAINABLE DEVELOPMENT

29. The Town Council carried out a Sustainability Appraisal in November 2016 based on the criteria used in the appraisal of the SDC Core Strategy. This analyzes each Plan policy in terms of the criteria and has a useful section offering comments on sustainability performance for each policy. It was carried out by topic leaders for Infrastructure and Housing, a local resident and a professional planner.

30. The Appraisal demonstrates that the Plan at the time the study was carried out supports and extends the sustainability policies established in the Core Strategy. I do not consider the Plan’s policies have changed since this appraisal to an extent which

⁵ see the Neighbourhood Planning (General) Regulations 2012

⁶ Contained Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

contradicts these conclusions and there was no requirement to repeat the process at a later stage in the Plan's progress.

31. The plan seeks to accommodate limited growth in a manner, which protects the landscape character, ecology and environment of the area whilst promoting the economy and community facilities in the town. It recognizes the need for affordable housing and other forms of tenure to serve local needs. In these respects the plan addresses the main components of sustainability expressed in the NPPF relating to the environment, social issues and the economy.

32. The Basic Conditions Statement adequately illustrates the manner in which the Plan promotes sustainable development.

EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS

33. A neighbourhood plan must be compatible with European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives are the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.

34. The District Council commissioned a Strategic Environmental Assessment (SEA) screening opinion, which was prepared by Lepus Consulting in January 2017. The screening determination follows the procedure outlined in Annex 2 of the SEA Directive⁷ and SEA Regulations⁸.

35. It is noted that the Plan does not propose development that would affect the nearest SSSI at Midsommer Meadow and policies protect the landscape, biodiversity and wildlife. i.e. policies ENV 1,2,3,4, and 5.

36. Policy ENV 5 helps to foster access to health and recreation facilities. The housing policies HSG1, 2 and 3 address housing needs and the need for balanced communities in proportion to the available infrastructure is required by policy INF1.

37. The policies relating to the economy EC1, 2,3 and 4 seek to improve economic prosperity and direct development to previously developed sites thereby reducing environmental impact.

38. There are policies on flood protection FLD1, 2 and 3 and policy ENV 4 is aimed at improving the river environment.

39. The housing policies HSG 1,4,6 and 7 encourage development on previously developed land or within the built-up area.

⁷ European Directive 2001/42/EC

⁸ Environmental Assessment of Plans and Programmes Regulations (2004)

40. Several policies, including INF3, encourage a more sustainable travel by reducing the need for car journeys, Furthermore the general thrust of the Plan to contain development within the settlement reduces the need to travel due to closer proximity to services.

41. The Plan provides for social infrastructure in terms of community and educational facilities in Policy INF 1.

42. Policies ENV 3 and 4 helps protect the landscape and heritage assets and none of the designations are in places, which have a detrimental impact on them or their setting.

43. I consider that these policies help protect the natural and built environment from any damaging impacts and set a level and location of development, which also succeeds in this manner. The level of development proposed is only marginally more than that envisaged in the Core Strategy as a result of the identification of a reserve site

44. The policies are reasonably distinct, and do not appear to have significant cumulative or synergistic impacts.

45. The statutory consultees Natural England, Environment Agency and Historic England agree with the screening opinion.

46. I note the screening opinion was carried out prior to the formulation of the submission version of the plan at Regulation 16 stage⁹ but I do not consider the relative minor modifications to the plan at the later stage are of a difference requiring further screening.

44. I consider this screening judgment has been carried out properly and is a valid conclusion

45. The Habitats and Wild Birds Directive requires a Habitats Regulation Assessment (HRA) to assess the impact on any wildlife site protected under European Directives.¹⁰ A screening opinion has been provided by Lepus Consulting on behalf of SDC.

46. The screening opinion states that the nearest protected site is the Special Area of Conservation (SAC) at Bredon Hills which is 26 kilometres to the west. On account of this distance and the level of development proposed in the Plan, it is concluded there will be no probability of damaging effects on the SAC. Natural England agrees with this view. I am therefore satisfied that the screening opinion is acceptable and

⁹ The Town and Country Planning (Use Classes) Order 2012

¹⁰ EU Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora

EU Council Directive 2009/147/EC on the Conservation of wild birds

no HRA is required.

47. I do not consider the Plan raises any issues under the European Convention and the Human Rights Act 1998. In terms of the Article 6 of the Act and the right to a “fair hearing” I consider the consultation process has been effective and proportionate in its efforts to reach out to different groups potentially affected. Neighbour responses have been taken into account in a satisfactory manner during the processing of the plan.

CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

48. The “Basic Conditions Statement” provides an analysis of the conformity of the Plan with national guidance and local strategic planning policies in the NPPF and the Core Strategy respectively.

49. The Plan has explicit reference to national and local policy. Each section of the Plan containing policies highlights relevant “Higher Level Policies” which reference the relevant NPPF and Core Strategy policies. Where necessary, as in the case of housing, there is an analysis of the higher-level policy and its relationship to the proposed policy in appropriate detail.

50. The Basic Conditions Statement points out that the Sustainability Appraisal demonstrates how the policies conform to the sustainability policies in the NPPF and the Core Strategy. Whilst this does not analyze in detail the relationship of the Plan’s policies with the higher level policies, I am satisfied that the Plan is in basic conformity with strategic policies subject to various modifications I am proposing below. I note that SDC and others have raised some issues in relation to conformity and I consider these are satisfied by my proposed modifications.

RECOMMENDATIONS ON THE PLAN IN RELATION TO BASIC CONDITIONS

General

51. I have made recommendations below in order that the Plan may conform to “basic conditions”. Where I am suggesting modifications I have given reasons.

52. I have taken into account all the representations received during the Plan process. In most cases I have considered that these do not require specific reference as they do not relate to the need to conform to “basic conditions” or are covered by other references. In some cases, due to the specific and detailed nature of a particular representation and its relevance to “basic conditions”, for ease of reference, I have referred to the author of a representation by name.

53. I have not taken into account comments, which do not relate to the need for the Plan to conform to basic conditions and legal requirements.

54.I have included some minor grammatical and presentation modifications in Recommendation 1 below.

55. A number of my recommendations are based on the need for the plan and it's policies to be clear and precise to allow effective implementation and guidance. This is necessary in order to comply with NPPF guidance in paragraph 154 that;

“ Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.”

56.I have not commented on the text in Document 2 “the Consequent Local Projects’ as these are aspirations rather than planning policies. It is informative and helpful that the Plan clearly differentiates these aspirations from the land-use planning policies in the Plan.

RECOMMENDATION 1

The Policies map appears to be slightly misaligned at the join in the pages. This should be corrected.

POLICIES

Policy EC1 keeping land available for employment uses

57.I am satisfied that this policy is founded on strategic policy and makes a worthwhile addition to Core Strategy policy CS.22 “Economic Development”.

58.The policy does not include reference to sites that were formerly in employment use and are vacant but possess a lawful use. This should be corrected in the opening sentence of the policy.

59.I am concerned that criterion c) is rather vague and could be difficult to interpret in more complex situations. It is not clear what “other appropriate uses” are and it may be difficult to prove with sufficient clarity that the relinquishing of the employment use of a site is absolutely essential to facilitate the relocation of a business.

60.It would be more clear and effective to implement if the test was simply to prove that the vacated site was no longer viable for employment use in the same manner as criterion b). In this case I recommend deletion of criterion c).

61.The last paragraph of the policy is misleading in stating that development will be simply “treated on its merits” where a compelling case is demonstrated that there is no reasonable prospect of redevelopment. The development will still have to conform to other planning policies, which needs to be reaffirmed. Furthermore, there is reference to “allocated employment use” when the policy should refer to all employment sites including those which are allocated.

62. In the “Explanation” paragraph there is reference to a “compelling case” being made to justify re-use of a site for other than employment purposes. It is necessary to elaborate on the nature of such “compelling” evidence in the event there is a dispute about the quality or relevance of that evidence. I have suggested use of professional evidence will “often” be required which leaves flexibility where it is readily apparent on the ground that a site is not capable of employment use and there is no need to demonstrate a “compelling” case.

RECOMMENDATION 2

Alter the first sentence of the policy to the following:

“ Proposals for the change of use or redevelopment of land or premises identified for or in employment use (including vacant sites which have a lawful use which provides employment) will not be permitted unless:

Delete criterion c).

In the final paragraph of the policy delete “allocated” and after “merits” insert “and in accordance with statutory planning policies,”

In the paragraph titled “Explanation” after the fourth sentence insert the following:

“Documentary evidence provided by professional sources, such as Chartered Surveyors will often be necessary to demonstrate a site is no longer capable of employment use or that it has been properly marketed for employment use with no success.”

The sentence beginning ‘The Tileman’s Lane business’ should be a separate paragraph.

Policy EC2 Creating more business space to meet local needs

63. The policy is aimed at meeting employment need and encouraging business. The policy as worded refers to business generically which technically in terms of the Use Classes Order definition¹¹ could be interpreted only as B1 Business, which, does not include general industry and other businesses. Town-centre type businesses such as retail are a distinct case and covered by advice in the NPPF and specific locational criteria in Core Strategy CS. 23 “Retail development and Main Centres”. There is no apparent justification to limit the need to foster business development to just those businesses in Class B1. The policy needs to be more explicit and clear regarding the scope for businesses development and should refer to a wider range of small businesses.

¹¹ Town and Country Planning (Use Classes Order) 1987

64. This policy as modified and expanded relates to a wide range of business and industrial use and requires further clarification in the Explanation section. It should be made clear that all proposals should conform to other statutory planning policies and development management considerations for the avoidance of any doubt. Particular reference to protection of residential amenity and highway safety would give extra clarity as these issues are often paramount in employment creating uses, which can create noise, pollution and generate substantial traffic.

RECOMMENDATION 3

Alter the title as follows:

“Creating more space to meet local employment needs”

Add the following second paragraph to the policy:

“This policy relates to all business proposals including Classes B1, B2, and B8 of the Town and Country Planning (Use Classes) Order 1987 and any subsequent amendments. It does not include main town centre uses as defined in the NPPF as follows:

Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

The above town centre uses will be considered in relation to the National Planning Policy Framework and policy CS.23 in the Core Strategy “Retail development and Main Centres.

Proposals will have to conform to other statutory planning policies and development management considerations particularly those relating to protection of residential amenity and highway safety.”

In the Explanation Section include the following extra paragraph:

Main town centre uses of limited scale may be acceptable but are governed by specific locational criteria in Core Strategy policy CS.23, which primarily seeks to limit their location to the defined town centre.

Policy EC3 retaining employment components within mixed-use projects

65.This policy effectively seeks the implementation of planning permissions with employment components and discourages their amendment to delete the employment element. There is no legislative basis to justify a policy, which effectively requires the implementation of a planning permission in conformity with that granted.

66.An intention to require a site or building to be developed for a potential employment use is achieved by allocating sites or buildings for that use. The Plan achieves this by allocating a site in policy EC4 and protecting existing employment sites in policy EC1.

67.Proposals to develop a site in a different manner to that previously granted have to be considered on their merits and other statutory policies.

68.I recommend this policy be deleted.

RECOMMENDATION 4

Delete policy EC3.

Policy EC4 Encouraging employment uses on the former Turbine Blading site

69.Again the reference to business space is unclear as to what that encompasses.

70.The policy is vague in its reference to a “significant” business space component. The policy needs to have more clarity to avoid protracted dispute as to what is considered “significant”. It is clear there is a need to encourage the majority of the site to be employment development as proportion of a redevelopment scheme. This could be achieved by specifying a minimum of floor space to be in employment related uses. It would seem reasonable to delineate the preference for the majority of the site to be in business use as a threshold of a minimum of 50 %.

71.I am aware from my site visit the site is in the course of development for a care home but this does not negate this policy that could inform alternative proposals, although the existing planning permission is a material consideration in a future proposal.

72.The policy needs to cross-refer to other national and local planning policies as well as those within this Plan. It also needs to refer to the potential planning brief.

73.The proposals map needs to refer the “Turbine Blading site” rather than just a development brief area.

RECOMMENDATION 5

Amend the policy as follows:

“Proposals for the redevelopment of the former Turbine Blading site, including a mixed use, will be supported if a minimum of 50% of the floor space of the

scheme is in an employment creating use as described in policy EC2. An exception may be allowed if the redevelopment proposal satisfies a local need and is in conformity with other statutory local and national planning policies.

Development shall conform to any planning brief which has been prepared for the site.”

**In the Explanation section include a further paragraph as follows:
“It is intended that a development brief be prepared for the site, see below section 2.5.”**

Policy EC5 Encouraging live/work format developments

74.The definition of live –work units needs to be altered to ensure the two uses are compatible. This can only be guaranteed if the work element is within Class B1 of the Town and Country Planning (Use Classes) Order 1987, which is defined as business development that can reasonably be accommodated in a residential area.

75. It is not clear why criterion d) has been included in this policy and not others relating to residential and employment development. Furthermore, policy ENV 1 establishes a settlement boundary and contains development to a reasonably accessible area. I am also concerned that the term “reasonably accessible to local services” is too imprecise for effective implementation at neighbourhood plan level. It is recommended that this criterion be deleted.

76.The use of the term “good’ in criterion f) is an inappropriate value judgment and unnecessary.

RECOMMENDATION 6

Alter the definition of live-work units in footnote 15 as follows:

“ The dual use of a purpose built or converted building as a combination of dwelling and business space as defined by Class B1 of the Town and Country Planning (Use Classes) Order 1987. The ratio of uses in floor space terms must be relatively equal. ”

Delete criterion d).

In criterion f) delete “Good” and insert “The” in its place.

Policy EC6 Raising the leisure and tourism profile of the town

77.This policy supports tourism development with none of the qualifications applied in Core Strategy policy CS.24 “Tourism and Leisure Development”. It is therefore contrary to basic conditions and should be deleted.

78.It is possible to retain a reference to the desire to promote tourism as part of the economic strategy in the Plan but this should be limited to a cross reference to the Core Strategy policy. This can be achieved in an amended form of policy EC7.

RECOMMENDATION 7

Delete “Policy EC6”.

Policy EC7 A better location for visitor and tourism information

79.The need to site such development within the town centre area, as defined on the policies map, should be more explicit.

80.The desire to promote tourism as referred to in the “deleted” policy EC 6 could be re-asserted in the Explanation section.

RECOMMENDATION 8

In the policy, delete “new town centre”, add at the end of the sentence “within the town centre boundary highlighted on the policies map.”

Insert as a new first paragraph in the Explanation section, the paragraph from Explanation to EC6. At the end of this paragraph add “in accordance with the Core Strategy policy CS.24 “Tourism and Development”.

The Explanation section to policy EC7 can remain as the second paragraph.

Policy INF1 Contributions to essential new infrastructure and community facilities

81.The requirement to pay the Community Infrastructure Levy (CIL) is governed by statute and the ‘Charging Schedule’ produced by SDC. The reference to the need to pay CIL is covered by Core Strategy policy CS.27 “Developer Contributions”. It is confusing and unnecessary to repeat this policy in this Plan.

82.The identification of local projects for funding is useful but the acceptance that this will “vary over time” is not sufficiently clear for Plan policy. Nevertheless it is appropriate that the Plan signals likely projects in the Plan and makes reference to CIL contributions towards infrastructure. This would be best located in the “Consequent Local Projects” forming Document 2 to the Plan which is not technically part of the Plan but useful as identifying the Town Council’s aspirations going forward.

RECOMMENDATION 9

Add the following new paragraph after paragraph 2.3.3:

“Developers will need to make contributions to support Local Infrastructure via the Community Infrastructure levy and the requirements of Core Strategy policy CS.27 “Developer Contributions”.

Delete Policy INF1 and supporting text. The policy aspirations and supporting text could be replicated in slightly modified form in Document 2 The Consequent Local Projects.

Policy INF2 Town centre traffic and parking

83.Works within the highway do not require planning permission and are projects entered into by the Highway Authority, the County Council. This is therefore not suitable as a Plan policy but could be an aspiration to be included in “Consequent Local Projects” forming Document 2 to the Plan.

RECOMMENDATION 10

Delete policy INF2 and consider inserting in “Consequent Local Projects” forming Document 2 to the Plan.

Policy INF3 Pedestrian and cyclist access

84.This policy is justified as a means of ensuring new development has connectivity with pedestrian and cycle routes. The expression “support will be given” in this instance is rather open to interpretation and would be clearer and more effective if the requirement was expressed in stronger terms.

85.The second part of the policy relating to opportunities to create new public rights of way etc. is an aspiration rather than a policy and should be included in “Consequent Local Projects” forming Document 2 to the Plan.

RECOMMENDATION 11

Amend the first sentence of the policy as follows:

“Where possible development shall provide effective links to pedestrian and cycle networks and to and from the town centre and community facilities.”

Delete the last sentence in the policy beginning “Opportunities.... etc. ” and consider inserting in “Consequent Local Projects” forming Document 2 to the Plan.

Policy FLD1 effective surface water drainage

86.This policy is a repeat of flood prevention policies in the NPPF and Core Strategy policy CS.4 “Water Environment and Flood Risk”.

87. The partial repetition of these policies is potentially confusing and the policy should be deleted. The reference to the Flood Zones and their relative capacity to tolerate development is wrong as quoted in the Plan policy.

88. There is nevertheless a clear specific problem of flooding in the Plan area and it is appropriate to incorporate references to national and local policy regarding flood prevention.

89. The Warwickshire County Council Flood Risk Management comments have urged the incorporation of further detail in the Plan with respect to flood risk. However, for the reasons above I do not think this is appropriate.

RECOMMENDATION 12

Delete policy FLD1 and supporting text

Insert two new paragraphs after paragraph 2.4.3 as follows:

“ 2.4.4 The Town Council fully supports the flood prevention policies in the National Planning Policy Framework and expressed in more detail in Core Strategy policy CS.4 “Water Environment and Flood Risk”.

Retain paragraph 2.4.4 but change the format to indicate it is not supporting a Plan policy by omitting “Objective:” and replacing this with “The aim is...to encourage etc.”

Retain the Explanation section as a paragraph but alter the first sentence as follows:

“The aim of the policies is to ensure...development proposals etc.”

Policy FLD2 Keeping watercourses and ditches as open channels

90. This policy is a repetition of Core Strategy policy “ CS.4 B Water Environment and Flood Risk –Surface Water Run-off and Sustainable Urban Drainage Systems”. It is a partial rendition of the strategic policy, which could result in confusion and should be deleted.

91. Again, it is appropriate to retain a reference to the policy relating to this issue.

RECOMMENDATION 13

Delete policy FLD2 and all the supporting text.

Add a paragraph as follows “It is important in accordance with Core Strategy policy “CS.4 B Water Environment and Flood Risk –Surface Water Run-off and Sustainable Urban Drainage Systems” that watercourses and ditches are kept

as open channels and where possible opened up in order to help provide flood alleviation and less opportunity for blocked culverts. Furthermore, the open river environments are a valuable amenity for recreation and supporting wildlife.”

Policy FLD3 Not reducing the effectiveness of the flood plain

92.This policy is not in accordance with national policy, which allows scope for some limited development in “flood water containment areas”. It should be deleted. The reference to the appropriate national and local policies regarding the general approach to development in flood risk areas is covered by my suggested modifications and references to the national policy and the Core Strategy above.

RECOMMENDATION 14

Delete policy FLD3 and all supporting text.

Protecting a valued environment

93.In paragraph 2.5.5 there is reference to a “substantial shortfall of recreational public open space in the town.” This reference needs to be evidenced by reference to the Core Strategy.

RECOMMENDATION 15

In paragraph 2.5.5 at the end of the first sentence insert “as identified in the Core Strategy policy AS.6 with respect to issues in the Plan area.”

Policy ENV1 A defined Built-Up Area Boundary

94.There is a clear justification for the establishment of this “Built-Up Area Boundary” which is based on the planning commitments and the need to fulfill its role as a Main Rural Centre as defined in the Core Strategy. There is clear public support¹² for the policy of relative containment but accepting a degree of growth in accordance with e role of the town as a Main Rural Centre

95.There should be a clearer statement regarding development outside of the boundary and the strategic Core Strategy policies CS.3 “Areas of Restraint” and CS. 15 “Distribution of Development.”

RECOMMENDATION 16

Add a sentence to the policy as follows:

¹² See evidence Document CEF 043 “Background Evidence Policies ENV1 and 2”

“ Development outside the boundary will be limited in accordance with Core Strategy policy CS

.15 “Distribution of Development”.

**Include a new penultimate sentence in the explanation section as follows:
“Development outside of the boundary will be limited in accordance with Core Strategy policies CS.13 “Areas of Restraint” and CS.15 “Distribution of Development” which is concerned to protect landscape character and avoid the coalescence of settlements.”**

**Include the following in the Higher Level Policies:
“CS.13 “Areas of Restraint” protects the landscape and visual amenity in the Stour Valley east of the town.**

Policy ENV2 Conserving the adjoining countryside

96.The policy identifies two areas as potential Local Green Space. The NPPF in paragraph 77 specifies;

“this designation should only be used

- where the green space is in reasonably close proximity to the community it serves;*
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- where the green area concerned is local in character and is not an extensive tract of land.”*

97.The Town Council has submitted an extensive document titled “Compelling Case for Local Green Space (LGS) Designation” which refers to the NPPF criteria and other evidence to support the designations including that from Natural England, Warwickshire County Council, the Cotswold DC Local Green Space Designation Toolkit and SDC. It is clear there is a shortage of accessible Green Space in the Plan area as identified in the Core Strategy and the document referred to above in this paragraph.

98. There has been extensive consultation and I am satisfied that the sites proposed represent a reasonable degree of public support and there are no clearly identified omissions. There is no submitted substantial and convincing evidence that seeks to justify any alternative green space designations than those suggested in the Plan. Savills on behalf of David Wilson Homes seek to justify residential development at Shoulderway lane on the basis of green space provision. This is not a basis for designation as there is no explanation of how this particular green space meets the NPPF criteria.

99. However, whilst there is support of the designations there has been concern from SDC and Gladman that these designations do not comply with the defining criteria in the NPPF, referred to above.

100. In the case of designation at Hanson Hill I consider the site at 18.24 ha. is too large to fulfill the NPPF criteria that it should be local in character and not an extensive tract of land. This requirement is to ensure that larger areas are not designated in an attempt to fulfill the same purpose as Green Belt or other strategic policies to protect the countryside from the encroachment of built development. In this case, Core Strategy policy CS.15 Policy "Distribution of Development" controls development outside of the built-up area boundary.

101. I do not accept that the quoted Natural England "Nature Nearby Accessible Natural Greenspace Guidance" offers a justification for the designation of such a large area. It recommends at least one 20 hectare green space site within 2 kilometres of every home. However, this advice last reviewed in 2010 precedes the NPPF and is primarily aimed at promoting access to nature. The NPPF however relates to a different type of green space located within communities, which has a particular significance, and of limited size. It states most green areas will not be suitable for this designation. In this context the national planning policy guidance (NPPG)¹³ states "consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space. In this case, bearing in mind the Core Strategy policies CS.5 "Landscape", CS.7 "Green Infrastructure" and CS.15 "Distribution of Development" offering protection of this area, I find no extra benefit.

102. Similarly, I do not consider the advice in the Cotswold DC "Local Green Space Designation toolkit" offers a justification for designation of such a large area. It simply states that it is unlikely that designations will apply to land of more than 20 hectares, which does not establish that all land of lesser size is appropriate.

103. I agree with SDC that it is not proven that the land in question is demonstrably special to the local community. There is no public right of access to significant parts of the land and the historic Drovers Road is not specific to this piece of land. It is of value to wildlife but not distinct or unique from surrounding land in that role. The land does not hold a particular local significance, which is different to any other similar agricultural land on the edge of the settlement. The land offers an important highly visible landscape setting for the town but does not have a contained unique quality in my consideration. It appears a rather arbitrary designation and could, if designated, create a precedent for requests for other large areas adjacent to the built-up area boundary to receive a similar designation.

104. Whilst not crucial to the case for designation I agree with SDC and Stansgate Planning, on behalf of a landowner, that it has not been demonstrated there is public

¹³ Paragraph 011 Ref. ID: 37-011-20140306

access to the majority of the area. This lessens the value to the community of the designation of the land as green space.

105.I recommend therefore that the Hanson Hill designation be deleted.

106.I consider that the designation LGS1: “Land close to the River Stour near Barcheston” is appropriate as local green space. The evidence, including using the Cotswold DC designation questionnaire as a template, shows it is a tranquil area close to the river, which is valued by the community as demonstrated by the consultation response to the Plan. It provides an attractive location with close access to the river and pleasant views to the Cotswold Area of Outstanding Natural Beauty (AONB), Brailes Hill and the Upper Stour valley. It is reasonably close (within 2 kilometres) to the town centre and is accessible with scope for improvement.

107.The policy needs to be embellished to reflect the NPPF advice, in paragraph 77, that a “Green Belt” type of approach be adopted and all appropriate development shall be designed to minimize it’s intrusion.

108.The Policies map needs to refer to the LGS 1 green space by name. Box 8 erroneously refers to policy ENV1.

109.SDC are concerned that paragraph 2 in Box 8 implies their support for the Cotswold DC criteria for designation of green space when in fact they do not fully support them. I agree with SDC that these criteria are inappropriate in implying that sites up to 20 hectares may be suitable. I therefore recommend that reference to these criteria be removed from Box 8. Similarly the Natural England criteria are not fully aligned with the NPPF advice, which should prevail in this analysis and should be deleted.

110.The offer of local green space in a potential development at Shoulderway Lane by Savills on behalf of David Wilson Homes is not a basis for either allowing the site to be allocated or the green space designated.

RECOMMENDATION 17

Delete the green space designation LGS 2 Land adjacent to the Hanson Track public right of way on the upper slopes and tops of Hanson Hill. Remove all references to it in the supporting text and Box 8. All plural references to green space must be made singular.

Add a further sentence to the policy as follows: “All development shall be designed to minimize its impact on the green space and it’s setting. ”

In Box 8 in the first sentence alter “ENV 1” to “ENV 2”.

Delete the second and final paragraph in Box 8 and replace with the following as a new second paragraph:

**“ The designation is based on criteria in paragraph 77 of the NPPF which state
“*This designation should only be used***

- *where the green space is in reasonably close proximity to the community it serves;***
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and***
- *where the green area concerned is local in character and is not an extensive tract of land.””***

In the remaining existing third paragraph delete sentences three, four and five.

Policy ENV3: Ensuring development respects the local landscape and townscape.

111. This policy helps to ensure development respects the local distinctiveness of the area and complements strategic policies. There is some overlap with Core Strategy policy CS.8 “Historic Environment” but the policy adds some design criteria. I consider the policy meets basic conditions but there are modifications required to ensure it offers more clear advice.

112. In criterion 1 the reference to high standards is a value judgment and adds nothing to the policy and can be deleted.

113. Criterion 2 e) refers to published Warwickshire Landscape Guidelines. This should be clarified as the Warwickshire County Council Landscape Guidelines.

114. Criterion 2 f) uses the term “enjoys” which is a value judgment and should be reworded to reflect a concern regarding the resistance of intrusive features.

115. Criteria 2 i) requires an archaeological survey in all cases which is unreasonable. The criterion should be reworded to reflect care is taken when there is a likelihood of archaeological deposits in the immediate vicinity of a site.

116. Criterion 2 j) is effectively a repeat of criterion b) and should be removed.

RECOMMENDATION 18

Delete the last sentence in criterion 1.

Under (2) Responding to local character: a) is the opening paragraph and should not have a letter, the principles below should then all be ‘re-lettered’, accordingly.

In criterion 2 e) clarify that it is the “Warwickshire Landscape Guidelines” insert “prepared by Warwickshire County Council.”

In criterion 2 f) delete “can continue to be enjoyed” insert “are maintained free from intrusive development.”

Alter criterion i) as follows: “ When there are archaeological deposits which may be affected or it is considered there may be such deposits in the vicinity then a full survey shall be carried out and adequate protection afforded where necessary.”

Delete criterion 2 j).

Policy ENV4: Protecting designated heritage assets

117.This is a repeat of policies in the NPPF relating to “Conserving and enhancing the historic environment ” and Core Strategy policy CS.8 “Historic Environment”. It does not add anything and should be deleted in the interests of clarity.

118.It is, however, appropriate to make reference and signpost these higher policies.

RECOMMENDATION 19

Delete “Policy ENV4” from the title

Delete the policy wording ENV4 but retain the supporting paragraphs as follows:

“In the Objective paragraph delete ”Objective” Add a new first sentence to this paragraph as follows; The Town Council is concerned that the NPPF policies and the Core Strategy policy CS.8 “Historic Environment” are closely adhered to.

Delete “explanation” from that paragraph but retain the rest of the paragraph

Policy ENV5 Improving and adding play areas, parks and public open spaces

119.There is clear evidence that there is a shortfall of public open space and recreation land. However, this policy is an aspiration rather than a method of managing development.

120.The policy seeks to achieve public access some of which is private land and encourage recreation. The scope to achieve this is not within the legal remit of planning and is a matter for negotiation and project planning to be included in Document 2 “The Consequent Local Projects”.

121.I agree with SDC, that there is no evidence that the public access can be achieved.

122.The project is laudable and appears a coherent means of providing better public access to green space and recreation facilities. It is possible that some of the areas may be suitable for designation as local green space and this is a matter the Town Council may wish to consider when it reviews the Plan.

RECOMMENDATION 20

Delete ENV5 and associated supportive text as a policy and delete the “Wellbeing” allocations from the Policies map. Transfer the text to Document 2 “The Consequent Local Projects” with appropriate re-wording. A map of the Well-Being Zones could be included in that section. Attention should be given to re-wording of other references in the Plan e.g. Box 1 to “Wellbeing” issues to ensure these are aspirations and not policies.

Meeting Housing Requirements

123.There are various figures quoted in paragraphs 2.6.7 to 2.6.10 with respect to the amount of housing identified in the Core Strategy for Main Rural Centres such as Shipston and the town itself. It has been clarified in correspondence during the examination that these figures are indicative and are based on housing commitments 2011-2031. These figures change over time and are now different, albeit relatively modestly, from those quoted in the Core Strategy.

124.The figures used in the Plan therefore are not the same as those used in the Core Strategy, which is confusing without some explanation. I therefore recommend that these paragraphs be altered to reflect those that appear in the Core Strategy with a clear reference that they are indicative and can change over time.

125.In the box relating to Higher Level Policies, Core Strategy policy CS.19 relating to “Housing Mix” has been missed out and should be included.

RECOMMENDATION 21

**Delete paragraphs 2.6.7 to 2.6.10.
Insert in their place the following paragraphs:**

“The Core Strategy allocates approximately 3,800 homes to be provided in Main Rural Centres such as Shipston. It states further in paragraph 6.6.21 that based on the strategy set out in Section 5 for distributing housing development in the District, and taking into account the number of dwellings built and granted planning permission since 2011, an indicative figure of a minimum of 510 homes are to be provided in Shipston over the plan period.

Since the Core Strategy was adopted this figure has been slightly revised by SDC in 2017, on account of the latest figures for dwellings completed, dwellings under construction and planning permissions granted for dwellings since 2011. It is now envisaged that Shipston will provide an indicative minimum figure of 516 dwellings which excludes extra care units specialising in provision for the elderly.“

**In the Higher Level policies box include:
CS.19 Housing Mix.**

Policy HSG1 Ensuring a supply of affordable rental and shared equity homes

126.This policy seeks to add to the Core Strategy policy CS.18 “Affordable Housing” which seeks to deliver affordable housing via planning obligations on open market schemes. There are concerns from SDC that it is unlikely a scheme would come forward for just affordable housing and Mr. Simmonds points out in any event it should be subject to the same policies as open market housing.

127.Whilst there is no apparent established mechanism for delivery of purely affordable housing schemes in this manner I do not consider this fully negates the possibility of such schemes coming forward in the future. It is possible that a community–led scheme may be formulated led by a Registered Social Landlord.

128.Core Strategy policies CS.15G “Distribution of Development” and AS.10 allow a local community to bring forward local needs schemes in response to needs identified by the community on land within and adjacent to a settlement.” Furthermore, policy EC4 relating to the Turbine Buildings site recognizes individual consideration for schemes satisfying local need. The policy therefore has a role as a distinct consideration of an affordable housing scheme containing no open market dwellings. I consider there is a possibility this type of scheme could come forward.

129.SDC are concerned there is no mechanism for prioritising proportions of different tenures or housing types. I do not share this view as the housing mix can be related to a local needs survey under the direction of Core Strategy policy CS.18 “Affordable Housing”.

130.The title of the policy is confusing in referring only to “affordable rental and shared equity homes” which does not encapsulate the full Core Strategy definition of affordable housing by excluding intermediate housing. I recommend that the title simply refers to affordable housing with a reference to the Core Strategy definition.

131.SDC and Rosconn Strategic Land, however, make a valid criticism that the “local connection” requirement conflicts with the Core Strategy policies CS.17 “Accommodating Housing needs arising from outside the District” and policy CS.18 “Affordable Housing aimed at meeting affordable housing targets district-wide”. These policies are clearly seeking to meet housing needs from a wider area.

132. The policy should therefore be adjusted to give priority to persons with a local connection but in the event there are no persons qualifying as local then the housing is offered to others on a cascade basis as suggested by SDC to take into account the wider District and even beyond. The terms of an acceptable cascade system are defined in paragraph 14 of the October 2016 “Addendum Note to the Housing Audit and Issues Report” which needs to be reproduced in the Plan for clarity and ease of reference.

133. The policy needs to be embellished to ensure the mix of affordable housing is targeting that identified in the most recent local needs housing survey. SDC has a legitimate concern that the commitment in the Explanation section to a survey every 3 years is too onerous and should be less onerous. Five years is a reasonable requirement for review of local housing needs.

134. SDC has some concern that in the context of this housing remaining affordable it needs to be acknowledged that exceptionally there is a need for waivers from this requirement, for example in respect of shared ownership “staircasing” and standard “mortgagee protection” clauses. It is important that this approach which is referred to in the Core Strategy policy CS.183C regarding “Affordability and Tenure”.

135. Whilst I appreciate that the anticipated trajectory of housing delivery is expected to decrease through the Plan period, I cannot see any reason in the Objective to emphasise the delivery after 2021. This reference should be removed in the interests of clarity.

RECOMMENDATION 22

Amend the title of the policy to “Policy HSG1 ensuring a supply of Affordable Homes

(include the reference to the definition in the Glossary)

in the Objective section delete “particularly after 2021”

Amend the policy as follows:

“ Development proposals of exclusively affordable homes will be supported within and adjacent to the built-up-area boundary and where they are seeking to meet needs identified in the most recent local housing needs survey. These proposals shall conform to Core Strategy policy CS.15 “Distribution of Development”. Such housing shall be occupied by persons with a local connection in a cascade system as described in section 3.2 below (*see further amendment below to create a new definition of local connection*), which gives priority to local people. This housing shall remain affordable in accordance with Core Strategy policy CS.18 Affordable Housing ”

In the Explanation section, first paragraph delete the following from the last sentence:

“every three years from 2016 onwards.” Insert “

“at least every 5 years.”

Delete the second paragraph in the Explanation section.

Add a further paragraph to the Explanation section as follows:

“The term local connection is defined in section 3.2 below. The housing shall remain affordable and available to persons with a local connection. ”

In exceptional cases it may be possible to allow a relaxation from the affordability requirement, for example in respect of shared ownership “staircasing” and “mortgagee protection” clauses.

“Insert a new definition of local connection criteria in footnote 24 of section 3.2 as follows:

“For affordable rental and shared equity housing, a local connection is defined as:

- having lived in the parish of Shipston (by choice) for a minimum period of two years, immediately prior to the application for accommodation; or**
- having been in permanent, paid employment for a minimum period of six months, within the parish of Shipston, immediately prior to the application for accommodation; or**
- having a close family member (mother, father, sister, brother, or adult child aged 18 and over) living in the parish of Shipston and their having done so for a minimum period of five years, immediately prior to the application for accommodation; or**
- having lived in the parish of Shipston for three out of the last five years immediately prior to the application for accommodation; or**
- having a local connection as a result of special circumstances (as defined in Stratford District Council’s Home Choice Plus Allocations Policy 2015).**

If sufficient occupants cannot be found who meet at least one of these criteria, then the affordable homes may be occupied by those:

- having lived in Shipston or one or more of the adjoining parishes of Tredington, Stretton-on-Fosse, Tidmington, Honington or Barcheston & Willington (by choice) for a minimum period of two years, immediately prior to the application for accommodation; or**
- having been in permanent, paid employment for a minimum period of six months, within one or more of those parishes, immediately prior to the application for accommodation; or**
- having a close family member (mother, father, sister, brother, or adult child aged 18 and over) living in one or more of those parishes and their having done so for a minimum period of five years, immediately prior to the application for accommodation; or**
- having lived in one or more of those parishes for three out of the last five years immediately prior to the application for accommodation.**

If sufficient occupants cannot be found who meet at least one of these criteria, then the affordable homes may be occupied by those:

- **having lived in the area of Stratford District Council (by choice) for a minimum period of two years, immediately prior to the application for accommodation; or**
- **having been in permanent, paid employment for a minimum period of six months, within the area of Stratford District Council, immediately prior to the application for accommodation; or**
- **having a close family member (mother, father, sister, brother, or adult child aged 18 and over) living in the area of Stratford District Council and their having done so for a minimum period of five years, immediately prior to the application for accommodation; or**
- **having lived in the area of Stratford District Council for three out of the last five years immediately prior to the application for accommodation.**

If sufficient occupants cannot be found who meet at least one of these criteria, then the affordable homes may be occupied by those:

- **having lived in the Coventry and Warwickshire Strategic Housing Market Area (by choice) for a minimum period of two years, immediately prior to the application for accommodation; or**
- **having been in permanent, paid employment for a minimum period of six months, within the Coventry and Warwickshire Strategic Housing Market Area, immediately prior to the application for accommodation; or**
- **having a close family member (mother, father, sister, brother, or adult child aged 18 and over) living in the Coventry and Warwickshire Strategic Housing Market Area and their having done so for a minimum period of five years, immediately prior to the application for accommodation; or**
- **having lived in the Coventry and Warwickshire Strategic Housing Market Area for three out of the last five years immediately prior to the application for accommodation. ”**

Policy HSG2 ensuring a supply of low cost market housing

136. The Core Strategy clearly establishes that low cost market housing is not to be regarded as affordable housing. There is clear evidence in the Explanation section of the need for this type of housing which can be regarded as a local needs scheme identified by the community to which Core Strategy policy CS.15G “Distribution of Development refers. This policy allows these types of Local Needs Schemes within or outside the built-up-area boundary. This needs to be made explicit in the policy.

137. I consider there is a justification for this policy that amplifies the Core Strategy policy by clarifying these, as community-led local needs schemes particularly desirable in the Plan area. It is important that the policy makes explicit that the nature of these schemes is agreed with SDC in consultation with the Town Council to ensure that they meet the requirements of a community-led scheme for example in terms of local housing needs and price.

138.It is necessary that the same modifications be applied as I suggest in relation to policy HSG1 regarding the definition of local connection.

139.Low cost housing should have a footnote and reference in the Glossary providing the same definition as stated in the Core Strategy.

140.I consider it is possible that a specific scheme could come forward possibly as starter homes scheme as envisaged in the NPPG (National Planning Policy Guidance).

141.The definition of starter homes in the NPPG overlaps with that of low cost market housing. Reference should be made in the Explanation section to reflect the policies in the national planning policy guidance (NPPG)¹⁴ with respect to starter homes on exception sites.

142.In relation to the objection by Savills on behalf of David Wilson Homes that they can offer low-cost housing on their site at Shoulderway Lane, this policy may offer an opportunity subject to the details to produce a community-led scheme to deliver such housing

RECOMMENDATION 23

**In the Higher Level Policies include the following as a second paragraph;
“The National Planning Policy Guidance (Paragraph 001 Reference ID: 55-001-20150318 to Paragraph: 012 Reference ID: 55-012-20150318) offers advice on provision of starter homes on sites which are no longer viable for industrial or commercial use”**

Introduce the a footnote at the end of the policy title and include the following reference in section 3.2 (as renumbered) List of references and background information:

“Low Cost Market Housing: Low cost market housing is sold at a price lower than the normal market value. By definition, although it is more ‘affordable’ to potential purchasers, low cost market housing does not fall within the planning definition of affordable housing as set out in the NPPF. ”

Amend the policy as follows:

¹⁴ NPPG Paragraph 001 Reference ID: 55-001-20150318 to Paragraph: 012 Reference ID: 55-012-20150318

“ Development proposals will be supported where they are within and adjacent to the built-up-area boundary and in accordance with Core Strategy policy CS.15G “Distribution of Development”. The housing shall meet the needs identified in the latest housing needs survey at a price lower than the normal market value and be for those with a local connection, as defined in section 3.2 of this Plan.

Add a new second paragraph to the Explanation section as follows:

Policies in the National Planning Policy Guidance regarding Starter Homes for persons of less than 40 years old at lower than average prices have overlaps with this policy. Starter Homes are encouraged on “exception sites” and are expected to be on land that has been in commercial or industrial use, and which has not currently been identified for residential development. Suitable sites are likely to be under-used or no longer viable for commercial or industrial purposes, but with remediation and infrastructure costs that are not too great so as to render Starter Homes financially unviable.

Policy HSG3 meeting the Housing Needs of older persons

143.The policy objective defines older persons as aged 55 plus. This is an important definition and needs to be in the policy itself in the interests of clarity.

144.The reference to suitable sites is imprecise and unnecessary. The suitability of a site is essentially determined in relation to this and other policies and development management considerations.

145.The same comments apply to this type of development as a community–led housing scheme as referred to above in relation to affordable and low cost market housing. It falls to be determined under Core Strategy policy CS.15G “Distribution of Development. There should be cross–reference to this in the policy.

I consider the distinction between Extra Care and sheltered housing is relatively minor and it would be clearer to group them in one new definition in section 3.2

146.SDC consider the reference to “care homes providing personal care and/or nursing care” is not within their definition of independent living and does not match with the other forms of development to which the policy relates. Also, it does not fall into their calculations of housing supply and Core Strategy policy CS.19 “Housing Mix and Type” which aims to achieve a desired housing mix. I agree that institutionalized accommodation providing residential and nursing care defined by Class C2 of the Town and Country Planning (Use Classes) Order 1987 is a different form of provision and CS.19 does not apply to it. It would therefore not be in conformity with the Core Strategy if C2 type institutionalized accommodation were included it in the same policy as Extra Care or Sheltered Housing. Furthermore, there is no evidence available, which would support a case for a specific policy promoting institutionalized care homes. The first bullet should therefore be deleted.

147.The definition of Extra Care Housing requires a more explicit reference.

148.The broad reference to “other “ accommodation is too open and could be interpreted as institutionalized care accommodation and should be deleted.

149.The same response to the comments of Savills on behalf of David Wilson Homes on policies HSG 1 and 2 is relevant to this policy as well. This policy may offer an opportunity, subject to the details, to produce a community-led scheme to deliver such housing

150.The term ‘eligible ‘ referred to in the policy requires clarification.

RECOMMENDATION 24

**In the policy title at the end insert “for persons of more than 55 years of age”
In the policy after accommodation insert “for persons of more than 55 years of age”**

Alter the policy as follows:

Policy: Development of Extra Care or Sheltered Housing for persons of over 55 years of age will be supported on sites within and adjacent to the built-up-area boundary and in accordance with Core Strategy policy CS.15G “Distribution of Development”. The housing shall meet the needs identified for older persons in the latest housing needs survey and be for those with a local connection, as defined in section 3.2 of this Plan. The policy only relates to Extra Care Housing and Sheltered Housing as defined in section 3.2 of this Plan.

In the definition of Extra Care Housing alter the first sentence as follows:

“Extra Care and Sheltered Housing comprises self-contained homes with design features and varying levels of care services but essentially to enable self-care and independent living. At the end of the definition insert the following sentence: “This type of accommodation does not include institutional residential or nursing care described as Class C2 in the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment.”

Policy HSG4 Development on windfall sites

151.This policy highlights the potential for windfall development but that it should conform to the other policy requirements of this plan.

152.In the interests of clarity the definition of windfall sites, as it appears in the Core Strategy, should be repeated in this Plan

153.SDC point out that it is not exactly clear whether this policy relates to the type of housing needs development referred to in policies HSG1, HSG2 and HSG 3. Whilst development proposed in HSG1, 2 and 3 could be windfall development these are separate policies relating specifically to fulfilling housing needs.

I consider there is a need for this policy to confirm that windfall development is acceptable subject to conformity with other strategic and Plan policies. In the absence of this policy, consideration of housing windfall development would depend on an interpretation of policy ENV 1 “A defined built-up-area boundary ” which is not sufficiently clear.

154.The policy is also necessary as it clarifies that the Plans objective of meeting local housing needs requirements.

RECOMMENDATION 25

Include a footnote to windfall sites in the policy title and use the following definition in section 3.2:

“Windfall Sites: Sites which have not been specifically identified as available in the Development Plan process. They normally comprise small, previously developed sites that have unexpectedly become available and are suitable for certain forms of redevelopment.”

Policy HSG5 safeguarding committed sites

155.It is not possible to require those sites with unimplemented residential planning permissions are protected for a future housing unless there is an allocation on the policies map. In accordance with the NPPF any application for sustainable development should be approved even if it reduces or replaces existing housing commitments.

156.This policy should be deleted.

157.The Town Council and SDC may wish to monitor the uptake of these sites and if it becomes evident there is a significant issue with non-implementation then it may be necessary to review the Plan to consider allocating further housing sites.

RECOMMENDATION 26

Delete policy HSG5

Policy HSG6 Allocating housing land to contribute to strategic housing requirements

158.I agree with SDC that in the interests of clarity the site should be referred to as land south of Oldbutt Road.

159. This policy provides a reserve site to be brought forward in certain circumstances to allow the housing requirements specified in the Core Strategy policies CS.16 Housing Development to be met.

160. I am satisfied that the process for identifying the proposed site has been done in an appropriate and proportionate manner involving a comprehensive, transparent search and adequate consultation with the public, landowners and technical bodies. The Town Council's Housing Audit and Issues Report-Addendum", October 2016 illustrates consideration of a range of sites, including those referred to at the final consultation Regulation 16 stage. It makes appropriate judgments on the capability and suitability of sites for allocation for development in the Plan based on existing strategic policies and those put forward in this plan, particularly relating to preservation of the landscape character and the need to contain the settlement.

161. There is no apparent reason why the identified site is not deliverable but the access detail needs to be concluded. There is a rationale behind the choice of this site on the basis of its close relationship with existing development, extant planning permissions and no identified technical objections.

162. It is understood that the access situation remains to be determined in detail but there seems a reasonable prospect that this can be achieved via the area to the north that has permission for housing development. I note there are no objections from the Highway Authority to this policy.

163. There is criticism in particular from Savills on behalf of David Wilson Homes and Rosconn Strategic Land that there is insufficient provision of reserve sites particularly bearing in mind the incapability of other "Main Rural Centres" to meet the housing targets. It is submitted a number of these centres have greater constraints than Shipston and therefore there is a need to identify more housing sites than identified in this neighbourhood plan.

164. I do not accept this criticism. The Core Strategy in paragraph 6.6.21 states *"Based on the strategy set out in Section 5 for distributing housing development in the District, and taking into account the number of dwellings built and granted planning permission since 2011, a minimum of 510 homes are to be provided in the town over the plan period."* SDC has clarified further in an email of 26/1/18 to myself that this is an indicative figure, which changes over time and reflects housing commitments. At the time of writing the figure for the Plan area is 516 dwellings based on planning permissions granted since the Core Strategy plan period commenced in 2011 and excluding permissions for 'extra care' units for the elderly.

165. SDC has not raised an objection that the Plan does not provide sufficient housing land to meet District wide housing requirements in the Core Strategy. Extant planning permissions are considered adequate to meet the requirement for Shipston, at this stage. I note the Core Strategy policy CS.16 explicitly states that SDC will bring forward a review of housing site provision if it becomes apparent that the

envisaged scale of housing cannot be delivered. I note from the SDC website the latest figures for housing supply in the SDC area were issued on 31/3/17 and amount to 6.67 years supply for the period 1/4/17 to 31/3/22 which meets the NPPF requirement for a 5 year supply.

166. The two sites put forward in the Plan in policies HSG 6 and & 7 (discussed below) could provide an estimated further 48 dwellings which I consider is an adequate buffer taking into account the extent of the housing commitments at this early stage of the Plan and the existence of a five year supply. CS policy 16, in accordance with the NPPF, states that reserve sites could provide up to a 20% buffer. In this case the 48 dwellings provided by the reserve site and the further allocation (as modified) expressed by policy HSG 7 will amount to 9.3% of the envisaged 516 dwellings. At this stage I consider the “reserve” site total is sufficient.

167. I do not consider there is a need for criteria (a) or (b) in the policy. These criteria restrict release of the site to after an alternative community-led housing scheme or a self-build housing project is brought forward. It is not exactly clear what “brought-forward” means and criteria (c) limits release to after 2021 if needed to meet the requirements of the Core Strategy policy CS16. D regarding phased release of sites. This criterion offers adequate potential phased release of this reserve site, if necessary, and scope for further consideration of the need for other reserve sites.

168. There does not appear to be an overriding constraint in achieving access but the access option has not been demonstrated conclusively which should be acknowledged in the policy.

169. The last paragraph of the policy is superfluous bearing in mind the need for a master plan is essentially a planning application validation issue and also policy ENV 3 is directed to “Ensuring development respects the local landscape and townscape

170. The Explanation section should be embellished to point out that the provision of housing reserve sites should be reviewed at regular intervals throughout the Plan period. It is important to specify that this should be done at least every five years to ensure Core Strategy policies regarding housing delivery are met.

RECOMMENDATION 27

Amend the policy as follows:

“ A site on land south of Oldbutt Road, as shown on the policies map, is allocated as a reserve housing site which should accommodate 25 to 30 dwellings. It will be released after 2021 if it is required to meet the housing requirements set out in Part D of the Core Strategy policy CS.16. The development of the land is subject to meeting other planning policy requirements and the achievement of satisfactory access arrangements which, if necessary, should be phased in connection with the development of the site to the north.”

Add to the key of the Policies map in reference to this site “Proposed housing reserve site on land south of Oldbutt Road (HSG 6).

Add extra paragraphs to the Explanation section as follows;

“ The identified site is subject to a requirement that it’s development be phased in accordance with the development of sites to the north, in particular to achieve a satisfactory access provision.

The provision of reserve housing sites to meet the housing needs as expressed in the Core Strategy will continue to be reviewed throughout the plan period, at least every five years ”

Policy HSG7 Allocated housing land to meet currently identified local needs

171.I note there is currently an undecided application for the development of 18 dwellings in accordance with the housing mix suggested in the policy. I have to examine the plan on the basis that this application has not been determined at the time of writing.

172.I agree with SDC that in the interests of clarity the site should be referred to as land at Ridgeway, east of London Road.

173.This community-led scheme is in accordance with policy CS.15G of the Core Strategy and the accompanying development management considerations. It will provide a mix of affordable housing and housing with a local connection. In addition it will facilitate provision and facilitate access to the designated area of local green space the subject of policy ENV2.

174.There is no apparent robust justification for the housing mix as expressed in the policy and it is sufficient to refer generically to the latest housing needs assessment. SDC has stated there is no justification for the tenure mix proposed.

175.The site has been identified properly and is readily available with no constraints. The landowner is clearly keen to establish development. It can make a valuable contribution beyond the minimum housing requirement and offers the opportunity to provide accessible local green space.

176.The reference in the policy to commencement from 2018 is unnecessary.

RECOMMENDATION 28.

Amend the policy as follows:

“Policy: an edge of settlement site at land at Ridgeway, east of London Road, as shown on the Policies Map, is allocated for a community-led housing development to meet currently identified local housing need in accordance

with latest housing needs information. This shall contain a mix of open market, affordable and homes with a specific local connection in accordance with the provisions of section 3.2 of this Plan. The scheme shall involve the provision of local green space with pedestrian access as shown on the Policies map and in accordance with details to be agreed with Stratford-on-Avon District Council. ”

In the Explanation section amend as follows:

In the third sentence delete “starting in 2018”.

Alter the final sentence, as follows:

“A developer has expressed a strong interest in providing a scheme directed at local housing needs and provision of green space which will be viable.”

In the key to the Policies map reference this site as “Proposed housing land allocation at Ridgeway, east of London Road (HSG 7)”.

Policy HSG8 Encouraging custom and self-build housing opportunities

177. This policy is in principle in accord with the advice in the NPPF to deliver a wide choice of quality homes.

178. The policy sets a threshold of 20 dwellings to provide 5% of dwelling plots for sale as self build plots. There is evidence that the housing market in the area is relatively buoyant with a number of recent housing schemes granted permission to meet housing demand. This seems a reasonable threshold relative to the thresholds applied in Shipston in the Core Strategy policy to affordable housing. It should be clarified that in the case of fractional figures the requirement should be rounded upwards even in the case of a 0.5 outcome e.g. a 30 dwelling scheme shall provide 2 self-build plots in accordance with the policy.

179. The criterion requiring completion of self-build plots within 3 years is not reasonable as a planning obligation. It is possible for a Planning Authority to serve a “completion notice” under section 94 of the Town and Country Planning act 1990 to require completion of a development where there are demonstrable problems.

RECOMMENDATION 29

Delete the second bullet point.

Add a further bullet point as follows;

“In the case of a fractional requirement the provision of a self-build plot will be rounded upwards in any circumstance.”

SUMMARY

180. I have completed an independent examination of the Neighbourhood

Development Plan.

181. The Town Council has carried out an appropriate level of consultation and clearly shown how it has responded to the comments it has received.

I have taken into account the further comments received as part of the consultation under Regulations 14 and 16 on the Neighbourhood Planning Regulations 2012.

182. I have recommended modifications to the policies in order to satisfy the basic conditions particularly to ensure that they provide a clear basis for decision-making in accordance with the National Planning Policy Framework and local development plans policies.

183. Subject to these modifications, I am satisfied that the plan meets the basic Conditions, as follows:

- a) has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) the making of the plan contributes to sustainable development,
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority,
- d) the making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) the making of the plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012)

184. I am also satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

185. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if it is to be extended, the nature of that extension.

186. There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area, as they are currently defined.

187. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area authorised by Stratford-on-Avon District Council.

188. I am therefore pleased to recommend that the Shipston-on-Stour Neighbourhood Development Plan as modified by my recommendations should proceed to a referendum. I see no reason why the area for the referendum should be altered or extended.