

BISHOP'S TACHBROOK PARISH COUNCIL

NEIGHBOURHOOD PLAN



Report of previous consultation which took place from 24/9/14 to 5/11/14

APRIL 2015

1 THE PRE-SUBMISSION CONSULTATION

- 1.1 The Neighbourhood Planning (General) Regulations 2012, Part 5, Neighbourhood Development Plans sets out the process for submission of the plan.

Pre-submission consultation and publicity

14. Before submitting a plan proposal to the local planning authority, a qualifying body must—

- (a) publicise, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area—

The qualifying body for this Neighbourhood Plan is the Bishop’s Tachbrook Parish Council. The normal way of informing people about any proposal is to place all the information on the two Parish Council noticeboards.

In addition, the monthly Parish Magazine is distributed free of charge to every household in the parish by an organised team of volunteers. The next issue was to be circulated during the week beginning the 21st September. We find that this is better than a newspaper notice as many households do not take the local paper and this way we know that all households have had a copy, hand delivered. The Parish Magazine is funded by voluntary contributions and some local business advertising. It is part of the cohesive community strategy and keeps residents informed of all the parish events as well as including articles of local interest.

- 1.2 A report was made to the meeting of the Parish Council on the 18th September 2014. To coordinate with the Parish Council Meeting date and the publication date of the Parish Magazine, the Parish Council was recommended to publicise the pre-submission consultation as from 24th September 2014, to run for 6 weeks terminating on 5th November 2014. An extract of the minute is-

MINUTES OF AN ORDINARY MEETING OF BISHOPS TACHBROOK PARISH COUNCIL HELD AT BISHOP’S TACHBROOK PRIMARY SCHOOL ON 18TH SEPTEMBER 2014 AT 7.30PM

PRESENT: Councillors: S. Deely (Chairman) (from 7.45pm), L. Balzaretti, R. Bullen, A. Day, C. Gabbitas, A. Harrison, G. Leeke, County Councillor L. Caborn. and 15 members of the public.

8. Planning Matters

(i) Neighbourhood Plan update

Cllr. Bullen updated the meeting on progress with the Neighbourhood Plan. Urban Vision have prepared and delivered a draft set of policies covering housing, employment, rural environment, local assets of community value, the historic environment, leisure and well-being and transport and traffic management. A map of the parish has also been prepared showing the land use of all parts of the parish that will be the plan that leads future development in the plan period.

9. To adopt the draft Neighbourhood Plan prior to the final round of consultations

The Clerk confirmed that the draft Neighbourhood Plan had been circulated to councillors prior to the meeting. Cllr. Bullen explained the process and answered questions on the plan. He said that the Policy Document and map will form the basis of the Neighbourhood Plan together with a consultation statement, a statement of compliance with paragraph 8 of Schedule 4B to the 1990 Act. Cllr. Day proposed that we agree to proceed to the pre-submission consultation and publicity stage, seconded and carried unanimously. Councillors further agreed that the pre-consultation period will start on Wednesday, 24th September for 6 weeks terminating on 5th November after which the plan will be submitted to the local authority which will then publicise the details of the plan for a further 6 weeks and after which the authority will arrange for examination of the plan as to process.

The meeting further agreed unanimously to adopt the draft policy and map and to make arrangements for the community consultation event to commence publicity of the plan. Councillors agreed the public consultation will take place on Saturday, 11th October from 1.30pm in the School Hall.

ACTION: The Clerk to arrange for the magazine to be informed of these dates and to reserve the school hall for the 11th October. Cllrs. Bullen and Leeke to arrange for the website to be updated and the noticeboards.

Councillors agreed to meet on 12th October at 12pm to review the comments made at the public consultation event.

- 1.3 On the 24th September a Public Notice in the form shown in Appendix C8 was placed on both Parish Council notice boards, one in the village on Mallory road by the shop and the other on Othello Avenue in Warwick Gates.

The documents issued as the pre-submission consultation consisted of a Map showing the draft land use plan, A consultation draft Neighbourhood Plan dated February 2014 giving the situation of the plan at that time in an illustrated format in the manner that the electorate could comprehend, to which was added a Draft Policy Section dated August 2014. See Appendices C11a,b &c.

The Maps showing the proposals were posted on the notice boards and arrangements made for obtaining a copy of the proposed policies. Of the copies provided, at the end of the consultation period a few copies were left. The notice also gave details of the October 11th consultation event at the Primary School Hall.

- 1.4 2 forms of representation were made available with submission details. One was a 2 sided form intended for single policy representations (see Appendix C for a blank copy) and the other which included all the policies in the Questionnaire format. All forms of representation would be considered whether on a form or not. Copies of the draft plan policies were available from, in one case the adjacent shop and the other a phone number of a local councillor close to that Parish Council noticeboard.

- 1.5 this provided all the detail required by Regulation 14 a) (i), (ii), (iii) & (iv).

- 1.6 In addition, the public notice was published on the Bishops Tachbrook Website on the 23rd September at 15:52pm.

- 1.7 An extra piece of information that should be recorded is that the Parish Council meeting of the 18th September occurred during an appeal hearing on the refusal of an application for 125 homes, promoted by Barwoods, on site 3 referred to in the Village Housing Options & Settlement Boundaries Consultation. The Inquiry took 4 days from 16th to 19th September. The Inspector wanted to know the position on the Neighbourhood Plan and was informed on the 19th September, of the decision made by the Parish Council on the previous evening. Details of the pre-submission timetable commencing on the 24th September and terminating on the 5th November 2014 were given to the Inspector and also to the appellant's Counsel. The appellant was Barwood Securities. The Inspector published the Decision on November 4th 2014 and the appeal was dismissed.

As this was a public meeting, with members of the public present, it might be said that this was the commencement of the publicity period, as Regulation 14(a) (iv) says *the date by which those representations must be received, being not less than 6 weeks from the date on which the draft proposal is first publicised*. However, the Parish Council agreed that the 6 week period should not commence until September 24th to allow time for proper notifications to be arranged.

- 1.8 With regard to Regulation 14 (b), Statutory consultees, these are reported in chapter 13.
- 1.9 With regard to Regulation 14 (c), a copy of the proposals for a Neighbourhood Plan was sent to Warwick District Council. The District Council also made representations on the plan. They were received by the due date and are addressed in chapter 14.
- 1.10 All known businesses within the parish were also circulated with the notice by hand delivery. This included each of the 25 farms, and the list of businesses from the National Non-Domestic Rate listings. See Chapter 12. For farms, this was in addition to the Parish Magazine that would have been delivered to the farmhouse.
- 1.11 On October 3rd an e-mail was received from the planning practice acting for Barwoods Securities claiming that they were unable to see details of the draft Neighbourhood Plan on the Parish Council Website and the time period should be extended and that termination date should be amended to November 13th. This was strange because the details they were seeking had been handed to the appellant at the appeal on 19th September, so would not have needed to wait until the website could be seen. In any event, the claim was not correct. Records of e-mails and website uploading show that the initial notice was published on the website on the 23rd September with details of where the plans and policies document could be inspected. This is recorded in an e-mail to Cllr Bullen from the Chairman of the Parish Council dated 23/9/14 at 15:52. The wording from it was used by Cllr. Bullen to create the notice for the Parish Council noticeboard in a word document that was created on 24th September 2014 at 01:30hrs and placed on the noticeboard later that day. At that point it confirms that the notice was on the website, since it was used to take the wording directly from it to create the notice for the noticeboards. It is possible that when the complainant tried to use the website, he might not have been able to see it either because he did not go in through the Parish Council gate or because it was temporarily unavailable because the site was being updated but other than that it was properly posted and used. However, it also needs to be said that this is an additional facility and not the main or normal way of giving notices or publicising events. Although some people in the parish occasionally refer to the website, a large number of people, particularly the elderly do not have computer access. Once publicised on the noticeboard, in a village, word very

quickly gets round as people talk to each other. That is why we use the Parish Council noticeboards and the Parish Magazine as our main communication media.

A draft response to this complaint was passed to Neil Pearce of Avon Planning Services, the consultancy that advises WALC (Warwickshire and West Midlands Association of Local Councils) on Planning Matters, to check that the response was correct. The e-mail trail can be found in Appendix C7 and he advised that the response was very detailed and accurate and would not suggest any changes. The response was sent to the complainant and confirmed the termination date of November 5th. It turned out that all the Planning Practices returned their responses before the due date. Two responses from the public did come in after the date but have been taken account of in the assessment in chapter 16. Some of the Statutory Consultees also came in after the date but have been fully considered.

2 consultation with businesses with premises in the area

2.1 The Neighbourhood Area is rural. Its main business function is Agriculture. There are 25 farms in the area with various ownerships, tenures, specialisms and sizes. Knowledge of land ownerships and business interests is difficult to come by other than word of mouth which is not always reliable. The occupiers of the premises are included in the Parish Magazine and leaflet drop hand delivery arrangements, and this is the best way of notifying the occupiers at least of the Neighbourhood Plan consultation process. For the pre-submission consultation, all 25 farms had a pre-submission consultation notice hand delivered informing them of the access arrangements to the draft Plan. Those farms were –

Barford Woods, Asps Farm, Park Farm, Spinney Farm, Red House Farm, Lower Heathcote Farm, New House Farm,
Brickyard Farm, Oakley Wood Farm, Tachbrook Hill Farm, Hill Farm, Park Barn Farm, Grove farm, Woodside Farm,
Brookside Farm, Chapel Hill Farm, Wyslade Farm, Middle Farm, Tollgate Farm, Wiggerland Wood Farm,
Squab Hall Farm, Lowdown Farm, Highdown Farm, Barnwell Farm, Harbury Lane, Hogbrook Farm.

- 2.2 To find all the businesses with premises in the area, Warwick District Council provided a list of premises subject to National Non-Domestic Rates , extracted by post codes in the Neighbourhood Area.

SCHOOL AND PREMISES, BISHOPS TACHBROOK CE PRIMARY, KINGSLEY ROAD
SPORTS & SOCIAL CLUB AND PREMISES, OFF KINGSLEY ROAD
CREMATORIUM AND PREMISES, OAKLEY WOOD, BANBURY ROAD
PUBLIC HOUSE AND PREMISES THE LEOPARD INN 10 OAKLEY WOOD ROAD
SHOP AND PREMISES, 18 WYCHWOOD CLOSE, Void : SHOP AND PREMISES, 19 WYCHWOOD CLOSE, Void:
SHOP AND PREMISES, 20 WYCHWOOD CLOSE.
STUDIO AND PREMISES, HIGHDOWN FARM, HARBURY LANE
STORE AND PREMISES, SQUAB HALL FARM, HARBURY LANE
CLUB AND PREMISES, MODEL RAILWAY CLUB, SQUAB HALL FARM Void
STORE AND PREMISES, T I EVANS & SONS, SQUAB HALL FARM, HARBURY LANE
STORAGE CONTAINERS AND PREMISES, SQUAB HALL FARM, HARBURY LANE
WAREHOUSE & PREMISES, SQUAB HALL FARM, HARBURY LANE
HOTEL AND PREMISES, MALLORY COURT, HARBURY LANE
GARAGE AND PREMISES, BROOKSIDE FARM, OAKLEY WOOD ROAD
WORKSHOP AND PREMISES, STUDIO WORKSHOP, LOWDOWN FARM, OAKLEY WOOD ROAD
GUIDE DOGS FOR THE BLIND, BREEDING CENTRE, BANBURY ROAD

All, except the void premises, had a pre-submission consultation notice hand delivered informing them of the access arrangements to the draft Plan at the same time as the farms.

- 2.3 During the development of the Neighbourhood Plan the Primary School has been actively involved by making their premises available to the Parish Council for consultation events and Neighbourhood Plan weekly meetings for the community. The children were given the opportunity to contribute their ideas on what they like about the village and what they would like to see provided, by using the postcards provided to sketch and describe their ideas after a talk by a member of the Neighbourhood Plan team. 186 cards were

received - one from each of the children at school on the day, just before the Church Fete as described in paragraph 5.4. The Headteacher and Governors were also involved in discussions about the effect of any development on the school.

- 2.4 When the village was enlarged after the war, the then traditional short run of 3 shops was built at the centre of the village. One old cottage was converted to a post office, which has since closed. 2 of the 3 shops have also closed. There remains one small convenience store which is struggling, but vital for some residents. Part of the plan is to find ways of improving the village centre to increase footfall and the retail offer. The proprietor has been involved to an extent in thinking about how things might improve and was one of the locations that people could get copies of the pre-submission documents from.
- 2.5 The Sports & Social Club on the Meadow has also been in difficulties. Discussions with the club have sought to find ways of improving the facilities and these form the basis of policy BTLWB2. See Appendix C14.8 1 & C14.8 2 for confirmation of discussions with the club and representation suggesting revisions to the Leisure & well-being policies including sports facilities.
- 2.6 The Crematorium located at Oakley Wood is a facility for the District and beyond and has its own agenda for improvement. Oakley Wood itself, an Ancient Woodland, was recently bought by Warwick County Council with the encouragement of the Parish Council. The Neighbourhood Plan includes new public footpaths to get better pedestrian access to the facility.
- 2.7 All the other businesses listed are in private hands and no representations have been made from them.
- 2.8 Regulation 14 requires “*of people who live, work or **carry on business** in the neighbourhood area—*”.

During this pre-submission consultation four planner/developers have submitted representations on behalf of land owners and these have been considered, but all of them, to a greater or lesser extent, are diametrically opposed to the view of the community and their raised expectation to be able to shape where they live. The Neighbourhood Plan has to reflect the strategic policies but outside such strategic elements, Neighbourhood Plans will be able to shape and direct sustainable development in their area. Once conformity is demonstrated and brought into force, the Neighbourhood Plan takes precedence over the non-strategic policies in the local plan. (NPPF 185).

2.9 **Marron Planning** on behalf of Bloor Homes (the land owner is not mentioned) congratulates the Parish Council and Neighbourhood Plan Group on the progress made in preparing a Neighbourhood Plan for the village. They have not had a problem with the documentation issued recognising that the February 2014 consultation draft sets out the long term vision and strategic objectives for the village for the next 15 years, which, they say, is entirely appropriate and clearly important to carry through in to the final plan. They support the provision of a framework for the development of the village over this period providing certainty for residents, as well as enabling the village to identify longer term goals, such as redeveloping the Wychwood Close shops.

The site of interest to Bloor Homes is the preferred site on land south of the school for 150 homes. This has already been given outline planning approval. The specific policies in the Neighbourhood Plan will apply to the detail application to ensure a successful outcome to Bloors development and the village as a whole.

The rest of the submission (which can be found in Appendix 14.11) goes on to make the case for making provision for enlarging that site by a further 100 homes when and if it is seen to be necessary at some time in the future and a sketch is provided to suggest how that may occur.

For this Neighbourhood Plan, this is not considered appropriate, as it is beyond the well-established view of the community in representations received from them that any more development is not necessary to support local need. Many just about accept the strategic need as something they can do nothing about and which ought not to be taking place, but that any more is beyond acceptability. If the Localism Act is to remain credible then great weight should be attached to maintaining a cohesive community.

There are also far too many unknowns about the future to make any commitments beyond that already approved. Demand is just as likely to go down as well as up. For example, Warwick District ONS mid-2013 population estimate fell by 178, despite 900 new homes having been completed. The range of housing policies in the final plan BTH1 to BTH4 includes specific requirements for the current development (BTH1), policy for any development outside the settlement boundary (BTH2), housing Tenure Mix (BTH3) and the design of any new development (BTH4). It will also need to comply with BTCC1. If in the future the settlement boundary is further extended, then these policies will still be valid by that single action, but to decide anything at this stage would be prejudicial to any possible future need. Regard must also be had to

- the location of the major gas distributor main and its exclusion zone of 300m either side of the main that will limit development further south as well as
- the visual effect on the environment of the open countryside in this area plus
- the proximity of the M40 and the substantial noise impact on housing the closer it gets to the motorway.
- Bishop's Tachbrook is a dormitory village with a high car dependency. This is not environmentally sustainable in the sense of the NPPF.

It is not therefore proposed to make any changes to the final plan for these reasons.

2.10a **Pegasus Group** on behalf of Gallagher Estates Limited have submitted a representation concerning Lower Heathcote Farm, (which can be found in Appendix 14.12) south of Harbury Lane. This was a site, together with Grove Farm to the east of it, that in the 2007 Local Plan Public Inquiry in 2006, was considered by the Inspector, examining objections to that Local Plan, to be firmly in rural area and protected by rural area policies that were strong enough to prevent the land south of Harbury Lane being built on. Despite the strong objections from the present applicants at that time, the Inspector went further and said that the land south of Harbury Lane should not only be protected by Rural Area Policies, but not be considered for "*development either in the medium or longer term.*" That Local Plan is up to date (NPPF 215) providing it is consistent with the Framework (which Bishop's Tachbrook considers that it is) and the 2011-2029 Publication draft is not yet in place.

b) When the Neighbourhood Area was designated as the Parish boundary containment in 2012, Lower Heathcote Farm was not in the parish boundary area as it is in Warwick South. However, in 2014 the District Council commenced a Governance Boundary Review and one of the changes being considered was the move of Lower Heathcote Farm into Bishop's Tachbrook, extending the boundary that currently takes in Grove Farm and Warwick Gates, west to the Europa Way roundabout so that Heathcote Park, the former sewage works and Lower Heathcote Farm would be in an extended Bishop's Tachbrook Boundary. On February 2nd 2015, it was confirmed that from 1st April 2015, that boundary change will be effective.

At the time that the draft map of the plan was drawn, dated 24 September 2014, the additional area was shown, but rather than with a boundary in a red line for the original parish boundary, the potential area was drawn with an orange boundary with the key showing it as a future boundary revision. Because of that it was necessary for the Parish to decide how this new area would be treated in the Neighbourhood Plan if it was to be extended and this was therefore shown on the plan used for consultation purposes. This was particularly important because the land, currently divided by a town/parish boundary, in every other sense is all part of the Tach Brook Valley south of Harbury Lane.

- c) In 2014, planning permission was granted for 785 houses plus infrastructure and this was also shown on the plan. But this was for a part of the area allocated in the Draft Local Plan for housing on Lower Heathcote, the former sewage works and Grove Farm. The Parish Council was determined to seek to change the District Council policy because ONS projection population numbers fell by almost 30%.. Other urban locations for housing were coming forward both at local Plan level and at Windfall level, so the need to take open countryside with the best and most versatile agricultural land being lost was neither necessary nor compliant with the NPPF. Until there is robust evidence available to show that this is the only way that the Objectively Assessed Need can be met, it should be not be included in a strategic plan

As well as that, the Tach Brook Valley is a very important local landscape feature that is not immediately obvious from a plan. It has to be walked to be appreciated in its 3 dimensional form of undulating landscape. The north side of the Brook is probably more important than the south side as it has more variation in levels. As stated in paragraph 2.10a, the Inspector at the 2006 Public Inquiry into objections to the 1996 -2011 Local plan had said in his decision that this land should not be considered for development in either the medium or long term.

- d) The Local residents who are going to have to live with this huge influx of cars and people on roads that at peak times are already severely overloaded, with lengthy delays due to traffic volumes are extremely concerned. Warwickshire County Council had been asked to advise on mitigation measures to relieve the effect of the additional traffic. A range of measures said to be in the order of cost of

£39,000,000 were proposed. However, it is thought that the County Council are currently saying that those measures will not be effective. Local people are not just extremely concerned, they are very angry about it.

- e) In order to progress the Neighbourhood Plan, it is necessary to continue with the current Neighbourhood area based on the current parish boundary. To do this, the extended area of Lower Heathcote will be taken from the Neighbourhood Plan map for Bishop's Tachbrook and only show the plan at its original Neighbourhood Area.

If, after April 1st, the boundary change has occurred, a separate review of the plan may be the best way of enlarging the Neighbourhood Area to include the additional area into the Neighbourhood Plan. Alternatively, Warwick South may wish to include similar requirements in their Neighbourhood Plan.

2.11 **Framptons on behalf of A. C. Lloyd** raise 6 objections to the Draft Neighbourhood Plan. Their representation can be found in Appendix 14.14.

- a) the status of the pre-submission consultation
- b) policy H1: location of new housing
- c) policy H2 Bishops Tachbrook settlement Boundary
- d) policy H4 Design of New Housing Development
- e) policy RE2; Protection of Land
- f) policy LACV1: Protection of local Assets of Community Value and policy Map

2.11.1 Before considering these objections, it is necessary to refer to parts of the consultation Statement and the Submission Statement.

1a In paragraph 1.4.4 of the Submission Statement, the procedure adopted for applications for Neighbourhood Area Status is described. After all the relevant public notices and receipt of representations, the Executive Committee of the District Council on the 10th October 2012 considered the application by Bishop's Tachbrook Parish Council. Two consultation responses objected to the proposed area, both from landowner or developer interests. A C Lloyd objected to Grove Farm being included in the Neighbourhood Plan area.

The report to the Executive Committee is included in Appendix NP1 to the Submission Statement. In paragraph 3.2 of that report the committee were informed that *"being a Parish Council they are the only relevant body that can apply in their parish. Their application included the following statement explaining why the area is considered as appropriate to be a neighbourhood area:*

'That, in considering the development of the Neighbourhood Plan for the plan period of 15 years, recognising both the rural nature and the needs of the populated parts of the parish, it is essential to balance demand on all parts of the locality so that the most appropriate development plan is produced for the whole of the parish.'

Paragraphs 3.4 to 3.6 dealt with the two objections. The objection *"from A C Lloyd Homes Ltd and Midlands Land Portfolio Ltd, was for land at Grove Farm and the former sewage works, south of Harbury Lane, which is only identified in the Local Plan as a potentially suitable development option."* *"3.6 The objections from A C Lloyd Homes and Midlands Land Portfolio Ltd repeat some of the same arguments put forward by Barwood above, stating that there are unresolved objections to the Local Plan in particular for the area of land they are concerned with. In addition, they consider the application statement from Bishop's Tachbrook Parish Council, outlined above, to be inconsistent with an appropriate strategy for the District. All those undertaking Neighbourhood Plans should be cognisant of the hierarchy of planning documents as outlined above."*

The option to omit the two sites from the Neighbourhood Area was included on the Map in appendix 3 of the report, but this was considered *"inappropriate as it would leave certain areas without any possible Neighbourhood Plan Area as the Parish Council is the only relevant body able to undertake a Neighbourhood Plan."*

The Recommendation *"2.1 That Executive designates the Neighbourhood Area as submitted by Bishop's Tachbrook Parish Council, attached as appendix 1 having regard to the representations made."* was carried.

- 1b Chapter 6 of this Consultation Statement describes the approach taken by the Parish Council to consulting with developers and those with land interests in the Parish. 6.3 demonstrates the extent of land availability so far as land owners are concerned and the need to treat all of them the same and fairly. It describes the series of meetings with developers that wanted to tell us of the land that they had available for development.

A meeting with A C Lloyd was held on 15th December 2012 (Paragraph 6.4.1a refers) regarding proposals at Grove Farm. At the time of that meeting, Grove Farm was not a preferred option site in Warwick District Council's preferred options consultation. The District Council, as well as the Towns of Warwick, Whitnash and the Parish of Bishop's Tachbrook all considered that it was important that the land south of Harbury Lane, being part of the Tach Brook valley and a substantial part of the coalescence buffer between the towns and Bishop' Tachbrook village, should be retained as rural for agricultural purposes.

Subsequently, the site was included in the Revised Development Strategy of the District Council, against the objections of the affected towns and parish as well as the recommendation of the Planning Inspector at the Public Inquiry on the local plan adopted in 2007. His clear decision in respect of an objection to that local plan by A C Lloyd was that the land was well protected by the Rural Area Policies in the 2007 Local Plan, to the extent that it was not the function of Areas of Restraint to give an added layer of protection to open countryside where appropriate policies already exist to control development. In paragraph 14.3.13 of the Warwick District Local plan 1996-2011 Inquiry Inspectors Report, the Inspector says *"I do not believe that this locality required additional protection through expansion of the existing AoR or designation of a further AoR. In my opinion, Harbury Lane represents a strong defensive boundary and the rural area policies of the Plan provide a sound basis for resisting inappropriate development in the countryside."*

In the interview with A C Lloyd, their representatives described the land available and their thoughts as to the appropriateness of the site in question for residential use. Then the Parish Council Chairman gave a standard presentation on the Neighbourhood Planning Process and the method by which needs would be identified, the ways options would be considered and the best answer for the village included in the Neighbourhood Plan.

2.11.2 Considering the objections.

- a) the status of the pre-submission consultation
- i) Paragraph 1.5 of the response to the public consultation claims that the draft plan has been inadequately consulted on or publicised. This criticism is not accepted. From the foregoing chapters, it is clear that the Neighbourhood Plan is a vehicle that **enables the community** direct power to **develop a shared vision for their neighbourhood** and deliver **sustainable** development **they need.**(NPPF183). The problem that we have as a rural community adjacent to towns is that developers with land options want to build anywhere for financial reasons and this is diametrically opposed to the community view upon which this will be unleashed. The community has accepted that strategic development may have to be accommodated, but do not want to see their cohesive community and rural setting damaged by mass building everywhere. If the NPPF intention is that any development has to be plan-led, then the plan will identify the best locations for specific land uses in relation to each other in a sustainable way across the three dimensions. Once it is known that a site can be made available by the owner if it should be designated for a function, then that is all that it is necessary to know in terms of land-use. It inevitably means that choices made will be a disappointment for those not chosen.

This Neighbourhood Plan Consultation Statement sets out the way that the Community, Statutory Consultees, the Local Planning Authority and the development industry have been consulted. But pressure from developers should not deny the community from shaping their environment in the way that the NPPF intends.

- ii) Framptons also seems to confuse Regulation 14 and 15 and appear to be of the view that the plan has to be at the stage of regulation 15 before Regulation 14 activity can commence.

To be clear, the Bishop's Tachbrook Pre-Submission consultation is described as a draft. It invited representations from those that live, work and carry on business in the area. This has been addressed elsewhere. As a draft its aim was to be understandable to the community and invite representations, from which a final plan would be written. In that context, the statement by Frampton "*the regulations provide a minimum requirement of who should be consulted at pre-submission stage and no evidence has been published to demonstrate this has been met.*" is confused. Regulation 14 sets out the consultees for the pre-submission consultation and the result of that is included in the list of matters that should be submitted to comply with Regulation 15. In particular, 15(2) defines the

Consultation Statement as a document that contains details of who, how and what has been considered and where relevant addressed. This Consultation Statement is the document that will be published as part of the proposed plan submitted to the Local Planning Authority that meets Regulation 15(2).

- iii) Framptons then say that the Parish Council has not consulted with A C Lloyd during the development of the plan. Paragraph 12.11.1b shows that the Parish Council were fully aware of the intentions of A C Lloyd from the interview with the Parish Council in December 2012 and kept abreast of the development through the local plan evolution. A C Lloyd mounted consultations for the public on their proposals. These were displays that informed the public of the schemes that were to go to planning committee. That is not consultation with the public, it is telling them what they are going to get. The leaflets distributed to advertise the consultation gave all the detail necessary to see, that, the principle of development that Frampton wished to proceed with, remained the same if not more than, as December 2012. If the developer had listened to the community and taken notice of it, then their scheme would not be proceeding. But that is an unlikely expectation.
- iv) In Framptons representation, there are numerous references to the Planning Practice Guidance to substantiate points they are making. This was not published until the 6th March 2014, by which time two Neighbourhood Plan Engaging the Community events had been held, on the 8th June 2013 and the 18th January 2014, with a lot of work in between to formulate the plan for the parish culminating with the preparation of the consultation draft of February 2014. This was all done having full regard to the Neighbourhood Planning Regulations and the NPPF in particular. In addition, the “Neighbourhood Plans Roadmap Guide” published by Locality (www.locality.org.uk) was used for training community participants and formulating the Neighbourhood Plan programme. As a plain English guide to the process it was an essential tool in making the project something that the community could grasp and positively contribute to.
- v) A reference is made by Frampton to PPG41-049 that says

Before the formal pre-submission consultation takes place a qualifying body should be satisfied that it has a complete draft Neighbourhood Plan or Order. It is not appropriate to consult on individual policies for example. Where options have been considered as

part of the Neighbourhood Planning process earlier engagement should be used to narrow and refine options. The document that is consulted on at the pre-submission stage should contain only the preferred approach.

This is precisely what was done. As has been shown in earlier chapters, the process of narrowing and refining options took place from April 2012 to February 2014 and then, after the Warwick District Council village housing & Settlement Boundaries consultation, a further iteration that led to the draft policies document of August 2014. The document that was consulted on at pre-submission stage only contained the preferred approach, the coloured section being the plain English version from which the draft policies were written. The Neighbourhood Plan Submission Statement has taken into account all the responses made in relation to the NPPF and the options open to the community to shape the place where they live. These are detailed in Chapters 13 to 17 of this Consultation Statement.

NPPF41-050 also requires that *“A qualifying body must publicise the draft Neighbourhood Plan or Order for at least six weeks and consult any of the consultation bodies whose interests it considers may be affected by the draft plan. The consultation bodies are set out in [Schedule 1](#) to the Regulations.”* This was done and the results can be found in Chapter 13.

- vi) Where Frampton got the idea from that the plan has not been discussed with the local planning authority is not known. Chapters 3, 4 & 5 show how working with District and County Council Officers has been an integral part of the process. It has included planners and the link officer Stephen Hay, Housing Officers, & Conservation Architect in the District plus Highways, Landscape, Archaeological and Ecological officers from the County council. There have been regular planning forums that included the Local Plan development at one of which we engaged with planners in a debate on the 5 year housing land supply formulation.
- vii) Frampton also raise the key Basic Conditions. Meeting these is clearly important, but it is not a matter for the pre-submission consultation on the plan itself. The conditions are matters that the Parish Council is working to, and covers EU & UK conditions that plans have to meet as well as compliance with and due regard of the NPPF. A Basic Condition Statement is part of the Neighbourhood Planning submission in which Table 1 of Chapter 2 paragraph 2.1 sets out the NPPF core planning principles and details the regard that the Bishop’s Tachbrook Neighbourhood Plan has to that guidance. The following paragraphs 2.2 to 2.3 include the historic and natural environments.

Paragraph 2.4 addresses the achievement of sustainable development leading to, in 2.4.6 to Table 14 in Chapter 9 of the Neighbourhood Plan Submission Statement where each policy is related to the relevant NPPF policies, the 2007 Local Plan and the 2001-29 Draft Local Plan.

- b) policy H1: location of new housing
 - i) The respondent's objection submits that Policy H1, Location of New Housing does not meet the basic tests or policy guidance. There then follows a somewhat confused analysis of the situation, demonstrating a narrow view of housing need and basic planning methods. It seems to want to ignore a plan-led planning system, preferring a developer-led planning system. The former might be considered to be balanced and controlled whilst the latter chaotic and non-democratic, commercially driven for financial benefit.
 - ii) The Parish Council asserts that the process that has been undertaken is fully and properly compliant with the NPPF and would ensure **sustainable** development. Referring to NPPF14, it is intended that Objectively Assessed Needs should be met, unless adverse impacts of doing so would outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted. This does not mean development at any price. Weight must be given to the Framework and the plan policies. If the Objectively Assessed Need has been met by the Strategic Policies of the emerging Local Plan, then protecting areas that are otherwise vulnerable to applications for sites that are not plan-led is a very important and relevant policy.
 - iii) For the reasons set out in various parts of the Neighbourhood Plan Submission, the draft policies consulted on have been modified to take account of relevant points to clarify and strengthen, where in particular, statutory consultees have advised. Where policies are open to too wide an interpretation, to shape the area in which this community lives, these have been defined more exactly to prevent misinterpretation. It is even more important in terms of community cohesion that the electorate can depend on a planning system that does not allow a never ending change of priorities. What was good in 2007 should still be good less than 10 years later. If that is not the case, what is the point of having a 20 year plan?

Population numbers can go down, as well as up. ONS population estimates for Warwick District for the year ending mid-2013 found a population fall of 178 as compared with a projected increase of 349 using the mid-2012 population projection and 1,001 less than the mid-2013 projection using the mid-2011 population projection on which the 12,860 dwelling increase is based.

- iv) In the consultation response document Frampton criticises Policy H1 as identifying one site for housing and then says that that was the site allocated in the Local plan. That is precisely the point. The policy was that Bishop's Tachbrook village would have a strategic requirement of 150 and in the Village Housing options document preferred site 1 (see the Submission Statement 5.4) and the Neighbourhood Plan process, having examined all the options within the village and the design parameters for the village (see the Submission Statement 5.5) found agreement between the District and Parish Council on the best location for that requirement.
- v) Frampton then advocates sites that A C Lloyd have an interest in and which the Parish Council have considered in full within the community consultation process.
- v) (a) Land at Seven Acre Close has been considered for between 10 to up to 50 homes. This is addressed in paragraph 5.4 of the Neighbourhood Plan Submission Statement and was rejected by the District Council, the Parish Council and the community. The preferred site 1 south of the school was found to be a better location that at the same time improved the village as a whole.

However, in considering the infrastructure of the village for the enlarged village it was also found that the community has only got half of the open space requirement that it needs (see 10.8.1f of the Submission Statement) and that the site at Seven Acre Close might be a suitable site to make up that deficit. A planning application from A C Lloyd for 25 homes on the site was refused by the District Council, but the applicant lodged an Appeal that has since been withdrawn

- v)(b) A 2nd phase at Grove Farm and on the former sewage works is part of the current draft local plan. It was not the case in the 2012 consultation as the land was part of the rural area of Warwick District. However, the communities of Bishops Tachbrook, Whitnash, Warwick Gates, Heathcote Park and Warwick Town all consider that this development should not happen. It does not meet an objectively assessed need and the deleterious effect on the valued landscapes (shown elsewhere in this documentation) of the Tachbrook Valley are such that the exceptions in NPPF14 are strongly brought into play.

Paragraphs 2.15 and 2.16 of Framptons document illustrate that the District Plan for the area south of Harbury Lane is the subject of a master plan *“being undertaken jointly by the Council and landowners/developers, taking on-board strategic considerations in emerging policy DS15 and paragraph 2.68”* It is noted that this is being done without the inclusion of the Parish Council or community, contrary to NPPF 150 – *“Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities”* and NPPF155 – *“ Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any Neighbourhood Plans that have been made. (2.15).*

Frampton’s paragraph 2.16 describes the Country Park as *“being provided between the new southern edge of the built up area and the Tach Brook to form a permanent wildlife and recreational corridor”*.

These two quotes show how inappropriate the ‘Country Park’ is. First there is no suggestion that the communities of the towns and parishes will be involved in the development proposals for the area. ‘They’ will tell us what we will get. Where does it say that in the NPPF? The ‘Country Park’ is a corridor, but it does not make a country park. It is too narrow and on a fairly steep incline down to the brook, as the photographs on pages 30, 32, 33 &72 of the Submission Statement show – too steep to farm, see the crop marks, so probably too steep to play on as it falls to a fast flowing 750mm deep watercourse with a vertical embankment and a 2m drop to the water. Health & Safety Issues need consideration. We know that the Brook has otters roe deer, muntjac, buzzards & water vole but as a wildlife corridor with concentrated human activity, the wildlife that is there now will disappear. In addition, the Environment Agency are concerned about its poor water quality now. It is hardly likely to improve if housing is within 150m of the brook. In reality, it is currently just a piece of land on which housebuilding is not appropriate. It will only work as a country park if it takes in the whole area up to the housing that has been given planning permission to date. This is what the Neighbourhood Plan Map shows that it either remains rural – agricultural with brookstray walks or a real Country Park of adequate proportions to include woodland sequestration for the houses being built in phase 1 to meet BTCC1.

If Grove farm phase 2 does not take place, there will be no effect on the strategic housing policy. The reason for that is that

- i. The housing requirement of DS11 is a total of 1,505 on land south of Harbury Lane, comprising 320 at Grove Farm plus 1,185 at Lower Heathcote. Add the former sewage farm at 215, supposedly on brown field land but now is very definitely back to greenfield and the total is 1,720.
 - ii. Currently approvals, have been given of 200 on Grove Farm + 785 on Lower Heathcote = 985 are granted then there is a shortfall of 735. However, in paragraph 14.4.7 (5) of this consultation statement, it is noted that 635 new dwellings are not yet accounted for in the local plan sites by not appearing in the DS7 or DS11, as they are approved by delegated powers or are permitted developments that only need building regulations approval. Recently, an employment site at OPUS has been included by relocating the employment elsewhere and using that site for 100 houses. That covers the smaller number of houses in this location and is more acceptable from a sustainability viewpoint as they are in urban area with less travel miles to work potential.
 - iii. The strategic requirement of the District Council has already been met without any more development south of Harbury Lane. The additional 550 homes being proposed on land within the proposed Neighbourhood Plan Area of Coalescence Protection is not part of the District Council's Strategic site allocation, at least 215 of them are not, and the remainder have already been provided elsewhere. This is a matter that will be for the Inquiry on the draft plan to decide but since the Neighbourhood Plan has to be tested against the existing 2007 Local Plan and this area is subject to rural area policies, this proposal is speculative. For Warwick District it is all more than the Objectively Assessed Need. Figure 6 of the G L Hearn 2012-based SNPP shows that Warwick Housing Need of 718 based on 2011-based projections reduced to 564 dwellings per annum 10,152 compared with 12,860. The pretext for continuing with a number that is higher than required for Local Need is to allow for Coventry to expand, but Coventry has not yet said that it cannot manage its housing need within its own boundary and if and when it does then it would want housing to be close to its boundary, not 17 miles away. The resultant damage to agriculture, the natural environment, traffic congestion and so on this proposal is not sustainable within the NPPF definition and means that the Parish Council has no option but to inform the Inquiry of the reasons why it considers that the Draft Local Plan is unsound.
- c) policy H2; Bishops Tachbrook settlement Boundary

The respondent objects to the settlement boundary as a principle. It is a principle that has been in place since at least 1983 and gives a measure of security to the residents as well as protection the rural area of the parish. It is supported by both the District Council and all the community consultations that have taken place.

It does not restrict future growth, only where that growth takes place. Given that Bishops Tachbrook is already providing strategic sites for 630 dwellings in a parish that at the 2011 census had 1021 dwellings that is an increase of 61.7% we cannot be seen to be restricting growth. It is also essential to protect agricultural land for the reasons set out in 10.3.2 of the Submission Statement.

The respondent also objects to open market housing not being permitted outside the settlement boundary. The community consultation response showed that most people objected to any housing outside the settlement boundary, but the NPPF requires the provision as set out in BTH2 but due to the matters set out in paragraph 10.2.3k of the Submission Statement, housing on rural exceptions sites for affordable housing must comply with BTH2 2a. The consultation process has resulted in an amendment to BTH2 to say *“Housing development proposals outside that Settlement Boundary will only be permitted in locations that are*

1. *strategic sites in the Warwick District Council Local plan 2011-2029; or*
2. *not in the Area of Coalescence Protection north of the village (see 10.2.3a) and only if it can be demonstrated that a) the development is for affordable housing in perpetuity or b) essential rural worker’s dwellings or c) a new isolated home in the countryside d) a replacement dwelling”*

The respondent then adds that there may be a need to identify additional housing sites to meet the District’s needs. From the population data becoming available, trends indicate that projections may continue to fall as described in 2.11.3.b(iii) above. There is provision for a review on a 5 year basis. If that should show that there is an objectively assessed need due to changing circumstances then the Parish Council will identify, with the community the possible locations in relation to the parish as a whole where any further housing could be sited.

d) Policy H4: Design of New Housing Development

Frampton objects to an independent design review for developments of more than 10 dwellings. The NPPF is strong on there being a wide choice of high quality homes and requiring good design. This is because the current methods of procurement do not reach that standard. In particular in a village community where any developments will be small it is even more important that high design standards are achieved. Given that a one off house has to be of an outstanding design quality, small groups should take this seriously and it is the small developments that may be less than good. But judgment can be subjective so to avoid unacceptable differences of opinion either way, the design review is now required for 8 dwellings and over and the independent review panel is to be agreed before the review is undertaken. See Policy BTH4.

e) Policy RE2; Protection of Land

Frampton objects to RE2 saying it is akin to an area of restraint and does not accord with local or national policy.

The community does not agree. The NPPF185 clearly says that outside these strategic elements, Neighbourhood Plans will be able to shape and direct sustainable development in their area. Once a Neighbourhood Plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the local plan for that neighbourhood, where they are in conflict. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a Neighbourhood Plan is in preparation. This is national policy.

So the Neighbourhood Plan needs to define the meaning of general phrases. DS4 (d) takes account of distributing housing development across the district in a manner that avoids coalescence of settlements. Defining distances between settlements across the District is not practical as it depends on a range of factors that will be different in different places. Hence it is for the Neighbourhood Plan to define what that means in its location. This has led to the definition of an Area Of Coalescence Protection as described in paragraph 10.2.3a, shown on Map 8 and embodied in policies BTH2, BTE1B, BTRE2B in the Neighbourhood Plan Submission Statement.

f) Policy LACV1: Protection of local Assets of Community Value and policy Map

The Neighbourhood Planning process has identified that

- The amount of open space available to the increased village size is about half that required to meet Warwick District Councils open space standard and
- The Seven Acre Close site is vacant and unused by the owner. It was being used by the public, when it was unfenced until recently, to get access to the footpaths beyond, has had a planning application for development for housing refused by the District Council and is in the right place of the right size and environmentally should be kept as open space. It would make an ideal space to be used for recreational purposes for the north west side of the village.

On October 9th 2014, during the pre-submission consultation period, the planning application became the subject of an appeal. If it is dismissed then it could become the recreational space that is needed. If the appeal is upheld then the opportunity would be most certainly lost. Since then, in view of the fact that the district Council does now have a 5 year housing land supply, that appeal has been withdrawn.

The site is in Table 17 under paragraph 10.7.2d of the Submission Statement as an Asset of Community Value due to its potential community value. An application to the District Council has not yet been made and will be dependent clearly now on the result of the Appeal. It has also been included as a Local Green Space LGS17 because of its natural environment value as part of the Tach Brook Valley.

2.12 How Planning on behalf of Barwood Development Securities Ltd submitted 2 documents.

- A An opinion by Jeremy Cahill QC in the matter of consultation by Bishop’s Tachbrook Parish Council
- B How Planning document that can be found at Appendix C14.13 makes representations on
 - a. General Observations on the Draft Policies Section;
 - b. Draft Housing Policies;

c. Other matters;

d. Changes required;

Before considering these objections, it is necessary to refer to parts of this Consultation Statement and the Submission Statement.

2.12.1a In paragraph 1.4.4 of the Submission Statement, the procedure adopted for applications for Neighbourhood Area Status is described. After all the relevant public notices and receipt of representations, the Executive Committee of the District Council on the 10th October 2012 considered the application by Bishop's Tachbrook Parish Council. Two consultation responses objected to the proposed area, both from landowner or developer interests. The first, from Barwood, recommended omitting the area known as 'South of Gallows Hill/West of Europa Way' that is identified in the Local Plan Preferred Options as a development site. Appendix 3 to the report shows the area to be the area known as The Asps.

The report to the Executive Committee is included in Appendix NP1 to the Submission Statement. In paragraph 3.2 of that report the committee were informed that *"being a Parish Council they are the only relevant body that can apply in their parish. Their application included the following statement explaining why the area is considered as appropriate to be a neighbourhood area:*

"That, in considering the development of the Neighbourhood Plan for the plan period of 15 years, recognising both the rural nature and the needs of the populated parts of the parish, it is essential to balance demand on all parts of the locality so that the most appropriate development plan is produced for the whole of the parish."

Paragraph 3.5 dealt with the objection by Barwood.

"Dealing with the comments by each objector in turn, Barwood states that the site at Gallows Hill and the Asps is land required to meet the whole district and not a matter for the Neighbourhood Plan. However, it is considered that whilst there are areas currently identified for development to meet the District's needs this should not preclude a Neighbourhood Plan having any influence at all over an area that is still yet to be allocated in an adopted plan. All proposed neighbourhood areas should be aware that they have to be in

alignment, and subservient to the strategic elements of the Local Plan. Barwood rightly point out the example of the unsuccessful Dawlish Neighbourhood Plan examination where the Local Plan for the area had yet to be determined being one of the principle reasons for the Neighbourhood Plan being found unsound.

The option to omit the two sites from the Neighbourhood Area was included on the Map in appendix 3 of the report, but this was considered *“inappropriate as it would leave certain areas without any possible Neighbourhood Plan Area as the Parish Council is the only relevant body able to undertake a Neighbourhood Plan.”*

The Recommendation *“2.1 That Executive designates the Neighbourhood Area as submitted by Bishop’s Tachbrook Parish Council, attached as appendix 1 having regard to the representations made.”* was carried.

2.12.1b Chapter 6 of the Consultation Statement describes the approach taken by the Parish Council to consulting with developers and those with land interests in the Parish. 6.3 demonstrates the extent of land availability so far as land owners are concerned and the need to treat all of them the same and fairly. It describes the series of meetings with developers that wanted to tell us of the land that they had available for development.

A meeting with Barwood Securities Ltd was held on 2nd March 2013 (Paragraph 6.4.2 refers) regarding proposals for Land South of Mallory Road. At that time, this proposal for Bishop’s Tachbrook was unexpected, not in any strategy and in rural area. Points made by Councillors, taken from the minutes were that - the site is distant from key village amenities, like the club, shop etc: needed to enhance community provision; motorway noise; Housing Need Survey indicated 14 new dwellings required - so 100 would be disproportionate and not welcomed by village community; phase over 15 years to allow integration of new comers and avoid swamping school; Building south of the village is more acceptable than building on land between the village and Harbury Lane.

As shown elsewhere in this Statement, an outline application was made, refused and went to appeal and was dismissed. The counsel representing Barwood was Jeremy Cahill. The same pattern is occurring on the Asps.

Development of the Asps and Gallows Hill was not raised by Barwood at 2nd March 2013 meeting, even though that site was part of the Preferred Options Consultation of May 2012 for which the consultation closed at the end of August. That was followed by a

Revised Development Strategy published on 13th May 2013 with a consultation that ran from 14th June to 29th July. This removed the site of the Asps for development due to public concern about the historical and heritage settings of Warwick Castle and Castle Park, relocating it on land south of Harbury Lane. This was equally unpopular with the public. The Towns of Warwick, Whitnash and the Parish of Bishop's Tachbrook all considered that it was important that the land east of Europa Way and south of Harbury Lane, being part of the Tach Brook valley and a substantial part of the coalescence buffer between the towns and Bishop's Tachbrook village, should be retained as rural for agricultural purposes, whilst the Asps and land south of Gallows Hill, is an integral part of the setting of the nationally important heritage asset, Warwick Castle and its Grade 1 Historic Garden of Castle Park which is of international importance. Warwick Castle is a central key point for local business and is part of the Merlin chain of attractions, so is a very significant component of the local economy that would not be helped by inappropriate development.

On 27th February 2014 Barwood made a planning application for 900 dwellings and associated infrastructure. No approach was made by Barwood to the Parish Council for a further meeting, but Barwood were given the opportunity to present to the District Council Planning Forum, on 18th November 2013. The Planning Forum is run by Warwick District Council planning Department to give District, Town and Parish Councillors an opportunity to discuss planning issues with officers. Two Parish Councillors were at that Forum where the proposals got a cool reception. The application was refused by delegated powers on 30th May 2014. An appeal was lodged by Barwood. The Appeal hearing is 14th April 2015 for 8 days and at the time of writing this report the appeal is being heard. The counsel representing Barwood is Jeremy Cahill.

2.12A Opinion by Jeremy Cahill

- a) An extensive 55 page document dated 4th November 2014 was received, the tone of which was to question the legality of the pre-submission consultation for the Neighbourhood Plan. It is full of presumptions and confused legal arguments, selectively quoting regulations, Framework clauses and Planning Practice Guidance and numerous parts of a range of cases that may or may not be relevant to the situation, attempting to disrupt the progress of the plan. It is difficult to find the questions in the document to answer in a logical manner but there is a Summary Conclusion that will be presumed to be the essence of the opinion.

- b) the first point concerns the requirement of regulation 14 pre-submission consultation and how that is required to be done and whether the process adopted by Bishop's Tachbrook Parish Council is lawful and that it was insufficient to pass to the point that an application under Regulation 15 can be made. This seems to be a matter that will be determined by, first the District Council who will, we are informed, check that the plan conforms to all legal requirements, and then the Examiner who will determine whether the plan has been prepared through all the correct processes and then determine whether it is fit for referendum.

Chapter 11 details the pre-submission consultation process adopted by the Parish Council. This is a Neighbourhood Plan that has first and foremost to be at a level that can be understood by all the community so that its intentions are clear to them and then to the planning officers that will be using the plan for the next 15 years to control development within the Parish. The pre-submission consultation has to be a complete draft including all the intentions of the plan and upon which comments, support, objections or other representations can be made. But it also has to be presented in a way that will engage people so that is "not another survey" to ensure that it receives the attention it deserves and encourages people to think that they do matter and to help them make constructive comments.

The Opinion attempts to utilise strings of Planning Practice Guidance in a variety of matters. It seems to overlook that the PPG was only issued on 6th March 2014 and the majority of the plan preparation and assessment was done well before then. Relating to the chronology of the plan, this was a fortnight or so after Barwood submitted their planning application for the Asps. It also seems to forget that the Parish Council is a group of volunteers that have been elected by their community to represent them in a range of community governance matters. They freely give of their time and resources to improve and resolve problems that the community bring to their attention for a period of 4 years at a time. We do not have offices or staff, except for the part time Parish Clerk. The expectation of planners and lawyers as to what is possible in that context has to be proportionate.

It seems to the Parish Council, that that was the whole intention of the National Planning Policy Framework as set out in NPPF 183 to 185. It is also clear that the Framework is a significant component in the Governments agenda to provide **sustainable** development

across environmental, social and economic dimensions **simultaneously**. It is not just development at any cost, it must be a balanced approach. It has to be plan led and controlled in a responsible way following the spirit of the Framework.

- c) the second point seems to be founded on the erroneous conclusion that there has not been any contact between the Parish and District Council. From the detail attached to this Consultation Statement, from October 2011 when Neighbourhood Planning and Localism were still but a dream, the Parish Council has been fully engaged with the District Council at both officer and member level. The Chronology in Appendix C12 lists most of the meetings and events that have taken place, but in addition to that, regular reports have been made to the monthly Parish Council meetings that are open to the public. Every agenda for the Parish Council meetings has an agenda item for matters that are the responsibility of the County Council. The County Councillor who covers Bishop's Tachbrook attends almost every meeting to report on all County matters that concern the Parish. He is also the District Councillor that is leading the local plan process so has a keen interest in the progress of the Neighbourhood Plan. The District Councillor for this Parish is also a Parish Councillor who reports on District Council matters to the Parish Council. That does not get us any particular benefits, in fact the reverse happens as they are careful to declare an interest where that is required, but it does mean that we are fully aware of developments as they happen.

At officer level, on the Neighbourhood Plan, the first meeting that was held with the Planning Policy Manager on 20th April 2012 is noted in the Chronology and the minutes are attached as Appendix C1. Thereafter a new officer was taken on by the District as a link person for the parishes that wanted to prepare a Neighbourhood Plan as well as carry out a Village Housing options investigation. The minutes of the 1st meeting in November 2012 are attached in Appendix C3. Further detail on this officer contact can be found at paragraph 4.7. Mr. Hay completed his contract with the District in about April 2014. After this, the link officer became Sally Jones but by this time the work was mostly done so she did not really get into the project. She then retired in December 2014 and since then the Planning Policy Manager has taken her place. Meetings with him on the position with the Neighbourhood Plan took place on the 19th November and 31st December 2014. In addition, there have been a number of meetings with Mr. Barber on local plan issues as well as the problem of the 5 year housing land supply. In Chapter 3, reference is made to the dilemma regarding the land south of Harbury Lane and the Tach Brook Valley arising from the Local Plan.

Other officers have helped with the provision of plans of the parish for displays at the community events and on which the Neighbourhood Plan map is drawn and also in dealing with the original application by the Parish for Neighbourhood Area Status.

At a County Council level, we commissioned a Landscape study of the whole parish, (see Appendix NP8), the County Ecological officer and the heritage officers both provided data for the evidence file.

- d) the third point refers to identified major defects and warns of judicial review if they are not addressed. In paragraphs 78, reference is made to 5 flaws.
- (i) the draft policies section is not a complete draft Neighbourhood Plan within the scope of regulation 14 (a)(i), (b) & (c).

This is incorrect. The draft policies section included an introduction including a reference to the basic conditions. The format for each subject describes the strategic objectives of the plan and for each policy gives a context and rationale, strategic basis and how the policy will be applied. As a draft plan it was sufficient for everyone else to understand the intent and make intelligent comments or objections or improvements that have been incorporated in to the final plan. This fits with the regulation 14(a)(i) requirement of details of the proposals for a Neighbourhood Plan.

14 (b) to be done at the same time as the publicity of the plan is consultation with Statutory undertakers as set out in Schedule 1 of the Act and this was done as shown in chapter 13. 14(c) was also to be done at the same time and the documents were sent to the District Council.

It is then argued that is not complete because the complete evidence base and consultation work were not with the draft policies. The complete evidence is 2 lever arch files thick of dense information. An index is provided at Appendix C6 - somewhat impractical for any person in the community or even business to handle. Not all of it was used of course but the whole was available to provide most data found to be needed. This formed the basis of the various chapters in the submission documents.

- (ii) The consultation has been inclusive. The opinions of the respondents are well known as they have had the opportunity at meetings with Parish Councillors (chapter 6) to describe their intentions, they have made planning applications and had them refused, and made 2 appeals. At the present, one has been dismissed and the second will be heard in April. The intentions of Barwood are clear but their views are diametrically opposed to those of the community who now have the right to set planning policies through the Neighbourhood Plan providing those do not conflict with national or local strategic policies. We have been careful to treat all landowners equally, including considering Barwoods representations.

Para89 implies that Barwood were refused notification. Mr Cahill may have forgotten that at the appeal on land south of Mallory Road, on the Friday morning 19th September, the Inspector was informed of the Parish Council decision the evening before, to commence the pre-submission consultation on the 24th September terminating on November 5th . Indeed, that was the only notification that the Inspector got of the dates as the inquiry terminated that afternoon. The appeal decision was published on November 4th a day before the end of the Consultation Period. Mr Cahill received a copy of the same papers signed by the chairman of the Parish Council that were given to the Inspector on the 19th September.

- (iii) Statutory Consultation Bodies; as in (i) above this is done at the same time as the pre-submission consultation. Para 90 says there is no record of this being undertaken. The record he seeks is part of this Consultation Statement in chapter 13. Some very helpful information and advice came from these sources and have been incorporated into the Neighbourhood Plan.
- (iv) Strategic Environmental Assessment : Screening opinion. Mr Cahill seems to set great store by this technical sounding requirement. In fact it is quite simple within Neighbourhood Plans in a simple environment, that is, without complications of industry or hazards and the like. The requirements were checked against Schedule 1 of the Environmental Assessment of Plans & Programmes Regulations 2004 at an early stage and from the plan envisaged there was negligible likelihood of it being necessary. Nevertheless a screening opinion was sought from the District Council who having checked with all the undertakers found that a full SEA would not be necessary. The Screening Opinion is attached at Appendix C12 and is dated November 5th 2014. Following further communications from Barwood, in which it was said that the screening opinion had not been published

as required by the relevant regulations, the district council has repeated the process, come up with the same result and published the new screening opinion.

- (v) Barwoods claim, on the basis of a remark by the District Council's advocate at the appeal inquiry that "*Warwick District Council is aware that Bishop's Tachbrook have commenced work but was not sure how far they have progressed in terms of options or proposals.....*" indicates a grave breakdown of communications between the Parish Council and the Local Planning Authority. However, as was stated in the Parish Council's proof of evidence and under cross examination by Mr. Cahill, the Parameters for option selection were deliberately described, as they were very material to that appeal and the fact that this was done in conjunction with the Councils Neighbourhood Plan representative Stephen Hay. All that the quoted remark indicated was that District Councils advocate was not aware of it, nor would he be expected to be as he was not involved with it. By this time, of course, Stephen Hay had left the employ of the Council.

Throughout this Consultation Statement and the Submission Statement will be found many references to working with the District.

- e) the fourth point is somewhat obscure and refers to possible outcomes from other judicial reviews. Subsequently, a judicial review protocol letter was issued to the District Council by Barwood and in order to be ultra-cautious it has decided that it would be better to rerun the pre-submission consultation , hence this second consultation.
- f) the last point gives Mr. Cahill's opinion that the plan is at an early fragmentary stage. The Parish Council believes that the first pre-submission consultation was not at an early fragmentation stage but at an advanced stage that allowed the community to see virtually a finished product but left room for active involvement in the consultation process. This was verified by the large number of responses that came from people both supporting adding to the plan from which we have produced a fair and equitable plan taking into account all the representations received, the NPPF taken as a whole and the philosophy of plan-led plan making, as compared with developer-led plans.

B The How Planning document contains an 18 page Neighbourhood Plan Consultation document dated November 2014, a copy of Barwood representations to the Publication Draft Warwick District Local Plan dated June 2014, with 2 appendices, the first being a location plan of the Asps, the other being Peter Brett Associates version of housing requirements for Warwick District, dated June 2014. This is followed by a 10 page copy of the representations made by Bishop's Tachbrook Parish Council to the District Council on the Publication Draft Local Plan, with which we are familiar. Presenting this document back to us seems to undermine the claim of no co-operation or working together between the District and the Parish. All that the Parish has been trying to do as regards the Local Plan is to help the District devise a sound local plan that will take the District forward, maintaining environmental, social and economic sustainability.

The function of a Neighbourhood Plan is to shape the Local Plan strategic requirements to best fit the Neighbourhood. Of itself, the Neighbourhood Plan is not the vehicle to change the local plan as Mr Cahill reminds us at length. It is however very much the role of a Parish Council to present the best evidence it has to the local plan when the local plan is being prepared, because after all the development is done, whatever it may be, it will be the Parish Council that has to deal with the problems at a human level that bad development bequeaths them.

It will be necessary therefore to only address the first document relating to the Neighbourhood Plan with a District strategic housing requirement of 12,860.

Ba General Observations on the Draft Policies Section;

This repeats much of the foregoing so need not be addressed again. In 2.6 reference is made to a Freedom of Information request that has been made on behalf of Barwood. With the depth of information that we have much of its request was too general and unspecific to be answered in realistic fashion. A request for further detail was made and has been received by the Parish Council, but most of it if not all is contained in the Consultation Statement and the Condition and Submission Statements in context.

Bb Draft Housing Policies;

There are many inaccuracies here in the representation.

3.1

line 1 the housing objectives are not a – d which refers to basic conditions. They are A – D under Housing policies.

Line 3 Objectives 1,2 & 6 are not set out anywhere . They are, on page 1 of the consultation draft as part of the Vision Statement.

Lines 4 to 6 says that objectives do not say the plan must be consistent with the emerging local plan. Wrong. On page 2 of the Draft Policy Section Policy 1: location of new housing. Context and Rationale, 1st paragraph 2nd sentence it is clearly stated - *In order to be in general conformity with strategic local policy, the Neighbourhood Plan must make provision for the level of housing growth identified in the emerging Local Plan as this is based on the most up-to-date evidence available.*

Eventually, in line 10 to 13 it agrees that statement is correct, so lines 4 to 6 are wrong.

Lines 12-16 could read the 1st sentence in a way not quite intended.” *identified in the emerging Warwick Local Plan and identifies a site to deliver this.*” We could change ‘and’ for ‘that’, but this illustrates the cooperation operating between the District and the Parish as we jointly came to that conclusion as the best option for the village as a whole, as explained in Chapter 5 sections 5.5 to 5.7 of the Neighbourhood Plan Submission Statement. On the other hand, it is better for the Neighbourhood Plan to ‘own’ it even though it is listed in DS11 site H23 in the local plan. Hence it will be left as it is.

Lines 17-21; this point had been noticed and amended in the final draft in BTH1. Note that to avoid confusion between the Neighbourhood Plan and the Local Plan with similar policy numbers, all Bishop’s Tachbrook policies are prefixed BT.

BTH1, BTH2, BTH3 & BTH4 have all been adjusted to determine how policies will be applied to other strategic sites that are in the Local Plan when it is adopted. BTH1 has been renamed LOCATION OF NEW HOUSING TO MEET STRATEGIC DEMAND WITHIN THE VILLAGE SETTLEMENT.

3.2

The plan in the draft policy section was the plan in the Village Housing Options & Settlement Boundary Consultation of November 2013. In the side text it indicated that the actual boundary needed detailed assessment and the boundary now shown on the Proposals Map is the boundary that has been agreed with the developer by negotiation and for which outline planning permission has been given. This is now incorporated into the final plan document and will be also incorporated in the District Local plan.

3.3 to 3.5

Refers to undermining of the OAN by the wording of Policy H2. BTH2 has been amended to allow strategic sites in the Local Plan when adopted that may be outside the village settlement boundary.

Page 8 to 10 paras 3.6 to 3.13 continues to imply that the draft Neighbourhood Plan is not in conformity with the Local Plan.

3.8 says the Designated Area is extensive and in the north contains some of the built up area and asks for an evidence base map to explain it. The redline referred to is of course the parish boundary and was known to Barwoods in 2012 when they objected to their site being within it.

3.9 refers to proposed residential areas south of Harbury Lane. These are part of the strategic allocations in the Local Plan DS11 that have already been granted outline planning permission. The position regarding strategic sites has been addressed in the revisions to BTH2 in the Final Neighbourhood Plan. This is referred to in Chapter 3 of this Consultation Statement and the wording is designed to conform to both the current 2007 Local Plan as amended by permissions now granted and the draft Local Plan if it should proceed after Inquiry in the form it currently is. The point at issue for the Parish Council that there has been so much windfall development since April 2011 and Focussed Consultation changes by the District, that to achieve the OAN it may not be necessary to take any more greenfield. This would avoid further damage to Tachbrook Valley which is contrary to the environmental sustainability requirement of the NPPF. The Neighbourhood Plan policies must therefore be flexible for both eventualities. There is no intention to not meet the

properly assessed need but to ensure that all possible sites within urban areas and on brownfield are taken before taking greenfield unnecessarily.

Page 10 housing policy H2: Bishops Tachbrook Settlement Boundary

3.15 Local Plan policy H1 is not a strategic policy. It will apply to parts of the district without a Neighbourhood Plan, but the Strategic Policies are those so described in the Local Plan, as set out in the Submission Statement Chapter 5.2. Specifically it permits housing in Urban areas, growth villages and in the open countryside in 5 exceptional circumstances. NPPF 185 says that outside these strategic elements (needs & priorities), Neighbourhood Plans will be able to shape and direct sustainable development in their area. Once a Neighbourhood Plan has demonstrated its general conformity with the strategic policies of the local plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a Neighbourhood Plan is in preparation.

The point this comment seems to be getting at is that H2 (or BTH2) does not allow the reuse of redundant or disused buildings for housing unless they are historic. This has been deliberately avoided, because there is not a reliable definition of the terms redundant or disused and to convert say a redundant pigsty into a house in a location that would not normally be permitted could be a convenient loophole for unsustainable development.

The last point concerns proposals for a new isolated home in the countryside. This is an omission that has already been recognised to conform to NPPF55 and the following policy has been inserted into BTH2.

- c) the development is a new isolated home in the countryside complying with NPPF55, to be truly outstanding or innovative in its design, without any intrusion into the landscape, distant or protected views or alteration to the defining characteristics of the area and which significantly raises the quality of its immediate setting .

Page 12 Policies H3 & H4. These policies have not been drafted in consultation with developers. This would be inappropriate because of developer's pecuniary interests. The policies have been written for the whole plan period until 2029 so must be framed in a way that will apply until that time and not be specific to any particular site.

Policy H3 will also apply to sites other than the site in BTH1. The limitation of that policy is already recognised and BTH3 has revised H3 to ensure that the mix of the 60% affordable homes rebalances village housing to be closer to the Warwick District norm. Submission Statement Chapter 6 section 6.3 Table 3 sets the way that the market housing mix can be rebalanced, but allows some flexibility, if that should not be to the benefit of the parish during the pre-application stage of the scheme development. For other housing sites a similar assessment at the pre-application stage would be expected, aiming to approach the District average housing mix.

H4, as revised into BTH4, constitutes part of the requirement to meet good design standards within the Neighbourhood Plan area as set out in NPPF Chapter 7.

RE2 Protection of land.

It is the NPPF that gives the community the right to determine where development can take place within the Neighbourhood Plan area providing it meets the strategic requirement for housing in the Local Plan. The community view from pre-submission representations is that the area between Harbury Lane and the north side of the village, being the Tach Brook valley with significant landscape value, should be protected from development to prevent coalescence of settlements. This is a strategic requirement of the local plan DS4(d) but the term coalescence is not defined as to the distance necessary to do that. The community view is that the land from the north side of the village to Harbury Lane, all ought to be kept as greenfield since it is graded best and most versatile agricultural land and an essential part of the Tach Brook Valley. Unfortunately, 2 strategic sites have already been given planning permission. To define what the minimum distance is that must be maintained is something that the Neighbourhood Plan can now do, so an Area Of Coalescence Protection has been determined and included in BTRE2

Policy T1

It is not agreed that T1 is not consistent with Strategic Policies in the Local plan. It is entirely consistent with TR3 in the local Plan that includes public transport, footpaths, cycleways and towpaths both internal and external to the development. The Neighbourhood Plan policy is included to ensure that services needed in the parish, where vehicle density per household is 50% higher in the parish than in the district as a whole, due to longer travel distances and lack of public transport, are actually provided in the parish. T1 has been clarified due to the high level of community responses on transport and safety within the parish from the greater flows of traffic due to the high levels of new housing proposed in the area and is now BTT1. Required parking standards are also included in policies BTH4.10, BTE1A(f), BTE2(f)

Other matters;

- 4.1 Strategic Environmental assessments - completed. See Consultation Statement Chapter 13 paragraph 13.1.
- 4.2 As regards the strategic requirement for housing, How Planning says, in 4.2, that *“The scale of development proposed within the Designated area of the Neighbourhood Plan is vast and it can be rationally argued that this will not give rise to significant environmental effects.”* The Parish Council agrees entirely that the environmental effects of 3,390 homes in this area of the District as included in the Local Plan will have serious implications on traffic congestion and on Public Health which are not mitigatable. **This is a key reason why such a huge increase should not take place.** Roads at peak times experience very long delays now and air quality in the towns is below EU standards.

If the Asps and Gallows Hill applications are not refused, that will add another 1,350 homes making 4,740 onto roads that cannot take the current traffic flows now.

- 4.3 Consultation has been extensive and inclusive as this Consultation Statement demonstrates. The respondent demonstrates perfectly why the development advocated by them should not be granted as they would not meet the sustainable development standards that the NPPF requires.

It is for the Examiner to determine whether due process has been carried out by the Parish Council on the basis of a plan-led approach to meet the strategic Objectively Assessed Need. Local Plans should be tailored to the needs of each area in terms of their strategy and the policies required. They should focus on the key issues that need to be addressed and be aspirational but realistic in what they propose.PPG12-002. But overprovision in any area leads to infrastructure, social and financial problems for local authorities so become unrealistic or a continuing problem into the future..

13 Statutory consultees

- 13.1 An initial assessment of the requirement for a Strategic Environmental Assessment was carried out by the Parish Council by reference to the legislation and European Directives that are applicable tested against the Initial Aims and Objectives of the Neighbourhood Plan. It concluded that there was no matter that would trigger the need for an SEA in the plan at that stage.

At the end of the development process, a request for a screening opinion was made to Warwick District Council in October 2014. A preliminary response was received on 4th November that was confirmed in a final Strategic Environmental Assessment Screening Opinion that was received on 28th November 2014 . It is actually dated November 5th.

The Opinion concluded : it is the opinion of this screening report that the Bishops Tachbrook Neighbourhood Plan does not require a full SEA to be undertaken.

The full report is at Appendix C13. As has been indicated above, in order to meet the letter of the law, the Screening Opinion process has been repeated and published and the new version will be substituted into the Neighbourhood plan documents.

- 13.2 The following Statutory consultees were invited to make representations following advice from Warwick District Council on the persons to contact:

Rohan.Torkildsen@english-heritage.org.uk, peter.boland@english-heritage.org.uk, david.westbrook@naturalengland.org.uk, roslyn.deeming@naturalengland.org.uk, piotr.behnke@naturalengland.org.uk, richard.c.rose@openreach.co.uk, mark.english@warwickshire.pnn.police.uk, sarahwells@warwickshire.gov.uk, mail@homesandcommunities.co.uk, bob.sharple@sportengland.org, laura.perry@environment-agency.gov.uk, adamharrison@centro.org.uk, davidlowe@warwickshire.gov.uk, kathryn.burgess@highways.gsi.gov.uk, office@ancientmonumentsociety.org.uk, katherine.burnett@canalrivertrust.org.uk, andrew.morgan.60139@westmercia.pnn.police.uk, will.pascoe@hse.gsi.gov.uk, townplanningInw@networkrail.co.uk, annastocks@warwickshire.gov.uk, kim.auston@english-heritage.org.uk, evaneale@warwickshire.gov.uk, jayne.blacklay@swft.nhs.uk, emilyfernandez@warwickshire.gov.uk, disabilitynetwork@warwickshire.gov.uk, james.kitchen@environment-agency.gov.uk, neil.hansen@highways.gsi.gov.uk, diane.clarke@networkrail.co.uk, lisa.maric@highways.gsi.gov.uk, giles.matthews@environment-agency.gov.uk, planningconsultation@coal.gov.uk, ciaranpower@warwickshire.gov.uk, nicolawright@warwickshire.gov.uk, alastair.welch@naturalengland.org.uk, tonylyons@warwickshire.gov.uk, pamneal@warwickshire.gov.uk, paul.gethins@environment-agency.gov.uk, adamjames@warwickshire.gov.uk, mel.duffy@swft.nhs.uk, janet.marsden@warwickshire.pnn.police.uk, midscentralplanning@environment-agency.gov.uk, monicafogarty@warwickshire.gov.uk, consultations@naturalengland.org.uk, e-wmids@english-heritage.org.uk, parishclerk@bishopstachbrook.com

13.3 English Heritage

A response was received from English Heritage on 29th October 2014. (See Appendix C14.9) The comments made were

1. Supportive of the housing development policies in the plan
2. Thought that the historic environment is currently considerably under-represented in the content of the plan and said that the imbalance should be addressed. Heritage assets both designated and undesignated of the whole parish and not just the conservation area should be recognised and included.

3. Historic farmsteads in the rural area and associated historic field systems, hedgerows paths and woodlands and ponds can be undesignated heritage assets. RE3 sets out to protect the natural environment and suggested a similar intent policy for the Historic environment.

With the other contents of the response in mind the whole historic section has been rewritten to include a description of the historic environment of the Parish in Chapter 8 of the Neighbourhood Plan submission Statement and an additional policy BTHE1 to protect historical assets and their settings, and policy HE1 has been expanded as BTHE2 to ensure better protection of the Conservation Area. English Heritage offered further help and the revised parts of the plan were sent to them on 11th January 2015.

13.4 Environment Agency

A response was received from the Environment Agency dated 11th December 2014. (see Appendix C14.1)

It begins with the principle aims of the Agency and the key principle of sustainable development. They comment that the plan sets out several policies that promote sustainable development but that there are some areas that should be strengthened.

1. Policy H1 relates to the site allocation for housing, the strategic objective of the Warwick District Council Local Plan. The Agency inform that it lies within flood Zone 1 and is sequentially preferable in terms of flood risk, but would like to see the inclusions of a further design principle in H4 to encourage sustainable Drainage Systems and other measures to reduce surface water runoff. The point is taken and has been included in a more definitive form in BTH1 (c) as one of the specific requirements for this site to take account of known problems with this site and in BTRE1 (4) which addresses flood risk for all properties not just housing.
2. Policy E1(c) concerning vacant or redundant historic buildings, they raise the issue of contaminated land and remediation. This would seem to be beyond the Neighbourhood Plan as it would be covered by either the Local Plan or Building Regulations or other environmental mechanisms. The Neighbourhood Plan should not duplicate unnecessarily. No action to take.

3. Policy RE1 flood risk is welcomed, but a better form of words was suggested. These have been included in BTRE1, verbatim as set out for clauses 1 and 2. They also suggest that we know where real flooding has occurred from our past experience. We have defined an ordnance datum level below which no development will be permitted. This relates to the last known highest flood level of the Tach Brook plus 1.5m to allow for possible higher flood levels due to climate change. The context & rationale section includes a surface water flood risk MAP10 provided by the Environment Agency, showing the many tributaries running into the brook that demonstrates the need for this approach that is due to undulating countryside, local springs and field runoffs due to some clay soils. They also note Policy RE2 that even though that policy prohibits development north of the village, there may be minor exceptions and emphasise that development in any areas at risk of flooding should be avoided with sequential tests if it cannot. BTRE1 has been expanded and should cover this with the requirement for a Flood risk Assessment.
 4. Policy RE3: The Tach Brook is part of the arterial network of tributaries and wildlife corridors which are an intrinsic feature of the River Avon itself and is part of the Avon LWS designated area (LWS SP15Li8f). This has an important role within the wider ecological and biodiversity setting of the area and should be protected and enhanced where possible. It is also known that the Tach Brook is a Water Framework Directive waterbody that is failing in its objectives under the Water Framework Directive due to high levels of phosphates and has a Poor Status. So this is another reason that the two remaining pieces of Strategic land allocations south of Harbury Lane in the District Local plan should not proceed since urban pollution will worsen the water quality and the level of wildlife.
 5. LACV1. The Environment Agency also strongly supports this policy to protect local assets of community value and is very pleased to see the Tach Brook listed as a local asset. They also suggest pedestrian access to the countryside including opportunities for linking open spaces to make green corridors. These are covered by an extended BTLWB3. To protect the community asset of the Tach Brook is another objective of the Area of Coalescence Protection that the Environment Agency supports.
- 13.5 Sport England : A response was received from Sport England dated 14th October 2014. See Appendix C14.2. This was a general response and did not address any policies but did refer to the NPPF, and where guidance is. This resulted in calculating the Warwick District Council Open Space standard required compared with provided and a case for increasing the amount of open space. A site in the right place has been identified and considered as an Asset of Community Value. BTLWB1 and BTLACV1 table 17 Land at Seven Acre Close.

- 13.6 Highways Agency: No comment to make and the plan is supported. See Appendix C14.3.
- 13.7 The Coal Authority; Outside any defined coalfield so no comment to make. See Appendix C14.4
- 13.8 Public Health Warwickshire: A response was received dated 20th November 2014 (see appendix C14.5) welcomed health provisions in the plan. It suggested further elements that could be included such as walking, outdoor gym or trim trails, leisure cycling routes, etc. These are healthy lifestyles matters and may have some Neighbourhood Plan objectives to provide facilities and can help justify funding for public health measures.
- 13.9 Natural England: A response was received dated 5th November 2014 (see appendix C14.16) in which it considered that in general terms it appears to address the natural environment well. We particularly welcome Strategic Objective 7: 'to protect, enhance and give greater access to the natural environment of the area including landscape, geological assets, archaeological sites and wildlife habitats'.

We note that Policy 6 imposes an obligation on new development to provide new parks and play areas and that Policy 7 identifies a need to mitigate an identified flood risk. Multifunctional Green Infrastructure could be used to provide Sustainable Urban Drainage Systems which could also contribute towards the provision of wildlife habitats, a requirement of Policy 8. Further information can be found in Natural England's Green Infrastructure Guidance.

Further to this we welcome the commitment to protecting and enhancing existing green spaces and wildlife sites and the positive approach taken to enhancing Public Rights of Way.

14 Consultation with Local Authorities and neighbouring parishes/towns

14.1 Notice of the pre-submission consultation with documents attached were sent by e-mail to the Town/ Parish Clerks for the five towns and parishes with whom we have a common border: - Warwick, Whitnash, Barford Sherbourne & Wasperton, Newbold Pacey & Ashorne and Chesterton & Kingston.

No written responses have been received. Some sites (Harbury Lane Playing Fields and the Woodland / green area adjacent) on the border with Whitnash have been discussed and found no disagreement with the Neighbourhood Plan proposals.

14.2 A response from St. Chads Parish Church Council was received on 16th November (see Appendix C14.6) requesting land for an extension of burial plots and a disabled parking bay on Mallory Road. Both of these have been put on an agenda of matters to be considered in a public realm exercise on the centre of the village described in paragraph 5.6.9 of the Submission Statement.

14.3(a)A response from Coventry & Warwickshire Local Enterprise Partnership was received November 2014.(see Appendix C14.7) It states that its review focuses on the principle of presumption in favour of sustainable development as NPPF16 so that plans should support strategic development needs set out in Local Plans, including policies for housing and economic development. But the stress is on **sustainable** development and **sustainability** is defined NPPF6 as being policies in NPPF18 to 219 taken as a whole.

The Parish Council considers that their plan does meet Local Plan strategic demand for both housing and economic development. There are 3 strategic housing sites in the parish all of which are in the Neighbourhood Plan. There are no strategic employment sites in Bishop's Tachbrook as these are all in urban areas and that keeps travel to work miles down.

Therefore, it is not true to say that the Draft Neighbourhood Plan has policies that are not consistent with the Warwick District Council Publication Draft Local Plan. The policies in the submission statement are in line with both the current Local Plan 2007 and the Publication Draft.

- (b) Reference is made to a potential future park and ride but this has been a dream for a long time and there is no strategic requirement for it in the Draft Local Plan, where 5.59.3 is vague as whether it is viable or where it should go. Bishop's Tachbrook is probably too far away to provide a viable parking area for Leamington or Warwick. It would be expected that the District Council would work with the Parish Council, if at some point in the future, a Park and Ride is being considered in Bishop's Tachbrook. As this is a highway matter, the county would lead on the proposal and it would become a strategic policy over the Neighbourhood Plan.
- (c) A comment was made on Policies 1 and 2 – Housing that the draft policies and supporting text should be reviewed to reflect the Warwick District Council Draft local Plan. This may be referring to the consultation draft dated February 2014 whereas the August 2014 draft policies H1, H2, H3 & H4 are aligned with the Draft Local plan. Policies BTH1 to BTH4 now proposed fully reflect Warwick District Council Local plan.
- (d) Policy 3 – Affordable housing, should also reflect the 40% requirement for affordable homes. This has been refined through both the August 2014 policies and BTH2 limiting residential outside the settlement boundaries to only affordable homes or minor exceptions as required by the NPPF54 & 55 customised to Bishop's Tachbrook and through BTH3 on housing mix.
- (e) Bishop's Tachbrook Parish Council is fully aware of resource implications of any capital works that new development will lead too. Where appropriate, developments will be expected to contribute in whole or in part to new infrastructure.
- (f) Policy 19 – business. This has been superseded by BTE1 & 2. The community considers that for Bishop's Tachbrook, whilst supporting NPPF28 - To promote a strong rural economy, in the ways suggested, this Neighbourhood Plan should take into account that it is a rural parish and the majority of residents are employed in a range of non-rural occupations in locations relatively close but outside the Neighbourhood Area. BTE2 specifically supports agricultural diversification and employment.

14.4 A response was received from David Barber, Warwick District Council. 7 Representation forms were submitted. See Appendix C14.10.

14.4.1 Draft policy section page 1 Introduction contained 2 general points.

- a) Evidence is referred to in various places but doesn't appear with the documents or on the website. Difficult to evaluate the policies. They used the evidence gathered in relation to the Local Plan.

Response : This needs a bit of understanding. The Neighbourhood Plan is based on evidence collected by volunteers contributing to the development of the Neighbourhood Plan. The majority of it is in hard copy or in computer files. The website through the development period was only introduced in about 2011 in a simple format and was not capable of being used for holding information. In 2013 its limitations were recognised and in 2014 a better website was introduced, but it was still not considered as the method of assembling evidence data. This was normal procedure in the days before websites and was not a problem to those involved. The early website received few visits, but this gradually increased so we gradually had to catch up. The Parish does not have an office full of computers. It is dependent on volunteers using their own personal computers at their own cost in their own time. The evidence gathered by the District in relation to the Local Plan is on their website but needed a lot of time and effort to know what was available and follow changes.

- b) It is not clear what the timescale of the Plan is. This needs to be clarified at the beginning.

Response: it was. On page 1 of the February 2014 Consultation Draft, Strategic objective 1 was clear – to provide the blueprint for the development of the Parish over the next 15 years to 2028. This was a little bit loose and in the final Plan it is made clear in several places that the plan is for the same period as the District local plan from the date that the plan is made until the year ending 31st March 2029 ie., the 2028/9 year. (See Condition Statement page 2, Submission Statement – executive summary 1.2 & Chapter1 Introduction Page 7)

14.4.2 Consultation Draft February 2014 Page 6 Policy 1. The objection is that the February 2014 draft is not compliant with the emerging Local Plan and at that time, that was true.

The SHMA 'objectively' assessed need at that time was known, from our research, to be high, with a resultant demand on the natural environment, limited road networks, infrastructure capacity and countryside. Overdevelopment to the south of Warwick, because there was thought to be nowhere else to put it, is not an acceptable solution to a problem that does not really exist in the first place. Chapter 3 of this consultation document gives some of the background to this issue as does the Submission Statement Chapters 1.4, 2.1 and 5.3.

So it proved, that the objectively assessed need was high, since when the mid-2012 ONS projections were released in May 2014, the population projection increase reduced by almost 30% for Warwick District from 21,472 to 15,313. It was clear that this was not a surprise to the District Council, as they did not change their number for Warwick District on the basis that the housing market area may need to provide for a supposed increase in Coventry's projection, due to a duty to cooperate. This confuses the problem. The housing need has to be clearly set out in steps. First what is the requirement of each part of the Housing Market Area? Answer – all parts except Coventry are down by between 25 to 30+%, so establish that demand and then if Coventry cannot meet its assessed need it would seek co-operation from all the housing market area. As yet Coventry has not asked and if and when they do they would be looking to locations close to their boundary. That would not include the south side of Warwick some 17 miles away on the A46. It's more natural location would be towards the north and east where more brownfield locations are available.

Further development in February 2015 when DCLG published mid-2012 based housing projections. They showed the number required to have fallen to take into account the reduced population projections. For Warwick District, this meant an annual requirement of 573 dwellings per annum or 10,320 over the 18 year plan. The District council have adjusted this upwards for various reasons to 660 dpa or 11,880 a reduction from 12,860 of 980.

The objection ends by selectively misquoting NPPF 47 which actually says

*47. To boost significantly the supply of housing, local planning authorities should: use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, **as far as is consistent with the***

policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;

To be consistent with the framework policies, development must be sustainable. NPPF6 says *The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.*

NPPF 8 says “ *Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.*” A plan that does not do this is unsound, so policies regarding the natural environment, the historic environment, the rural and agricultural environment and climate change causes cannot be ignored as in the long run the plan is not even economically sound.

Policies H1 to H4 of the August draft policies begin to address the issue made. However, the Neighbourhood Plan will be tested against the existing Local Plan which is the 2007 plan. That would not permit development of the sites south of Harbury Lane since the inspector specifically excluded them from development in the medium or longer term. The Draft Local Plan is proceeding to examination and it is quite possible that because it does not observe the NPPF, the plan will not be confirmed. It then follows that if the Neighbourhood Plan followed the Local Plan then it would likewise be found unsound. If strategic policies in the Local Plan are not found unsound then the Neighbourhood Plan has no option but to include them.

Response: To be flexible and make the Neighbourhood Plan comply with either outcome on the Local Plan, policies BTH2 & BTRE2 are written to specifically allow Local Plan Strategic Policies that are finally included in the 2011-2029 Local plan, while still complying with the current Local Plan until such time as the outcome on the Local Plan is known.

14.4.3 Policies Section Draft August 2014 Page 2 Policy H1. The objection is this policy only considers the strategic site in the village but then applies it to all proposals for housing development in the Neighbourhood Plan. Rural exception sites should also have a policy.

Response : These matters are addressed in policies BTH1 which is specific to the strategic site within the Village Settlement boundary, BTH2 that applies to all proposals outside that settlement boundary and BTH4 that applies to all new housing development.

14.4.4 Policies Section Draft August 2014 Page 5 Policy H2. Supported in principle.

Response : Detail wording on the definition of rural exception sites – agreed and updated in BTH2.

There is a small correction to wording in the strategic basis paragraph which has been incorporated into paragraph 10.2.3f.

Comment on houses of exceptional design adjusted in the last para of Strategic basis and in policy BTH2.

Policy wording – should address housing development – correct BTH2; Location of rural exception housing agreed and updated in BTH2; use of “and” sorted out; Setting comment added to historic building use.

14.4.5 Policies Section Draft August 2014 Page 6/7 Policy H3.

- a) Housing needs assessments are valid for 5 years. Since this only applies to very small developments, a new housing need assessment is required to justify any further provision since the 2014 survey need of 16 is more than provided by the 150 dwellings on the preferred site allocated.

Response: BTH1g and BTH2.2(a)

- b) the policy only looks at the site in BT, so this does need to be clarified. Response : Provision is made in BTH3 for sites adjacent to Warwick Gates to conform to Local Plan H4.

14.4.6 Policies Section Draft August 2014 Page 11/12 Policy RE2.

This policy is not clear as to what it applies to. Response : Agreed. Policy BTRE2 expands and clarifies land that will be protected from development. It also defines what coalescence means for Bishop’s Tachbrook within this context.

14.4.7 Draft land use map.

The Draft Land Use Map proposes a significant area between the Tach Brook and Harbury Lane for “Rural or Country Park”. In part this is consistent with the emerging local plan and the District Council supports the aim of delivering a substantial Country Park in this general Location. However, the Land Use Map conflicts with the proposals in the emerging local plan by extending the proposed or Country Park/Rural across areas that are proposed for housing development in the emerging local Plan. This area could accommodate in region of 550 or more dwellings. This would result in the Local plan failing to meet its Objectively Assessed Need unless equally good or better sites could be found. The Land Use Map therefore does not conform with the emerging local plan or the evidence base underpinning the emerging Local Plan. It also does not have sufficient regard to the NPPF paragraph 47.

Response : The community consultation for the Neighbourhood Plan has established the community view that

1. The land between Harbury Lane and the north boundary of the village of Bishop's Tachbrook should not be developed at all. From the outset of the Local Plan development, this has been said consistently to the District Council and it remains as an unresolved objection to the draft Local plan until the public inquiry decides the issue. On Grove Farm, permission has already been granted for 200 dwellings, so not much would appear to be possible to change that, although there is provision in the Town and Country Planning Act to revoke permissions. But any more would cause very serious harm to the natural environment of the Tachbrook Valley and is not consistent with the NPPF concerning sustainability.
2. The label of Rural or Country Park is just that - alternative land uses. When the map was prepared in August 2014, the Country Park was a statement rather than a plan. Part of its intent was to provide a buffer to ensure no more development further south. Again, the various community consultations established that the majority of people were firmly of the view that it should remain agricultural as that provides a powerful and sensitive valued landscape that can be seen from all directions for miles around. It is part of our heritage, of equal importance to the Castle that it served in bygone eras. It is plainly visible from the towers of Warwick Castle and is part of the setting of the medieval town of Warwick.
The proposed Country Park with large amounts of housing between it and the Harbury Lane is a thin slither of land on a slope down to the Brook with some larger pieces at each end. It would be a very small 'country park' compared with all the others we know of but, combined with the housing, it is a huge human intervention into a natural agricultural area. Although it would have some new tree planting, because of the levels, they would do very little to hide the mass of housing planned in either Grove Farm or Lower Heathcote Farm, especially in the winter. It would look like an advancing army pouring down the hill towards the brook.
3. A Country Park is expensive to provide and to maintain, but the plan is for the developments to meet the capital costs and the first x years of maintenance. The likelihood is that when the District finds it can no longer afford to keep it going that it would become the next building site. The Bishop's Tachbrook community would like to see it kept as agricultural with a limited number of public footpaths through it along the Brook. This, as well as being better visually and recreationally, would not incur any running or capital costs to the district, making the housing more affordable and the not adding to District Council maintenance costs.

4. To suggest that a further 550 dwellings could be located on Grove Farm is way beyond the publication draft of the local Plan. DS11 site H02 plans for 1505 dwellings south of Harbury lane. Already 785 have been approved for Lower Heathcote Farm and 200 for Grove Farm a total of 985. If 550 is added to that and the balance of 400 is added for Lower Heathcote, then the total will be 1,935. The plan is only for 1,505. That is an additional 430 on Grade 2 agricultural land. That is not necessary and not sustainable in terms of the NPPF. The effect on the natural environment will be even greater than the Draft Local plan approved to go to examination.
5. In addition when calculating housing numbers, no account seems to have been taken of housing numbers that have already been achieved. In total, by November 2014, 6,220 dwellings have either been granted permission, are under construction or have been completed. In addition at least 315 dwellings are in the pipeline for approval, the total being 6,535. That is more than half of the total requirement for the whole life of the plan identified and on the way in just under 4 years. 635 of these are not recognised by the LPA because they are the small applications not in their lists and which are permitted developments many needing only building regulation approval.
6. Adjustments made to the local plan in the recent focussed consultation on the Stratford Road employment provision should also reduce the need to take more land south of Harbury Lane. The Neighbourhood Plan Map assumes that the sites granted permission of 985 will be developed but takes the land use up to these sites for rural or Country Park, but Policy BTH2 has been amended to say -

The Bishop's Tachbrook Settlement Boundary is shown on Map 6. Housing development proposals outside that Settlement Boundary will only be permitted in locations that are

1. *strategic sites in the Warwick District Council Local plan 2011-2029; or*

- so that if it turns out that this is shown to be necessary, as a strategic site it will have to be accepted.

15 THE FINAL CONSULTATION FOR RESIDENTS

15.1 To make sure that as many residents as were able and wanted to take part in the preparation of the Neighbourhood Plan could see the pre-submission version and discuss it with others and Parish Councillors, during the pre-submission consultation period a drop-in Saturday afternoon event was provided at the Primary School in the village on October 11th 2014 from 1-30 to 4-30 pm..

The event was advertised in the October Issue of the Parish Magazine that was circulated during the third week of September to every household in the Parish, was put on the Parish Council Website and for the week before the event, banners advertising the event were placed at each of the 3 entrances to the village and also at Bolingbroke Drive in Warwick Gates.

15.2 To ensure that the community had full notification of the Pre-submission consultation that started on September 24th, Notices were placed on the two Parish Councils notice boards, one in the village centre on the external wall of the convenience store and the other on the green just south of Othello Road close to the bus stop at the entrance to Warwick Gates. With the Notice were displayed the maps showing the proposals and details of how to get a hard copy (free on request) of the Policy document. In the village this was from the adjacent shop, and in Warwick Gates from a phone number of a Parish Councillor living closest to the Parish Council noticeboard. The public notice posted on the 24th September can be found in Appendix 8.



15.3 The event took place in the Primary School Hall. 123 attendees from 78 households signed the attendance sheets. Display stands were set out along the centre of the Hall which provided 6 discussion areas. Each discussion area displayed maps and information about a particular aspect of the plan from housing, traffic issues, the effect of the draft local Plan on the parish, improving the village centre and each area had a person from the Parish Council or involved with the plan to answer questions, describe the proposals and provide information to a continuous queue of people throughout the afternoon.



Tables and chairs were set out so that people could write down their comments and observations on the Public Consultation Questionnaire or Representation Sheet.

16. Analysis of the Responses made on the afternoon of the 11th October 2014

Representations were invited during the consultation in any medium. By far the largest numbers of representations were made on either the Questionnaire or the Form for representations. People were encouraged to tell us what they liked and did not like about the proposals without fear or favour. The questionnaires are anonymous except for a declaration that they lived in the parish and their post code.

The Questionnaire set out each of the 14 policies.

Each had a space to tick either Yes, No or Undecided to the question “Do you support Policy X “. Then there was a space for any related comments. 50 questionnaires were completed on the day and handed in. 70 had been printed and were gone at the end of the afternoon. Twelve were received subsequently. Analysis of these representations follows in tabular form. Appendix C14.15 contains scanned copies of two questionnaires, chosen at random from the 62 questionnaires received, to give an indication of the input from the community. The paper copies are available if required.

The Representation Form was intended for comments on just one Policy Issue. It included a box to register support without comment to the Neighbourhood Plan proposals or to make representations to any part of the plan proposals. 7 representations were received this way.

Analysing the responses on the day it was found as follows

16.1 Policy H1: LOCATION OF NEW HOUSING

Within the plan period new housing development will be permitted on the site known as Land South of the School, shown on Plan A below. The site will be developed in accordance with a master plan based on the principles set out in Policy H4 Housing Design and produced as part of the relevant planning application.

16.1.1 38 forms ticked the Yes box, 16 ticked the No box, 3 were undecided and 2 made no selection.

NOTE; This policy was developed during the preparation of the Neighbourhood Plan. By the time of the consultation meeting, an outline planning application had been made and granted. It is still relevant as a policy because the detail planning application is yet to be made. The Parish Council is in direct contact with the Developer and there is a good level of collaborative working to ensure the best result for the village as a whole as well as the particular development.

16.1.2 Of the 39 **Yes** votes, 14 made additional comment. Of the 16 no votes 14 made comments. Of the 3 undecided 2 made comments.

Table 1 shows the comments and the action taken.

COMMENT	ACTION	REF
Of all of the proposed developments within the village, this one seems the preferred option	None needed	33
This area seems to add to the village and is connected better without being or looking like an add-on site. There is also more chance of connecting to the village with pathways/ Cycle paths	Paths and cycle paths are part of the discussions with the developer. Policy revision include as BTH1 (e)	29

<p>We must accept new housing but local needs must be paramount. This development promises to improve access to the school and so is a bonus. Hopefully the design of roads & housing will be in sympathy with existing homes & environment</p>	<p>Design of roads and housing is part of the collaborative working discussions with the developer. Policy BTH4 and para 10.2.5.e.</p>	<p>43</p>
<p>This development suits the village best. It will benefit the school with safe access and relieves the traffic problem on Kingsley Road. Location is close to the heart of the village and its amenities and plans show a good mix of housing with benefits for the village too eg footpath/cycle tracks.</p>	<p>Design of roads and housing is part of the collaborative working discussions with the developer. Policy BTH4 and para 10.2.5.e.</p>	<p>39</p>
<p>Developing land south of the school is in keeping with the original settlement. It offers lots more than other proposed developments</p>	<p>None needed</p>	<p>35</p>
<p>Housing Mix should include downsizing options e.g., extra care housing, but also upsizing including 4 & 5bed with family sized gardens, except Savages, Parsonage & Powell</p>	<p>part of the discussions with the developer Policy BTH3 revised to address housing mix based Neighbourhood Plan submission para 6</p>	<p>30</p>
<p>I'm concerned about the effect of housing on the school, which doesn't seem to have been factored in. the numbers are going to increase – will the school be extended?</p>	<p>School is a good point and discussions with the School governors have taken place. It will be for the County Council to manage as education providers. If demand showed it to be necessary then</p>	<p>31</p>

	some extension can take place.	
Do we know the effect on the number of the primary school places required as BT is already oversubscribed? Are there protection issues for the children(?) with multiple access points? If we were going to have additional housing I would prefer it on the south side to not get closer to Leamington.	School as above. Pedestrian access from new development to village needs to be 24/7 but for the meadow may be some thought should be given to this issue. Prevention of coalescence of settlements supported by District and Parish policies. Policy BTH2 includes area of coalescence protection detailed in 10.2.3a	45
This should be the only development allowed for the village	Parish Council agrees. Policy BTH2 limits development in rural area	36
Makes no difference if already approved	Sign of frustration with the planning system which is why localism agenda is growing	38
Any development on the site should have a maximum of 75 dwellings and should be built in stages to facilitate integration.	150 dwellings is a strategic requirement of Warwick District Council. The disadvantage of phasing is that the first phasers have a long building site disruption.	55
Really disappointed with Warwick District Council planners trying to find out if land at the end of Holt Avenue could be built on, but a reply was not received. Went ahead with purchase then found that building was going ahead.	Building will be some distance away from Holt Avenue houses.	56

This appears to be a sensible choice to allow the village to grow, without spoiling the village ambience. It will greatly improve traffic problems in Kingsley Road.	None needed	58
This appears to be a good site to extend our village and will hopefully ease the traffic problem in Kingsley Road during school hours	None needed	59

TABLE 1 Yes votes to Policy H1

16.1.3 Of the 16 **No** votes, only 2 gave no reason. Table 2 shows the comments and the action taken.

COMMENT	ACTION	REF
Land south of Mallory Rd. No. Land west of Seven Acre Close. No. Land opposite the Leopard . No.	Plan does not include any of these sites. 1 st - appeal dismissed, 2 nd - application refused but appeal lodged. PC is a rule 6 party seeking appeal dismissal. Appeal withdrawn. 3 rd - coalescence and environmental issues. Application received 10 July and now in progress. Permission refused.	08
Already granted!!	Not clear whether this means why ask the question or should not have been granted.	50

Fait Accompli! Land south of school granted	Not clear whether this means why ask the question or should not have been granted	26
We do not support further housing development within the Parish due to the sheer volume of houses already granted. However, if required to adhere to Local plan, this site would be the better option than land at Mallory Road junction	Understood, but local Plan is strategic so in this case it would appear to be support for this site rather than others.	07
No reason in legality to stop this – precedence has been set by approval of other one.	May be confusion with land south of Mallory road. Seems to support no development in village, but deed is done. Understood.	23
Objections submitted to Warwick District Council before planning was granted . (Resident in Holt Avenue)	Noted.	34
There is ample, no development for now.	Speaks for a large number of residents who did not attend the consultation or respond to process.	27
Object to productive agricultural land being built on. Destruction of environment and habitats. Issues related to flooding. Roads already very busy.	Loss of agricultural land important. Not yet covered effectively in Neighbourhood Plan so we should add a policy on this issue will be BTE2 & BTRE3 . Environmental impact is understood, but this site was selected as having the least effect. And could give a compensatory effect of shelterbelt/landscaping improvements over the gas main exclusion zone.	28

	Presume respondent doesn't support any new housing and these reasons justify that view.	
The site is accessed in an extremely dangerous place. There is no bus route so people will have to walk in and out of Holt Avenue.	Access to Oakley Wood Road potential danger is acknowledged and being examined. Developers traffic engineers and Warwick County Council traffic engineers are in discussion on how to make the access safe. Parish Council is seeking an extension of the 30mph to past this new access, but considers it better to put traffic from this size of site on to Oakley Wood Road rather than into the village on Mallory Road. One bus does go past the site, the 77, Leamington to Kineton. Will need discussions with bus operator for travel plans in general. BTT1 & BTT2 will be extended to address this. Not clear whether objection remains if these concerns are addressed.	24
There is too much anti-social behaviour from people who use the club and leave there late at night – they use the short cut via the garages leading to Commander Close – more housing = more people = good probability of more anti – social behaviour.	New site people will not use the short cut referred to, to go home from the club. ASB could be referred to police by Parish Council to assess frequency and reasons/ action that could be taken with existing residents. PC Action issue rather than Neighbourhood Plan	32 ***
As stated elsewhere, what about the effect on amenities, traffic and services	Amenities need improvement but also support. Need to improve Leisure and well-being policies, potential for Sports & Social Club , traffic see above. Services are the technical responsibility of providers to say whether they can give good supplies.	48

The plan allows too much development, without any development of amenities and services. Traffic issues do not seem to be planned, getting in and out of the village.	Good points but attention is being given to them.	49
Would drastically increase traffic down Oakley wood road. There are already problems with speeding.	Action underway to address this see above.	44
Due to increased traffic that already uses the Oakley Wood Road, especially the cross roads to Savages Close/ Church Hill	Better location for traffic than using Mallory Road. Parish Council is trying to address speeding and other issues outside of the Neighbourhood Plan to include priority chicanes and VAS displays on O W Road.	47 ***
We accept land south of school as main development site but not anywhere else. Also concerned that housing mix, small scale high quality and sustainability will not be achieved.	150 is Warwick District Council strategic policy so must be in the Neighbourhood Plan, but the detail can be set to an extent by the Neighbourhood Plan by collaborative working with the developer on the detail application. BTH1 to 4 improved to address this.	60

TABLE 2 No votes to Policy H1

16.1.4 Of the undecided, one did not say why but seemed to change yes to undecided, whilst the other wanted to know the benefits it would bring to the village before deciding. (REF 06)

16.2 Policy H2: BISHOP'S TACHBROOK SETTLEMENT BOUNDARY

The Bishop's Tachbrook Settlement Boundary is shown in Plan A. Development proposals outside the Settlement Boundary will only be permitted if it can be demonstrated that

- a) the development is for affordable housing on a rural exception site not exceeding 3 dwellings, rural worker's dwellings, or replacement dwellings; and
- b) the development makes an overall positive contribution to environmental sustainability; and
- c) the development enhances the character or appearance of the area; and
- d) where relevant, the development brings redundant or vacant historic buildings back into beneficial re-use.

16.2.1 39 forms ticked the Yes box, 12 ticked the No box, 7 were undecided and 2 made no selection.

Of the 39 **Yes** votes, 28 made no additional comment and 11 made comments. Most were supportive with helpful comments or concerns. Table 3 shows the comments and the action taken.

COMMENT	ACTION	REF
This would be preferred, rather than inside the village, however future secondary school places for Bishops Tachbrook children is a worry	This shows that the policies need a bit of a rethink. There is not a policy for development inside the settlement other than the specific one for the preferred option. There ought to be something which covers the policies inside the settlement boundary. BTH4 inserts "inside the settlement boundary should comply with policies BTH3 and BTH4" . The reference to secondary school places is not relevant	33

	to this question, but is a general issue arising from all developments south of the towns. The County Council is the education provider	
This respondent wanted to know what a rural exception site was, confused redundant buildings by the shops with those outside the settlement boundary and wanted to know where the vacant historic buildings were.	The above amendment should resolve most of this. The catch all phrases cannot be avoided as across the whole of the parish, one could come to light.	46
150 houses in such a small village is ample, especially as the village has no facilities/ amenities	This is a reason for restricting development outside the settlement so no action needed	35
Except for Point A – concern for class of people that may not respect the village	Noted but this is not for development in the village but outside it.	06
Note C. How can 150 new houses enhance the character and appearance of a beautiful rural landscape when destroying good fertile farmland.	The 150 homes are outside the current settlement boundary but the boundary will be revised in the Draft Local Plan. However the point that is relevant is that some phrases used in the policy are subjective and open to interpretation so end up being of little value. The policies could be strengthened by a more direct objective statement. Housing policies are now more direct with limited negative interpretation.	34

Effect of numbers at the primary school	As any dwellings outside the settlement boundary will be minor, any effect would be manageable in the school.	31
Keeping the village envelope encourages community cohesion	This supports the policy and is partly the reason for it, as well as protection of the rural area / natural environment.	30
What are the parameters of “environmental sustainability”	Good question but a complex answer. The policy should indicate what this might mean in Bishop’s Tachbrook. Addressed in the condition statement as well as a revision to BTH2	54
Would be good to use existing buildings or brown field sites to reuse space.	Good point and could be stressed for this limited type of development. To be small scale it should limit the number of dwellings permissible in BT based on NPPF 54 & 55. BTH2 revised to limit anything outside settlement boundary or strategic sites.	57
It would be helpful if the plan looked ahead and gave guidance about where other development might be considered in the future, even if only to layout some guidelines about what might be acceptable or not eg no development will be permitted on land between the village envelope & Leamington Warwick Whitnash. I think the settlement boundary is too tightly defined.	Plan needs to be definitive for the period of the plan and the settlement boundary is the line accepted by almost all the respondents. Agree that coalescence between village and towns means no development is acceptable north of the village and that can be included as a reason for the rural designation. SEE RE2. BTH2 includes area of coalescence protection.	62

TABLE 3 Yes votes to Policy H2

16.2.2 Of the 12 **No** votes, only 4 gave no reason. Two did not want any provision for new housing outside the settlement boundary at all and 2 were concerned about the proposal to build 125 homes on land immediately adjacent to the settlement boundary but outside it. Policy H2 would not permit this development. Table 4 shows the comments on the remaining 4 and the action taken.

One undecided thought rural workers dwellings could be a Trojan Horse.(05) , whilst another was undecided because too many exceptions could be expected (49).

COMMENT	ACTION	REF
Farmers should provide housing for their workers: There are no un-used historical buildings in Bishops Tachbrook so none of the above is correct. Protect the land, do not build on it - 'they' are not making any more of it!!	Seems to support housing for rural workers outside the settlement boundary but nothing else and thought that no historical buildings which are unused exist, which may or may not be correct. NPPF55 sets out what should be allowed and it could be advantageous to align this policy more closely to this paragraph to avoid duplication and uncertainty. See BTH2 revision.	32
Redundant property by shop. Houses do not improve the view of a Windmill, which is the view at present.	2 comments. 1 st shop is within the settlement boundary so not a relevant comment for this policy. The unused shops are dealt with elsewhere. 2 nd The view referred to is probably towards Chesterton	24

	mill and due to levels it is possible that the view will be affected by the proposed housing, but it will be seen over the top of roofs. Comment does not relate to H2.	
Who decides on “overall positive contribution”?	Another example of an indeterminate phrase. Could be more directly stated. BTH2 adjusted	23
Not clear why it needs to be affordable or replacement housing. Agree strongly on environmental sustainability. From a position of self-interest. I’d like to build a zero carbon house for my retirement which will require space and could not be accommodated within existing boundary.	To comply with NPPF54 that includes rural exception sites where appropriate. A definition of what might be considered appropriate in Bishops Tachbrook could be considered. BTH2 adjusted Special examples such as this might be possible in sites 4 and 13 listed in para 5.6.2 of the Submission document. Otherwise a site would have to comply with NPPF55 point 4.	01
A combined statement for policies H1, H2, H3 and RE2 was submitted. For H2, relevant points are small scale and sustainable development.	NPPF 55 says LPA’s should avoid new isolated homes in the countryside except for special circumstances such as rural worker, viable use of heritage asset, reuse of old building or exceptional design. H2 needs rewording to this level. BTH2 adjusted	60 62

TABLE 4 No votes to Policy H2

16.3 Policy H3: Mix of housing types

Proposals for new housing development must demonstrate how the type of dwellings provided will help ensure a balanced mix of housing for Bishop's Tachbrook, particularly through the provision of dwellings designed for older persons, either in the form of accessible dwellings suitable for “down-sizing” or as purpose-designed accommodation for older persons, and one and two bedroom dwellings suitable for smaller households.

16.3.1 49 forms ticked the Yes box, 4 ticked the No box, 5 were undecided and 2 made no selection. 2 who ticked the No box gave reasons the same as those that ticked the yes box so they are included in the yes table.

Of the 49 **Yes** votes, 30 made no additional comment. Of the remaining 19 comments, most were supportive with helpful comments or concerns . Three did not agree with the need for 150 homes but if demand was there, a mix is needed. Table 5 shows the comments and the action taken .

COMMENT	ACTION	REF
<p>Planning to extend existing housing must be resisted especially for bungalows – we are losing too many. There is a requirement to downsize but less choice.</p> <p>Some sort of sheltered accommodation or nursing home may be.</p>	<p>This refers to the existing stock that includes many bungalows. As families grow, so does the property in a number of cases becoming less affordable for the starter families later. The alternative of moving to larger properties is either an affordability problem for a growing family or are not available where and when wanted. Once extended they are less available for downsizing. Problem recognised but difficult to rectify now because of many precedents set. Providing larger houses might reduce this somewhat. A new policy BTH5 to carry forward RAP2 may be an answer but as yet I have not been able to write a convincing policy to answer all the situations it may have to cope with.</p>	<p>43, 42, 36, 31, 62</p>

	<p>New development could include minimum age (over 55?) 1 bed bungalows for people with local connections, built to a lifetime standard for sale or rent to allow downsizing. This would have the long term effect of releasing larger homes for growing families.</p> <p>They could include some care arrangements to enable people to remain independent for as long as possible in a place they know. Possible method - link semidetached house to a minimum age bungalow so that neighbour can keep an eye out.</p>	***
Unfortunately, local bungalows that are occupied by people hoping to enjoy a quiet retirement are going to be overrun by new 5 bed houses with children	Layout can provide a mix of 'quiet area' bungalows with others close to the school as some visual contact is said to keep the elderly younger. Gives a choice, all be it limited.	24 ***
A mix is very important, especially more affordable homes to encourage village born children not to migrate.	Development includes 40% affordable homes. Some could be kept for local connections so Parish Council action should be talking with Warwick District Council housing to provide this at least in line with the housing need survey written in toBTH1, BTH2, BTH3	35, 39 ***
<p>Who decides mix of dwellings?</p> <p>Plans must demonstrate commitment to real needs, not token minimums to achieve "balance"</p> <p>"A balanced mix" is this a subjective judgement and hence open to</p>	<p>Affordables are decided by Warwick District Council Housing officers based on their waiting lists. This makes talking to them important for the Parish Council otherwise none may go to local people. For market homes, the developer decides based on his view of demand. This may distort the mix towards saleability rather than affordability. If there is a development by the Parish Council, mix for locals could be more focussed.</p> <p>Suggested mix is Included in Table 3 paragraph 6.3 of the submission statement</p>	34, 38 55 ***

interpretation? See master plan?	Policy context should give tenure mix of village from 2011 census to see where under provision may lie to try to get an objective assessment. Market demand assessment may not agree with that assessment.	54
<p>The mix of housing should include a suitable proportion of larger homes for growing children.</p> <p>4 & 5 bed homes with decent gardens for growing families + 1 or 2bed dwellings for starter homes or downsizers</p>	<p>Recognised by Parish Council and is in discussion with developer on the best mix. Data on existing provision is available but it will say what exists, not what is thought to be necessary. It will be a judgement in the end, but providing larger properties might slow down the extensions to bungalows. Parish Council Action. See Table 3</p> <p>Use 2011 census to get an indication of the level of the problem.</p>	<p>41, *** 30, 48, 49, 53, 62</p>
Would the houses be grouped together in types or evenly distributed, eg elderly people grouped together or mixed in with 4 beds & 2 beds.	A bit of both probably. Generally, policy is to mix types, this making a townscape more interesting due to variations and also stops ghettoising. But for older people, small clusters could be helpful.	57
A combined statement for policies BTH1, BTH2, BTH3 and BTRE2 was submitted. For BTH3 relevant points are- 150 is large scale and will not encourage all ages, incomes and housing size; likely to provide low to middle income family accommodation; not small scale or	Agree that policy as written, although stating a balanced mix, then lists the lower end of size. This has happened because these smaller functions are not identified. The mix could be better described. The affordable element will be led by the housing dept. Waiting list and any care element by Public Health need , but larger family homes and character homes should also be incorporated. See Table 3	60

sustainable; need for larger family homes and some character properties; did not agree with auto rejection of applications outside settlement boundary	As a rural area with multiple applications for housing sites general sensitivities of the community is to reject applications outside the settlement boundary. Protection of the valued landscapes that draws people to the area would be diminished by random applications unless for very special reasons. See note on NPPF55 in 60 in Table 4	
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TABLE 5 Yes votes to Policy H3

16 3.2 Of the 4 **No** votes, 2 gave other reasons. Table 6 shows the comments and the action taken .

COMMENT	ACTION	REF
There are many single people in Leamington who have nowhere to go - they use Charlotte Street shelter- kicked out of it during the day- no matter what the weather!! These people need 1 bed flats- a home of their own not years on a council waiting list!	All new developments are to have 40% affordable homes and some of these are in the Warwick District Council housing mix. People in real need should be accommodated it is supposed and society should not allow this to happen.	32
Why would older people want to live around the school, surely people with families would want to live around the school area!!	Some people in both groups of families or older people would or would not like to be next to the school. It is a matter of preference either way.	50

TABLE 6 No votes to Policy H3

16.4 Policy H4: DESIGN OF NEW HOUSING DEVELOPMENT

Proposals for new housing development must demonstrate how they will help Bishop's Tachbrook become a sustainable garden village. Wherever possible new housing developments must

- 1 Be well integrated with their surroundings by reinforcing existing connections and creating new ones;**
- 2 Provide convenient access to community services and facilities;**
- 3 Have good access to public transport or otherwise help reduce car dependency;**
- 4 Provide a mix of housing types and tenures that suit local housing needs;**
- 5 Create a place with a locally inspired or distinctive character;**
- 6 Take advantage of the local topography, landscape and water features, trees and plants, wildlife habitats, existing buildings, site orientation and microclimate;**
- 7 Provide buildings, landscaping and planting to create well defined streets and spaces;**
- 8 Take advantage of views into and out of the site in order to make the development easy to access and to navigate through;**
- 9 Provide streets which encourage low vehicle speeds and which can function as safe, social spaces;**
- 10 Integrate car parking within landscaping so that it does not dominate the street;**
- 11 Clearly distinguish between public and private spaces, provide appropriate access, and enable the site to be well managed and safe to use;**
- 12 Provide convenient, well-screened storage space for bins and recycling, and for bicycles and motor vehicles.**

An independent design review report must be submitted with all planning applications for housing developments of more than 10 dwellings.

16.4.1 38 forms ticked the Yes box, 6 ticked the No box, 3 were undecided and 3 made no selection. 2 who ticked the No box gave reasons the same as those that ticked the yes box so they are included in the yes table.

16.4.2 Of the 47 **Yes** votes, 34 made no additional comment. Of those that voted yes but with comments, hardly any of the comments related to the policy which is about how new housing should demonstrate will help BT become a sustainable garden village. It then lists 12 must provisions. Selecting the yes box presumably means that those respondents agree with the 12 provisions and the comment is additional. This policy is not only for the village, it is for the whole Parish. Hence the other strategic sites on Harbury lane should be covered by this policy so the reference to new housing developments is correct (54).

The additional comments were

Increase police presence to combat increased crime (47); It is important that the new homes fit with the existing village (39); Maximise green spaces between existing and proposed houses (38); Avoid any 2.5 storey houses and include bungalows for the elderly (36); we need development to enhance our village and developer to work with existing residents and provide more amenities. (35); a lot of thought should go into sympathetically developing within the village (33); sufficient car parking as BT will always be car dependent because of its location **see BTH4**, but better public transport to Warwick would be beneficial (30); If the increase in houses has to go ahead, then more community buildings are needed like another pub.(25); I disagree with further developments near Seven Acre Close and any attempt to merge village with Warwick Gates (20); at end of Holt Avenue allotments proposed. First build of houses should be bungalows and larger dwellings should go in the 'dip' and extend allotments to the top of the hill. Makes good sense to limit the environmental effect and this will form part of PC collaboration with developer(56); emphasised points 9,10 & 12 to protect young children (57); We need to encourage greater green space between new homes (62); Can we make higher environmental standards for all new homes built in the Parish?(62) should be included in the climate Change policy.

16.4.3 Similarly, of the 6 that ticked the **No** box, 4 also made comments –

It will be approved anyway(23); people drive too fast in the village already – nothing done about it! The current bus service is not that good, can we improve it now rather than wait for this new housing to be built?(32); Public transport is rubbish now. Shop is useless! (50);Needs to address increased load on local amenities and services. (49).

16.4.4 Comments that partly address the policy intention relate to parking - Warwick District Council have a parking policy but experience says that we need a higher standard in Bishops Tachbrook as most people are car dependent. **See BTH4 (10)**

2011 census data:- in Bishop's Tachbrook, 54% of households have 2 or more cars compared with 40% in Warwick District. 74.2% travel to work by car compared with Warwick District at 64.7%. Parking provision is low and this leads to street parking on narrow roads. Buses are few and expensive, although when you can get one the destinations are better than they have been- Coventry, Stratford, Kineton, but not Warwick. This is a reason for not enlarging the village unnecessarily and placing new housing in urban areas where walking is more acceptable and buses are more flexible with shorter cheaper journeys. This is a sustainability issue in the NPPF.

The other comments are either dealt with in other policy areas or are not relevant to Neighbourhood Planning, but may relevant to parish or transport agendas

16.5 POLICY E1: NEW EMPLOYMENT DEVELOPMENT

Proposals for the development of new small businesses and for the expansion or diversification of existing businesses will be permitted, providing that

- a) it can be demonstrated that there will be no adverse impact resulting from increased traffic, noise, smell, lighting, vibration or other emissions or activities generated by the proposed development; and**
- b) no adverse impact on the natural or built environment will result from the development proposed; and**
- c) where relevant, opportunities are taken to secure the re-use of vacant or redundant historic buildings as part of the development.**

Development proposals for new employment development must provide a Connectivity Statement setting out how the development will help achieve a fibre optic connection to the nearest connection chamber in the public highway. Wherever possible the development must provide suitable ducting to enable more than one service provider to provide a fibre connection to the development. .

16.5.1 38 forms ticked the **Yes** box, 9 ticked the **No** box, 9 were undecided and 4 made no selection. 2 who ticked the No box gave reasons the same as those that ticked the yes box so they are included in the yes table.

16.5.2 Of the 38 **Yes** votes, 30 made no additional comment. Of the remaining 8 comments, most were helpful comments or concerns.

Of the 9 **no** votes, 7 made comment, mostly referring to the proximity of employment in the 3 towns within a short distance and valued the residential quiet nature of the village. One had concern about white van overnight parking but this is not a planning issue and could be an employment 'benefit'.

All comments were questioning the function of employment in the Parish. All agreed that employment was a necessary thing, but emphasised that the Parish is rural and a village. Major employment opportunities exist outside the village and all new employment land is outside the Parish. Therefore the Policy should be directed more at the sort of employment that is possible within the parish and would protect and enhance the natural and historic environment within the parish. One suggested that local employment should be encouraged where possible. One suggested possible amenities for home workers such as meeting space, coffee shop. (62)

It would be better to start with NPPF28 supporting a prosperous rural economy. A major part of the rural economy is agriculture. There are 25 farms in the Parish with a range of specialisms. Policies that promote the development and diversification of those agricultural and other land-based rural businesses are required.

Some employment in the village and residential areas providing services to support those areas need to be included in the policy.

16.5.2 Policy E1 should be rewritten using much of the wording in E1 but to address

E1 Supporting a prosperous rural economy

E2 Support Agricultural development

E3 Supporting local services and community facilities Done See BTE1 & BTE2

16.6 POLICY RE1: FLOOD RISK

Planning applications for development in Bishop's Tachbrook must be accompanied by a Flood Risk Assessment which identifies the flood risk for the site and describes the measures that will be taken

- a) **to ensure that the development does not have an adverse impact on flood risk in the locality, and**
- b) **to mitigate any known risk of flooding in the immediate vicinity of the site.**

The Design and Access Statement accompanying the relevant planning application must show how any proposed mitigation measures have been satisfactorily integrated into the design and layout of the development.

16.6.1 55 supported the policy, 2 did not support the policy and 1 was undecided and 2 did not choose a category.

16.6.2 It is clear that almost everyone is concerned about flooding. There are 2 main reasons for flooding.

First, watercourses that overflow in wet weather conditions particularly when the lower reaches are flooding. The Tach Brook is the only watercourse in the Parish. It rises in the east beyond Chesterton from aquifers. The Brook normally flows at about 50 to 52m above OD.

In flood condition water rises above the new road level of 58m AOD by at least a metre. Ground to the side gets vey soggy. In Tachbrook we should not permit development on any land less than 62m AOD.

16.6.3 Second, due to clay subsoils holding water. This is worst on the west side of the village and from around 71 Mallory Road north through Farm Walk where there is a complex ditch system going to the Brook. The 12 respondents with comments refer to water flooding in these locations. Permeability testing should be a condition before planning applications are submitted and land with poor water absorption qualities not be developed.

16.6.4 One warns of field water runoff towards the southern end of Holt Avenue. This is also due to clay subsoils. But new development will have to solve this by a field drainage system and this will run down to SUDS ponds on west of Oakley Wood Road so that ought to solve the Holt Avenue problem. PC to draw attention of Developer to this problem see BTH1.(56)

16.6.5 One reference was made to capacity of foul drainage near the Leopard. This is likely to be due to debris in the pipe from building operations since 12" should be of sufficient capacity. It is a problem for resolution, if not already resolved , not an Neighbourhood Plan issue.(54)

16.7 POLICY RE2: PROTECTION OF LAND

Land within Bishop's Tachbrook which is outside the Settlement Boundary defined in Policy H2 will not be developed, with certain exceptions set out in local development plan policies.

The open agricultural land on the north side of Bishop's Tachbrook will remain undeveloped, unless opportunities arise to extend the Tachbrook Country Park onto the south side of the Tach Brook.

16.7.1 49 respondents supported this policy, 13 with comments. All those comments and the 5 people that did not support the policy were all sceptical about the strength of the policy and some of the weasel words in it. The policy needs to be rewritten with a clearer direction relating to the nature of the rural area and its agricultural quality. **Action Policy rewritten**

16.7.2 No support was found for extending a country park south of the brook. Brookstray walks by stewardship schemes could be written in. Second part of policy needs adjustment. **Action see policy BTRE2.**

16.8 POLICY RE3: PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT

The natural environment in Bishop's Tachbrook will be protected and where appropriate, sensitively enhanced and made more accessible to the local community. Initiatives for ecologically balanced maintenance and management of the natural environment will be encouraged.

16.8.1 50 respondents supported this policy, 9 of whom also made comment. 5 did not support the policy and one was undecided but their comments were the same as those that supported the policy with comments in that it did not go far enough.

16.8.2 The comments of the 14 respondents were broadly of 3 issues

- 1) We support the aims to maintain the rural nature of the village (39); our environment should be protected (19); and enhanced (35) (62); encourage school children to be involved in this(30).
- 2) We need to have a clear separation between Tachbrook and the development south of Whitnash(43) (62);Important that there is agricultural and /or parkland between Harbury Lane housing and Bishop’s Tachbrook(26).
- 3) A number supported the policy but were suspicious of the wording. The most criticised was “sensitively enhanced” as this has multiple interpretations. Who decides? This phrase needs revision so that there is only one interpretation – if that is possible!

On the lines of For BT this means..... What is the Natural environment **Action - wording improved.**

- 4) Increased accessibility to the natural environment could have the reverse effect to that intended. Needs to directly addressed in the policy (54). What about investments in improving the biological diversity of the area?(62)

16.8.3 There are other factors that need a policy included. These are

1. Climate Change, CO2 emission reduction and standards of insulation, renewables and policies on locations of large scale renewables eg solar parks **Action BTCC1 & 2 added**
2. Landscapes and the visual quality of the environment, **Action policies BTRE2 & 3 include this as protected views**
3. Agriculture and its promotion rather than deletion. **Action policies BTE1 & 2 include agriculture.**
4. Local green space **action policy BTRE3 includes local green space**

16.9 POLICY LACV1: PROTECTION OF LOCAL ASSETS OF COMMUNITY VALUE

Development proposals which affect local assets of community value identified in Table 1 above, or in any subsequent list produced and approved by Bishop's Tachbrook Parish Council, must not result in the loss of, or have an adverse effect on, the asset or assets concerned.

Whenever possible opportunities will be taken to improve or enhance local assets of community value as part of the development concerned by the use of appropriate planning agreements or community infrastructure levies.

16.9.1 48 respondents supported this policy, 10 of whom also made comment. 3 did not support the policy and 4 were undecided but their comments were the same as those that supported the policy with comments. All the comments were protective of community assets but were critical of their past loss and wanted to see particular issues addressed.

16.9.2 **Assets of Community Value** is a new concept introduced by the Localism Act. It is partially explained in the Strategic Basis description in the Draft Policies consultation document but, for the public and to an extent the Neighbourhood Plan team, the situation needs clarifying.

‘Assets of Community Value’ is a term in the Localism Act that provides a way of communities being given the opportunity to bid for an asset that the community sees to be of value to the community. It is in private ownership and could be lost if the property were to be sold off. eg the local pub. It was used and valued by the community, owned by the brewery, could be sold off and turned into a house and the community be left with no pub. If it is designated as an Asset of Community Value, if and when the pub comes up for sale, the community can choose to bid for it. They have 6 months to fund the purchase and it cannot be sold to others unless the period expires, (except in limited detail circumstances)

But an asset of community value may already be in the communities hands through a public or community authority. In this case it is better described as a **Community Asset**. It is already in the ownership of the community in one way or another and although it may be

under a similar threat, as in the pub example, it is for the community to decide how to keep it going or whether it remains of sufficient value to the community.

Action - The table in the draft policy document redrawn to separate Community Assets from Assets of Community Value.

This will be set out in the submission statement. Then there needs to be two parts to the policy to best fit the way that protection and enhancement of community facilities in both cases.

16.10 POLICY LACV2: THE PROVISION OF NEW LOCAL ASSETS OF COMMUNITY VALUE

When planning permission is granted for development in Bishop's Tachbrook opportunities will be taken to provide new local assets of community value, in accordance with priorities identified in this Neighbourhood Plan or otherwise determined by the Parish Council. Appropriate use will be made of the Community Infrastructure Levy, other planning agreements or planning conditions, in order to deliver new local assets of community value.

16.10.1 45 respondents supported this policy, 9 of whom also made comment. 3 did not support the policy (one said don't understand it) and 6 were undecided. Comments included provision of village hall (46) (48) Sports Hall on the Meadow (37), a green buffer trust to ensure protection (05) help extend the school (45) provide better access to assets such as Oakley Wood, the Tach Brook (30); such funds should be used to renew or redevelop existing facilities such as a proper Sports Club. Other comments were confused by the wording of the policy. **ACTION Both policies on ACV's rewritten taking Draft Local Plan fully into account and CIL payments.**

16.11 POLICY HE1: ENHANCEMENT OF BISHOP'S TACHBROOK CONSERVATION AREA

Opportunities will be taken to enhance Bishop's Tachbrook Conservation Area, either when planning permission is granted for development within or affecting the Conservation Area or through other proposals which improve the quality of the historic

environment. Wherever possible schemes which enhance the Conservation Area will be designed to improve the range, quality and functionality of public amenities and to mitigate the impact of motor vehicles in favour of people of foot.

16.11.1 Statutory response received from English Heritage pointing out that we should have a policy for the historic environment as a whole, not only the Conservation area. **Action; new policy added as BTHE1**

16.11.2 we also need a policy for village centre enhancement because it is in the conservation area or close to it, (shops) **Action new policy added as BTHE2A**

16.11.3 44 respondents supported this policy, 3 of whom also made comment. 5 did not support the policy and 5 were undecided. Comments received were as follows in Table 7

support	COMMENT	ACTION	REF
yes	BT's conservation area is currently well maintained but could be improved with appropriate investment	noted	30
yes	The old part of the village(conservation area) needs to be preserved for future generations	noted	39
yes	Converting open fallow land opposite & behind the Leopard PH to conservation area to encourage more wildlife	Could be considered as an extension to the conservation area as development in it, other than at ground level, would be seen from the road at the bridge over the brook affecting the setting of the conservation area as the village is approached from the north.	47

yes	What does “sensitively enhanced” even mean. Who decides on this – you could argue that the village green would be enhanced by a house!	The policy is unclear. “Opportunities to enhance the conservation area” implies a 106 agreement of some sort rather than any development proposed itself must improve the conservation area rather than detract from it. This is a subjective opinion. Action intentions clarified in BTHE1 & 2	23
No	Village green needs protecting not enhancing. Policy is too vague to know what is being proposed and what is not. It gives Parish Council a ‘blank cheque’	Local Green space designation would give the village green Green Belt status and protect it from both development and the Parish Council.	40
No	If a conservation area exists then why are we building new houses for? Conservation is protecting what you’ve got!! Surely.	Some development will be sought, but filling spaces that give conservation area character may not be appropriate. This is a matter for specification in the policy as to what this means in BT	32
undecided	I’m not clear what ‘enhance’ would entail this could be interpreted in many ways	Enhance means make better, but this is a subjective judgement. Change needs controlling by objectives. These need to address the range of situations rather than a blanket statement for all of it.	45
undecided	Such a small area – unsure as to how it can be enhanced	Commentator possibly not fully aware of the full extent of the Conservation area	42
Don’t know	Preserve the conservation area as it is! What a pity the new ‘Bungalow’ is the dominant feature on entrance to the village.	To preserve views, the Parish Council objected to this development as it is too dominant in form and on the site. A smaller footprint and a building line that followed the bend would allow sufficient planting to make it a better visual neighbour. Warwick District Council Planning Committee lacked sensitivity and approved it showing the importance of the Neighbourhood Plan setting up the parameters for such proposals.	37

TABLE 7 Policy HE1

16.11.4 **Action: Policy HE1** rewritten to take into account comments in the table and the advice from English Heritage. Now BTHE1 & 2

16.12 POLICY LWB1: PEDESTRIAN ACCESS TO THE COUNTRYSIDE

Opportunities will be taken to develop, improve and extend the footpath network within Bishop's Tachbrook in order to provide better pedestrian access to the countryside, either through the granting of planning permissions for development or through other proposals which enhance or increase the footpath network.

16.12.1 49 respondents supported this policy, 11 of whom also made comment. 2 did not support the policy providing the reason and 3 were undecided, 1 with comments. Comments received were as follows in Table 8.

support	COMMENT	ACTION	REF
yes	Circular dog walk around the village would be good	Agreed this is being considered as to how to do it and where it goes	17 ***
yes	More footpaths would in my opinion be better . Cycleways What about also including cycleways within the Parish	Noted. Investigations are ongoing on completing the safer route to school from Warwick Gates that currently stops at the Leopard by widening the footpath up Church Hill, providing a safe crossing cross Mallory Road a path up Church Hill into Kingsley Road, onto the Meadow site and past the allotments into the new development south of the school so that the new playground entrance can be fully utilised.	21, **** 62

yes	Yes- footpaths/cycleways need to be enhanced and lit and maintained	Noted. Within the village, paths are lit but not in the open countryside	23
yes	Anything that encourages walking	Noted	26
yes	Footpaths should be improved and be opened up, but this should not be conditional with further development	Many are uneasy about giving planning permission to get essential improvements	28
yes	Maintenance of this footpath network is key. The dog mess littering the right of Way behind Farm Walk is disgraceful as a non dog walker!	Not a Neighbourhood Plan issue. Parish plan and education action note by Parish Council	30
yes	The narrow road going up the hill past the 'Leopard' and the Old School needs attention – its narrow, dark and overhung with trees	Maintenance Management	32
yes	Much needed!!	Noted	35
yes	This would be a great asset to the village	Noted	39
yes	A non-road access to Oakley Wood would be great	In Hand from the preferred option site developer but subject to WCC highways engineers to come up with a safe route up to each side of the M40 bridge	45

yes	More tracks like the one to	noted	46
no	There will be no countryside	Refers to Local Plan housing development taking valued countryside	24
undecided	Not through granting of planning permission for development	As for respondent 28	37
Yes	Will policy include OWR footpath? It is good except where it narrows due to 2 cottages. Doesn't feel safe when walking daughters to preschool on that section of path	Not Neighbourhood Plan issue. Action for Parish Council. Concern was expressed at the time it was constructed but it was that or nothing. Possible pedestrian barrier railing to prevent children accidentally straying into the road might be considered?	57 ***
Yes	Cycle path on Banbury Road would add safer alternative route out of village.	Needs thinking about. Where would it go to? Narrow footpath northwards but nothing southwards	59

TABLE 8 Policy LWB1

16.12.2 Horse riding is not well served locally. Even though horses are kept locally there is poor access to paths suitable for riding with owners often resorting to exercising their horses on residential streets or dangerous rural roads. There is a need to create access and connections to more appropriate areas for riding activities. Bridle paths through Oakley Wood may be possible.

16.12.3 The policy is not clear enough to achieve the objective. Although the intent is clear. The policy is unlikely to be effective as it is more of an aspiration than a policy. The map should show indicative routes for paths and where they pass through or have a proximity to or relate to development sites, conditions should be part of the permissions requiring them to be built at the right time in the

development of the site. Opportunities to develop sites such as the brookstray where the District or Parish Councils should be encouraged and landowners helped to enter stewardship schemes with DEFRA to give access to the countryside as NPPF75.

16.12.4 Leisure & well-being is not being sufficiently covered. Sport England’s statutory consultation response requires 2 additional policies-

LWB2: Improving Sports Facilities and policy LWB3: PROVISION OF NEW ALLOTMENTS. These will be included in the submission document. BTT1(3) cycleways other than normal road use should be considered.

16.13 POLICY T1: IMPROVING TRANSPORT OPTIONS

Opportunities will be taken to develop and improve public transport options in Bishop's Tachbrook, particularly bus services, when new development is proposed or when transportation schemes are produced which affect the Neighbourhood Area.

16.13.1 50 respondents supported this policy, 16 of whom also made comment. One did not support the policy and 5 were undecided all of whom made comments. Comments received were as follows in Table 9.

support	COMMENT	ACTION	REF
yes	The proposed developments south of the towns will increase the pressure on the existing transport infrastructure between M40 junction 13 and Leamington etc. Steps will need to be taken to protect BT from out-spill traffic(rat runs)20mph on Mallory Road and chicanes would be examples	Part of Local Plan is to mitigate the effect of new housing on the road network with £39M of road schemes. None of that will be spent in BT but Mallory Rod will become an escape route. Parish Council is working with the preferred option developer to work out a way to reduce traffic impact on the road in the village centre between the shop and the green but this will only produce a viable	05 ***

		scheme. It will still need to be financed.	
Yes	Bus services need to be vastly improved i.e., extension of G1 service	The provision of bus services is not an Neighbourhood Plan matter directly, except where developments make a new demand and then 106 agreements can fund additional services so a policy needs to be in place for this purpose. Action for the Parish Council is to keep bus services under review and work with transport operators as appropriate	11 ***
Yes	Policy must include provision to slow down speeding traffic e.g., chicanes, speed humps on Oakley Wood Road & Mallory Road	Partly covered in 05 but in addition, measures are being considered by the Parish Council for VAS signs and chicanes but not as part of the Neighbourhood Plan	20 ***
Yes	Traffic needs to be calmed. Congestion needs to be addressed	Agreed	23
Yes	Especially for access to Warwick directly from the village	Good point.	30, 62
Yes	Public transport should be improved anyway and not just because of some new housing. I have a car and it is actually cheaper than the bus and its door to door	Agreed. Bus costs are out of step with other transport modes	32
Yes	More houses will need better transport links	More demand may make them more viable	33
Yes	Why only when new development is proposed or transport schemes produced. Why not now?	New demand can trigger improvement but bus companies have to cover costs. If demand is not there neither is the bus. But it is a circular argument, better	37 55

		service can increase demand but it is a commercial risk.	
Yes	“Opportunities must be taken” is too wishy-washy. Predicted impact must be improvement	Agree. Rewritten	38
Yes	We certainly need an improved bus service, especially evenings	There is nothing after 7-15pm	44
Yes	Improvement of reliability, times and cost	As above. Reliability is dependent on congestion elsewhere. An additional 30,000 people using the same roads in the district is unlikely to see any improvement and it could be worse.	47
Yes	Bus operator should support children in BT for the free grammar school network bus and Myton School	Unclear what the problem is. Not an Neighbourhood Plan issue but PC may be able to help?	60 ***
Yes	The bus shelters need to be provided/improved. Why can't we get real time displays that show when buses are actually going to turn up?	Not Neighbourhood Plan issue but PC action needed	*** 62
No	The bus stop is outside our house and we would not appreciate further regular stops. Already have issue with privacy (double-deckers) and, not confirmed, vibration of engines causing potential damage to ours and neighbouring houses	Not Neighbourhood Plan issue and difficult to resolve	59
Undecided	I use the bus regularly and find an hourly service fine – great to be able to go to Coventry and Stratford. As to evening buses, when I see them they seem to be empty	A happy customer.	17

Undecided	Very concerned about this as traffic is already a problem	All the southern towns are similarly concerned and have tried to get the increased impact reduced.	31
Undecided	A direct route to Warwick/ Warwick hospital is needed	Noted for Parish Council action with bus operator	39 ***
Undecided	Ultimately it will be decided on cost grounds – too many empty buses as it is	Dilemma for the bus operator.	48
Undecided	The X19 no longer operates, X17 now runs from JLR Gaydon to Warwick only twice pm 16-00 & 17-00 weekdays and only twice early am 0620 & 0653 so would not be useful to villagers even if diverted. A more regular timetable is needed to get to Warwick	Noted for Parish Council action with bus operator	51 ***
Undecided	Something needs to be done to stop large vehicles, HGV's entering the village & small roads surrounding it whether by accident or not	Check on weight limit signage PC action	56 ***

TABLE 9 Policy T1

16.13.2 Revise policy wording to clarify Neighbourhood Plan issues and separate Parish Council actions.

16.14 POLICY T2: IMPROVING ROAD SAFETY

Opportunities will be taken to improve road safety in the village of Bishop's Tachbrook when new development is proposed or when transportation schemes are produced which affect the Neighbourhood Area.

16.14.1 Many of the comments in policy T1 are relevant to this policy. 51 respondents supported this policy, 28 of whom also made comment. 4 did not support the policy and said why and 2 were undecided and made comment. Comments received were as follows in Table 10.

support	COMMENT	ACTION	REF
Yes	There is a desperate need for traffic calming on Oakley Wood Road and Mallory Road before someone is seriously injured	Parish Council has been and continues to be exploring options with WCC traffic engineers.	01 ***
Yes	Main concerns 1. Junction Mallory Road/ Banbury Road – very hazardous needs roundabout, due to speed on Banbury Road from both directions 2.junction by Leopard/Oakley Wood Road, traffic approaching from right, too fast and not easily visible when pulling out 3. Mallory Road & Church Hill needs calming but not speed bumps, possibly chicanes?	1. agreed, but a local Plan issue and although it contains £50m of transport and road works around the towns it does not deal with junctions on approach roads that will have to deal with increased traffic. 2. This only works because it is a known danger and most take care joining OWR. 3. A solution may emerge from the action being taken on Mallory road by the shop. Speed bumps in the PPG are regarded as aggressive measures which should be discouraged.	06 ***
Yes	Traffic calming – chicanes would be better option. The money spent would achieve the required result as	Chicanes enforce thinking, VAS signs are information that may promote thinking. Real problem is driver	07

	opposed to the flashing 30 signs which in our opinion do not work	attitude.	
Yes	No speed humps- chicanes are better , road narrowing	See 06 & 07	08
Yes	Cycle paths need extension, through village to Banbury Rd via Mallory Rd and Oakley Wood Rd. (OWR)	Parish Council is in discussion with developer of 150 homes to continue cycle path from pub to the new school entrance.	11 ***
Yes	Engineering solution required	noted	12
Yes	I would recommend some sort of chicanes on OWR to enable a reduction in traffic and help with a reduction in HGV traffic coming through the village	See 07	14
Yes	No parking on Mallory Road between Dr. surgery & Holt Avenue plus traffic calming chicanes	Police view is that road side parking is a form of chicane and causes speed reduction because it is a variable obstruction. No parking would cause difficulties for residents.	16
Yes	Chicanes would be good at OWR, at both entrances to village (works really well at Wellesbourne) Enlarge entrance from Banbury road onto Mallory road. Lights difficult to see in dark	See 07	17
Yes	Priority is to improve Mallory Rd/ Banbury Rd junction. During busy times it is very dangerous to do a right turn out of the village. The sighting of a speed camera there is irrelevant as it is traffic density that is the issue.	See 06 1. Traffic lights at this junction on demand (like the lights to Spa Park south of the Queensway junction with Tachbrook Road) would stop the fast traffic off the motorway to allow a safe exit from the village. Parish	18

		Council to raise with WCC traffic engineers again.	
Yes	Traffic calming	Noted	23
Yes	Speed limits are badly needed. Speed checks between 6 – 7am would slow traffic at 60 – 70 mph	Speed limits are there, drivers need to obey.	24
Yes	Of note is the Church Hill junction. Traffic calming on OWR by Leopard is developer money to support a system to slow traffic	See Ref 06 2.	30
Yes	This is very important	Noted	33
Yes	Very important as new developments bring with it more vehicles	Noted	35
Yes	Holt Avenue is another road where speeding is a problem	This can only be from residents as it is not through traffic. Local education process may help?	36
Yes	Purely because increased traffic means increased risk – currently incident:hazard ratio does not support measures	The increased risk might reach trigger levels for action.	38
Yes	Traffic in the village can be a problem for excess speed, not just on the through route of Mallory Road but other roads including Holt Avenue	See Ref 36	39
Yes	If chicanes are introduced- cars parking on road near them are a problem	Understood. Usually used where free of housing	42
Yes	A chicane on OWR and maybe Mallory Road would be	See Ref 07	43

	effective. See Wellesbourne example		
Yes	Anything that can help reduce speed on OWR would be an advantage	Noted	44
Yes	How about traffic lights on OWR by the old school. This would have the double effect of slowing all traffic in deterring ratrunners	See 06 2. Criteria to support lights probably not there. Could change road priorities to stop straight road dash.	46
Yes	Especially OWR by Leopard Pub. Clearer etc to stop people turning right from Church Hill & Speeding	See 46	47
Yes	Traffic lights at Church Hill/ Oakley Wood Road Savages Close will slow traffic and discourage use as a rat run	See 46	48
Yes	No parking on Mallory road; speed chicanes instead of 30mph flashing lights	See 16	50
Yes	Some footpath safety for pedestrians from cyclists	Not normal for combined footpath - not Neighbourhood Plan issue	54
Yes	Road safety for both pedestrians & cyclists also needs improving now, not after any new development	Difficult to respond as it is not specific	55
Yes	Ideally, safe crossing between the meadow and OWR across to the heavily used footpath by Lowdown/ middle Farm where many dog walkers go	On a bend in 30 zone. VAS sign in. Safer to cross further away from the bend.	60
Yes	The village centre roads need to be sorted out. Could we request a 20 mph speed limit in the village centre and along other selected streets?	Being addressed in public realm improvement to centre of the village	62

No	Expand policy to ensure road safety measures may be introduced that are not solely reliant on new development proposals; Enhance village Gateways; traffic calming along whole of Mallory road in a way that does not urbanise the road.	Policy is about planning conditions or 106 agreements to be used for road safety measures. The measures are a traffic issue relying on Highways to determine; village gateways do not contribute to vehicle speed slowdown as they are low and interesting but rustic and receding	61
No	Chicanes don't really work but rumble strips do	Noisy for housing close by	19
No	The Warwick District Council can 'shove' this project – we really have to accept a 150 new house build for road safety! Which we should have anyway !!	Roads are usually safe before drivers get involved. Any work on roads is very expensive so development is seen to be a way of funding. But if it leads to distorting problem priorities such as “give me permission and ‘I’ll give a road improvement”, that is wrong.	32
No	Don't want chicanes, but happy to go with VAS 'flashing 30' signs. I don't think it is as big a problem as being made out.	VAS do tend to keep accidental speed breakers in line as they get a reminder.	45
Undecided	Not convinced about this	Noted	31
Undecided	Awaiting meeting with County engineers to discuss speed/crossing problems in Mallory road.	Noted	59

TABLE 10 Policy T2

16.14.2 Traffic issues are not something that the Neighbourhood Plan can resolve because it is controlled by highways legislation. It can help identify problems to refer to the Highways authority and help make the case of a Parish Council. Action should not be included in either a Neighbourhood Plan or a Local plan that the Highway authority cannot sanction. However, traffic management in relation to

new development, is for planning policy. If a development creates a highways problem close to the development any works necessary to solve the problem created would be expected to be financed by the developer but if it impacts on other parts of the road network due to, for example, additional traffic load, then Highways could seek contributions to necessary works. So it is important to identify impacts of a proposed development to justify contributions that become part of the planning conditions.

The range of comments show that there are many different views as to how highways issues can be managed.

16.14.3 The Policy T2 is a correct subject but should be more wide ranging than just the village of Bishop's Tachbrook. It should be able to address the road safety issues over the whole parish and define traffic management objectives where development takes place. BTT2 rewritten.

16.14.3 Many traffic problems occur because of inadequate provision for the storage of cars and other modes of transport. They end up on the street and this is a real problem in towns not designed for cars. It is short sighted to try to get less cars on the road because without them current lifestyles cannot be sustained. Providing traffic can move on the roads, personal vehicles are the most efficient method of transport. All development should therefore be able to take all vehicles related to their function off the road when not in use. **Parking provision specified in housing and employment policies.**

17 Summary of amendments to draft policies arising from the pre-submission Consultation to take account of representations.

17.1 A significant number of representations have been received. Most have been supportive but with comments, concerns, omissions, objections. They have been assessed and incorporated in the Final Plan as set out in Chapters 12, 13, 14, 15 & 16.

This summary separates representations that are Neighbourhood Plan issues from those that are Parish Council issues to form a Parish Council task list for the future. It is in no particular order except as coming out the chapters in sequence.

17.2 Parish Council task list. Matters which are concerns that a Neighbourhood Plan cannot resolve but the Parish Council may be able to promote. Some are Neighbourhood Plan related and the plan may be able to help in some way. These are marked *

Nursing home care needs to be closer , currently at Shipston on Stour

Parking on verges and Kingsley Road

St. Chad's Centre Parking *

Parking on corners

Mallory Road Speed control *

Difficult road junctions*

Road Hazards*

Bus services *

New sports facilities at the sports and social club *

Children's play areas need improvement *

Community Farm*

Behaviour on leaving the club

Housing mix and pre-application talks*

Police presence

Nature reserve

Public Health - measured miles, walking school buses, walking routes. Improved signage to highlight distance, outdoor gym in green spaces, trim trails

Circular dog walk

VAS

Bus destinations

Control HGV's

Replacement of defective garages

17.3 Representations that have initiated amendment to the draft plan.

Include new footpaths, maintain existing footpaths, bridlepaths

Open space requirements and distribution around the village

Adjust housing policies to apply to strategic sites.

New isolated homes omitted in error added back in.

Redraft Traffic policies that can be within Neighbourhood Plan policies

Improve Historic Environment section as English Heritage Advice

Improve flood risk policies as Environment Agency Advice

Improve water framework directive issues as Environment Agency Advice on Tach Brook

Tach Brook as asset of community value and paths to brook and countryside. Environment Agency Advice

Sport England improved sporting and walking provision.

Public Health Issues Building for life 12, meeting spaces, green spaces, Housing Mix to include bungalows,

A number of matters from Dave Barber Warwick District Council

Table 1 due to points from rep nos 29,43,39,45,36

Table 2 due to points from rep nos 28, 24,60 agricultural policy

Table 3 due to points from rep nos 33,34,38,30,48,54,55,41,49,53,62

Table 4 due to points from rep nos 32,01,23,60,62

Table 5 due to points from rep nos 35,39,34,38,55,54,41,30,48,49,53,62