**Budbrooke Neighbourhood Development Plan**

**Independent Examiner’s Clarification Note Responses**

***Context***

This note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

***Initial Comments***

The Plan is well-presented. It provides a clear and distinctive vision for the neighbourhood plan area. Its focus on the Local Plan housing allocations and the proposed designation of local green spaces is very appropriate. The Plan’s preparation has overlapped with that of the Warwick District Local Plan 2011-2029.

***Points for Clarification***

I have read the submitted documents and the representations made to the Plan. I have also visited the Plan area. I am now in a position to raise some initial issues for clarification. They are designed for the Parish Council. The comments that are made on these points will be used to assist in the preparation of my report and any modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

*Policy BNDP1*

This policy reads well in general terms. However, in places it uses general language (‘such as/for example’) which detracts from its clarity.

Assuming that paragraph 1.43 of the Plan is the source of the approach in the policy should the policy make a more explicit connection to that list?

Does the Parish Council have any comments on the District Council’s representation about the relationship between this policy and Policy HS8 of the recently-adopted Local Plan?

Policy BNDP1 was developed prior to the adoption of the Warwick Local Plan. Policy HS8 of the Warwick Local Plan reads now very similar to the first part of HS8. However, the NDP policy should refer to the list in 1.43 – Kirkwell Consultants

Remove list so item reads “There will be a strong presumption in favour of the protection and enhancement of existing community facilities detailed in 1.43”. Agree with Kirkwells suggested response above in reed. This Policy was developed prior to adoption of the Local Plan. - BNPT (Budbrooke Neighbourhood Plan Team) response

*Policy BNDP2*

The information in Table 3 and Map 2a do not tally. The size of the sites suggests that table 3 is correct. Please can this be confirmed?

Apologies. Yes, there is a mismatch. BNDP3 and Table 3 have the same information, the Map 2a transposes G3 and G4 locations. We feel the simplest way of correcting this would be to amend the text rather than the map to correct the matter - BNPT response

The final paragraph of the policy sits uncomfortably with the rest of the policy. Is it needed? It does not seem to be underpinned with any supporting text.

Steering Group should discuss this.

BNPT response – Agreed, take out the final paragraph.

Policy BNDP3

There are no reasons why open spaces other than LGS cannot be separately identified in the Plan. However, there is little if any difference between the policy approach adopted in BNDP policies 2 and 3. Is this deliberate? If so does it detract from the particular importance of the local green spaces as set out in the NPPF?

Not sure I understand what is being asked.

BNPT response – Our understanding of Open and Green spaces is that they are different, and we feel strongly that both spaces need to be covered in our plan. Our Planning consultant gave definitions of both Open and Green spaces and we were advised to split these into two policies even though some priorities apply to both. Open Spaces were pre-identified within current Budbrooke boundaries.

Policy BNDP4

Is the primary role of the policy to give clarity on how BPC will apply the local part of the CIL? I can understand the final sentence of the policy. Nevertheless, it detracts from its clarity. I propose to recommend a modification that would move this sentence into the supporting text. Any comments are invited.

Agree with comments

BNPT response – agree to move this final sentence to supporting text.

Policy BNDP5

Is there a risk that the policy is too detailed?

Has the policy been tested for its potential impact on the viability of the development on the two sites concerned?

Some of the criteria are vague and do not provide any clarity to the District Council and to developers. Criteria 2/3/4/6/7/8/ are clear examples. Criteria 23-26 largely repeat WDC Local Plan standards. Could the policy be sharpened so that it adds local distinctiveness to existing local plan policies?

This policy is about the principle for development of the site.

Agree about 23-26. Individual criteria comments as follows;

2- same criterion agreed at examination in Appleton Thorn Plan

3/4 – These were requirements from the Steering group

6-8 are Development Management matters

BN response - We are not sure if the Independent Examiner is saying that Criteria 2, 3, 4, 6, 7 and 8 are clear examples of vagueness or clear examples of clarity. We read both interpretations and we think those specific criteria are in themselves clear statements, so if we are not right in the way we read your comments we need more information on what is required please.

At the time Items 23 – 26 were first considered they were much more detailed and were not as specific as WDC Local Plan. Barford Parish had a much more detailed approach which pre-dated WDC. We felt that it was better to be specific and detailed than to rely on the Local plan so we wish these to stay.

Policy BNDP6

Does this policy apply more generally within the Plan area and not within the two allocated sites (as addressed by BNDP5)? If so should both the policy and its supporting text make this very clear?

I think the answer to this is yes.

BNPT agree with Kirkwells that the answer is ‘yes’ and propose we remove “designated area” and replace with “Parish of Budbrooke” to make this clear to any developers on any site.

Policy BNDP9

Is the final part of the policy a land use policy? If not, should it be relocated to a separate, non-land use part of the Plan? No should be an action for the parish council

BNPT response to this query and one below as wording is much the same – we are not sure to what you are referring BNDP9 Traffic Management and Transport Improvements does not cover land use and neither does BNDP10 Sustainable Transport Measures as far as we can see. Could this item be re-visited by Independent Examiner and more detail forwarded for consideration to the BNPT please?

Policy BNDP 10

Is part d) of the policy a land use policy? If not, should it be relocated to a separate, non-land use part of the Plan? – Possibly not a land use criterion

Policy BNDP11

Why was 18 months chosen for the marketing period? Has this time period be tested for its commercial and viability impact on business proposals?

No testing been done. 18 months is an adequate length of time for marketing to ensure that the building cannot be used for employment purposes

BNPT response – We agree with Kirkwells response above. No testing has been done but the buoyancy and creativity within the parish has meant that the scenario has not occurred, and the 18 months timescale agreed as no property had ever been vacant for that long as far as we knew.

Glossary

Unless there is any specific rationale for including references to ‘Warrington’ in the Green Belt and SHLAA sections I propose to recommend modifications to these references to reflect the circumstances of the submitted Plan. Copy and paste mistake

BNPT response – agree to remove Warrington as this was a copy/paste mistake.

***Protocol for responses***

I would be grateful for comments by Wednesday 14 February 2018. Please let me know if this timetable may be challenging to achieve. It reflects the factual basis of the questions raised.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please can all responses be sent to me by Warwick District Council and make direct reference to the policy/issue concerned.

Andrew Ashcroft

Independent Examiner

Budbrooke Neighbourhood Plan

5 February 2018