

BISHOP'S TACHBROOK NEIGHBOURHOOD DEVELOPMENT PLAN

Submission Draft Version

**Neighbourhood Plan Examiner's Questions
by Independent Examiner, Rosemary Kidd**

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Bishop's Tachbrook Neighbourhood Development Plan Examiner's Questions

Following my initial assessment of the Neighbourhood Plan and representations, I would appreciate clarification and comment on the following matters from the Qualifying Body and/or the Local Planning Authority. In order to ensure openness and transparency of the examination process, these questions and the responses should be published on the Council's website.

May I thank the Parish Council for their very helpful comments in responses to the representations and the further information they have provided. I would welcome confirmation or further information on the points set out below. I wish to ensure that the QB and/ or LPA has the opportunity to respond to my concerns, if they wish, in advance of receiving my examination report.

1. **Paragraph 4.6** – would the QB provide me with the text they suggest should be added to this paragraph in the light of their comments on the representation from Pegasus Group.
2. **Policy BT1** – I am concerned about the use of the words “particularly” and “especially” in criteria a) and b). It is considered that these make the criteria imprecise and implies that there may be other locations which are important but not identified. The term “key heritage assets” in criterion a) also introduces some uncertainty as to whether this applies to all heritage assets or only designated ones. No explanation is given as to why particular attention is drawn to Tachbrook Mallory. The justification should be used to explain how the policy is to be applied. To overcome these issues and to enable the policy to be interpreted consistently, I am proposing the following proposed modification. Would the QB confirm acceptance:

“a. Protecting the historic character and settlement pattern of the area, maintaining the distinct settlement of Bishop's Tachbrook and farmsteads, and conserving heritage assets;

“b. Retaining the network of water features along Tach Brook and other streams and ponds;
3. **Policy BT1 criterion e)** refers to views shown on Figure 7. I have considered the assessment provided by the QB from Appendix NP10 of the withdrawn NP and noted the important views highlighted by the QB from the new housing development towards Bishop's Tachbrook village on my visit to the area. I have concerns that, as worded, the criterion is vague and imprecise and could not be applied consistently by decision makers. Instead of referring to the viewpoints in Figure 7, I am proposing that criterion e) should be revised to refer to a LVIA being undertaken to assess the impact of development on views across the Tachbrook Valley. Would the QB confirm the following is acceptable to them.

“e. Where necessary, undertaking a Landscape and Visual Impact Assessment (LVIA) to assess the impact of the development on views across the Tachbrook Valley from the public footpath and from the edge of the housing development

to the north. Where impacts are identified, measures should be incorporated to reduce their impact;”

4. **Policy BT1 criterion h)** of the policy refers to new planting to restore the Feldons Parkland character. It would be helpful to include a summary of the main components of the character in the justification. Would the QB provide me with a short paragraph to include in the justification.

Map 6 shows the Landscape Sensitivity to Housing Development and there is no explanation of its relevance to the criteria in the policy. It does not help to explain the Feldons Parkland Character. I propose that it should be deleted as well as reference to it in paragraphs 4.14 and 6.6.

Paragraph 6.7 is out of date and I am proposing that it be deleted and the following consequential amendment made to paragraph 6.8: **“It will be important to manage and mitigate changes that impact on the local landscape through:”** Would the QB confirm acceptance.

5. **Policy BT2** – The final sentence is a Community Action and not a planning policy. I shall recommend that it should be deleted from the policy and set out in a separate section of the plan.

Would the QB comment on the proposed revision to criterion a): **“Connections to the Country Park that help to link existing and new residential areas with community facilities and schools.”**

I consider that the final sentence of Policy BT2 is a Community Aspiration and it should be placed in the Appendix of Community Actions.

Does the QB have any comments on the representation from S Deely that seeks additional wording for the masterplan to include consideration of appropriate enabling development commensurate with the character and purposes of the country park? (I am not clear what the latter comments on enabling development concern and whether they are relevant).

6. **Policy BT3** – The list of green infrastructure is very wide ranging and could be considered to cover all the rural areas outside the settlement. Are there any fields or grassland areas that are known to have particular ecological value? What is envisaged by the term “other green infrastructure features”? Should reference be made to “hedgerows”? Oak Ley Wood is shown on the Warwickshire GI maps as an accessible woodland. Should reference to it be included in paragraph 6.17?

7. **Policy BT4** – I am concerned that this policy and justification contain community actions and other measures to address existing traffic concerns in the parish. As there are no site allocations in the NDP, they relate to existing concerns and do not relate to infrastructure requirements associated with the plan’s proposals.

The advice in the NPPG is that neighbourhood plans should contain policies for the development and use of land. They may also address the infrastructure requirements of development proposals in the plan. Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need

to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan.

Would the QB and LPA confirm whether any of the proposals in the policy will be delivered as part of the development proposals in the north of the plan area. Also, whether there are any proposals to improve the car parking in the village centre, or whether this is an aspiration at this stage.

Subject to the QB's comments, I am going to propose that those proposals in the policy that are not to be delivered through development proposals should be included in an Appendix to the Plan as Community Actions. The Policy should be introduced with the following: "The Parish Council will work with Warwickshire County Council to deliver....."

- 8. Policy BT5** – I have similar concerns about some of the proposals in this policy, in particular points 1) provision of cycle routes on existing roads, 2) bike storage, 4) signalling and signage and 8) footbridge over Europa Way. Would the QB confirm whether any of these will be provided as part of new development or are they aspirations of the Parish Council and should therefore be included as Community Actions.

In the light of the representation from Pegasus would WDC confirm whether the footbridge over Europa Way is deliverable in the Plan area.

Point 4 refers to "neighbourhood centres". The Warwick Local Plan does not use this term. Which centres does this point refer to?

Point 7 refers to "neighbourhood area" – should this be the plan area or parish?

The justification to the policy only includes quotes from County Council plans. Does the QB have information about the implementation of the proposals locally that could be included in the justification? Or where the main issues are that the policy seeks to address?

- 9. Policy BT6** – It is noted that the western part of site d) The field north of Croft Close was not considered in the Local Green Space Assessment. As the site has not been formally assessed, it cannot be taken forward as a designated LGS.

The assessment on the eastern part of the Croft Close site notes that the area is crossed by informal footpaths. The assessment table on page 25 of the LGS report places a question mark against whether the site is demonstrably special. Would the QB confirm the status of the land, that the landowner has agreed that the area is accessible for informal recreation and the reasons for considering the site to be demonstrably special.

It is noted that although site e) is included in the recommendation in section 7 of the LGS assessment, the assessment form and Table 1 show that the site is not demonstrably special. In view of the assessment, I am minded to include this site under Policy BT7.

Would the QB confirm that the owners of the sites proposed under Policies BT6 and BT7 have been consulted and made aware of the proposed designations.

- 10. Policy BT8** – The last paragraph concerns the creation of open spaces. I am going to propose that this paragraph should be included in Policy BT7 and worded as follows: ***“The creation of new open spaces will be supported and will be safeguarded in accordance with Policy BT7.”*** The QB’s comments are welcomed.
- 11. Policy BT9** – There is a degree of overlap with Policy BT5 and I am proposing to recommend that points a) to c) should be incorporated into Policy BT5 where appropriate. Point d) is considered to be a Community Action and should be included in that Appendix.

Would the QB explain what is meant in point a) by roads “offering people places and spaces to meet”? Does this point propose anything that is not covered by the Warwickshire Highway Design Guide?

Would the QB comment on the following proposed revision to point g) of Policy BT5: ***“Creation of on-road and off-road footpaths, cycleways and bridleways that provide connections between Bishop’s Tachbrook village, the Tachbrook Country Park and the new residential areas.”***

- 12. Policy BT10** – Has the DC prepared a Conservation Area Appraisal for Bishop’s Tachbrook conservation area other than the leaflet? Further to the information provided by the QB on gateways, road junctions and views I am proposing to recommend that these are shown on an Inset Map to the Policies Map. The viewpoints and arcs should be identified and mapped. The photographic assessment of the views should be included in an Appendix to the Plan.
- 13. Policies BT10 – 11 Non-designated Heritage Assets** - I have checked the Warwick DC Local List of Heritage Assets and this does not include any properties in Bishop’s Tachbrook. I have not been able to access the HER records. Without an assessment of Non designated heritage assets in the plan area, I shall be recommending that the example of the former village school in point b) of Policy BT10 is deleted.
- 14. Policy BT12** –As housing in the north of the plan area is a strategic allocation and forms part of the Leamington Spa area, it may be more appropriate for the housing mix in that area to be determined in the light of the SHMA. I am therefore proposing that the village housing needs assessment should relate to the village only. Would the LPA and QB comment of the following proposed revision: ***“Development proposals for market and affordable housing within and around Bishop’s Tachbrook village shall be informed by and demonstrate that they contribute to the type, size and tenures of housing needed in the local area as demonstrated in the most recent Bishop’s Tachbrook Village Housing Needs Survey.”***
- 15. Policy BT13** – Is it intended that all of parts 1 and 2 are to be applied to all residential and non-residential buildings? Should Warwick DC’s Sustainable Buildings Supplementary Planning Document, 2008 be referenced in the justification?

As neighbourhood plan policies are to be used by the LPA to determine planning applications, it is not appropriate to include a reference in the policy to the PC not supporting development that do not meet the criteria.

It is considered that part 3 is vague and imprecise and does not set out what may be acceptable. For example, point d) does not specify any details on requirements for wind turbine generation. I am therefore proposing that all of part 3 should be deleted.