

BISHOP'S TACHBROOK NEIGHBOURHOOD DEVELOPMENT PLAN

Submission Draft Version

**A report to Warwick District Council
into the examination of the
Bishop's Tachbrook
Neighbourhood Development Plan
by Independent Examiner, Rosemary Kidd**

Rosemary Kidd, Dip TP, MRTPI
NPIERS Independent Examiner
11 May 2021

Contents:

	Page
1 Summary	3
2 Introduction	4
3 The Neighbourhood Plan - as a Whole	12
The Neighbourhood Plan - Policies	13
4 Referendum	33
5 Background Documents	34
6 Summary of Recommendation	35

1.0 Summary

- 1.1 The Bishop's Tachbrook Neighbourhood Development Plan has been prepared to set out the community's wishes for the village of Bishop's Tachbrook and the developing community in the north of the parish at The Asps, Heathcote and Oakley Grove plus the surrounding countryside, all within the parish of Bishop's Tachbrook.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer, including improvements to the mapping of sites referred to in policies to ensure that the Plan meets the Basic Conditions. Section 6 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
- The deletion of Policy BT9;
 - The deletion of various community actions and aspirations. They should be moved to a new Appendix to the Plan entitled Community Actions;
 - Clarification of the wording of policies and the supporting text; and
 - The inclusion of a Policies Map covering the whole plan area and the improvement of the mapping of policies.
- 1.4 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Bishop's Tachbrook Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

Background Context

- 2.1 This report sets out the findings of the examination into the Bishop's Tachbrook Neighbourhood Plan.
- 2.2 The Parish of Bishop's Tachbrook lies within Warwick District about 3 miles south of Warwick and Leamington Spa. The parish includes the original village of Bishop's Tachbrook and a developing new community associated with Royal Leamington Spa located in the north of the parish, including development at The Asps, Heathcote and Oakley Grove. At 2011 there were 2558 people living in the parish.

Appointment of the Independent Examiner

- 2.3 I was appointed as an independent examiner to conduct the examination on the Bishop's Tachbrook Neighbourhood Development Plan (BTNDP) by Warwick District Council (WDC) with the consent of Bishop's Tachbrook Parish Council in November 2020. I do not have any interest in any land that may be affected by the BTNDP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I am a Member of the Royal Town Planning Institute with over 30 years' experience in local authorities preparing Local Plans and associated policies.

Role of the Independent Examiner

- 2.4 As an independent Examiner, I am required to determine, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether the legislative requirements are met:
- The Neighbourhood Development Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood Development Plan has been prepared for an area that has been designated under Section 61G of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood Development Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004, that is the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area; and
 - The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the Planning and Compulsory Purchase Act 2004 Section 38A.

- 2.5 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions are:
1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
 3. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, as incorporated into UK law; and
 5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to neighbourhood plans:
 - o Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the Conservation of Habitats and Species and Planning (various Amendments) Regulations 2018) sets out a further Basic Condition in addition to those set out in the primary legislation: that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 2.6 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to comment on how the plan could be improved but rather to focus on whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
- 2.7 It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements.

The Examination Process

- 2.8 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.

- 2.9 I have sought clarification on a number of factual matters from the Qualifying Body and/or the local planning authority in writing. I am satisfied that the responses received have enabled me to come to a conclusion on these matters without the need for a hearing.
- 2.10 I had before me background evidence to the plan which has assisted me in understanding the background to the matters raised in the Neighbourhood Plan. I have considered the documents set out in Section 5 of this report in addition to the Submission draft of the BTNDP dated March 2020.
- 2.11 I have considered the Basic Conditions Statement and the Consultation Statement as well as the Screening Opinions for the Strategic Environmental Assessment and Habitats Regulation Assessment. In my assessment of each policy, I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.

Legislative Requirements

- 2.12 The neighbourhood plan making process has been led by Bishop's Tachbrook Parish Council which is a "qualifying body" under the Neighbourhood Planning legislation which entitles them to lead the plan making process.
- 2.13 Paragraph 1.4 of the BTNDP explains that a new Neighbourhood Area for Bishop's Tachbrook was designated on 5 May 2017. This new area replaces the previous Neighbourhood Area for Bishop's Tachbrook, and follows changes made to the parish boundary which came into effect on 1 February 2017. The approved Neighbourhood Area largely follows the current parish boundary, though with some small areas omitted. This is to ensure that there is no overlap with the adopted Neighbourhood Plan for Whitnash in line with the requirements of the Neighbourhood Planning Regulations. The Basic Conditions Statement confirms that there are no other neighbourhood plans relating to that area.
- 2.14 A representation has been made that refers to a map of the area dated 2012. I am satisfied that the map in the BTNDP is dated 2020 and shows the revised designated area.
- 2.15 A neighbourhood plan must specify the period during which it is to have effect. The Basic Conditions Statement states that this is from 2011 to 2029, the same period as the Warwick Local Plan. However, the front cover does not show the dates of the Plan. The Executive Summary and the Vision include an end date of 2029. It is recommended that the plan period should be shown in the Plan cover and the commencement date should be the year that the Plan was submitted as this is the earliest date that the Plan can carry any weight in decision making.

- 2.16 The Plan does not include provision for any excluded development: county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the Town and Country Planning Act 1990.
- 2.17 The Neighbourhood Development Plan should only contain policies relating to the development and use of land. Subject to my recommendations that the various community actions and aspirations included in the policies should be placed in an Appendix of the plan entitled Community Actions, I am satisfied that the BTNDP policies are compliant with this requirement.
- 2.18 The Basic Conditions Statement confirms the above points and I am satisfied therefore that the BTNDP satisfies all the legal requirements set out in paragraph 2.4 above.

Recommendation 1: Include the Plan period on the front cover and the Introduction to the Plan and show the commencement date of the Plan as 2020.

The Basic Conditions

Basic Condition 1 – Has regard to National Policy

- 2.19 The first Basic Condition is for the neighbourhood plan “*to have regard to national policies and advice contained in guidance issued by the Secretary of State*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “*consistent with national policy*”.
- 2.20 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives*.”
- 2.21 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:
- “Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*
- 2.22 The NPPF of February 2019 (as amended) is referred to in this examination in accordance with paragraph 214 of Appendix 1, as the plan was submitted to the Council after 24 January 2019.

- 2.23 The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should “*support the strategic policies set out in the Local Plan or spatial development strategy and should shape and direct development that is outside of those strategic policies*” and further states that “*A neighbourhood plan should, however, contain policies for the development and use of land. This is because, if successful at examination and referendum, the neighbourhood plan becomes part of the statutory development plan.*”
- 2.24 Table 2 and paragraphs 3.4 – 3.14 of the Basic Conditions Statement includes comments on how the policies of the BTNDP have had regard to the 6 principles of plan making and other key sections of the NPPF. I consider the extent to which the plan meets this Basic Condition No 1 in Section 3 below.

Basic Condition 2 - Contributes to sustainable development

- 2.25 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole constitutes the Government’s view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental.
- 2.26 Table 1 of the Basic Conditions Statement sets out how the BTNDP delivers the three overarching objectives of sustainable development.
- 2.27 I am satisfied that the Plan contributes to the delivery of sustainable development and therefore meets this Basic Condition.

Basic Condition 3 – is in general conformity with strategic policies in the development plan

- 2.28 The third Basic Condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The Development Plan relevant to the area comprises the Warwick District Local Plan 2011-2029 which was adopted in September 2017.
- 2.29 Table 3 of the Basic Conditions Statement sets out the way that the Neighbourhood Plan policies conform to the relevant strategic planning policies in the Core Strategy.
- 2.30 I consider in further detail in Section 3 below the matter of general conformity of the Neighbourhood Plan policies with the strategic policies.

Basic Condition 4 – Compatible with EU obligations and human rights requirements

- 2.31 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats

and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.

- 2.32 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination from the competent authority (WDC) that the plan is not likely to have “significant effects.”
- 2.33 A screening opinion was carried out by WDC in March 2019 and determined that the BTNDP would not require a full SEA to be undertaken. Paragraph 4.1 of the screening opinion concluded:
- “4.1 As a result of the screening assessment in section 3, it is considered unlikely there will be any significant environmental effects arising from the Bishops Tachbrook Neighbourhood Plan that were not covered/ addressed in the Sustainability Appraisal of the Local Plan. As such, it is considered that the Bishops Tachbrook Neighbourhood Plan does not require a full SEA to be undertaken.”*
- 2.34 Consultation was carried out with the statutory environmental bodies on the SEA Screening Report in May 2019. The responses from all three bodies concurred with the conclusions of the SEA, that the BTNDP was not likely to have significant effects and that a full SEA was not required.
- 2.35 In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a neighbourhood plan is deemed likely to result in significant negative effects occurring on a Special Area of Conservation or Special Protection Area, or other ecologically important European site (Ramsar) as a result of the plan’s implementation. However, a formal Habitats Regulation Assessment Screening Opinion was not carried out on the draft BTNDP prior to submission as required.
- 2.36 The plan makers have relied upon the answer to question 4 of the SEA screening opinion where it was stated that *“In view of Bishop’s Tachbrook NP’s minimal environmental effects, and general conformity with the Local Plan the HRA screening report (May 2013) prepared for the Warwick District Council Local Plan is considered relevant. Therefore the Neighbourhood Plan does not require an assessment under Article 6 or 7 of the Habitats Directive.”*
- 2.37 It is considered that this does not meet the requirement of a formal HRA screening assessment. The BTNDP as submitted does not therefore satisfy the Basic Condition in this respect. The screening should assess the proximity of any European site to the Neighbourhood Area which could be affected by the proposals within the Neighbourhood Plan. The screening will also compare the similarities and differences between the types and amounts of development the Neighbourhood Plan is planning for, and those set out in the Local Plan and whether there have been any changes in circumstances since the HRA assessment of the Local Plan was undertaken. Other matters governed by European Directives may also need to be considered.

- 2.38 The LPA as the competent authority has to assure itself that it has satisfied the Basic Conditions and complied with Regulations 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). The HRA screening is the formal process by which the LPA determines whether or not an Appropriate Assessment is required.
- 2.39 To address this deficiency, I have afforded WDC the opportunity to undertake a formal HRA screening assessment and to consult Natural England upon it. The Stage 1 Screening Opinion dated March 2021 was submitted to me on 1 April 2021.
- 2.40 The screening opinion concluded in section 6.1 that:
- “Following Stage 1 of Habitats Regulations Assessment (Screening) it is concluded that the proposals and policies within the Bishop’s Tachbrook Neighbourhood Development Plan are unlikely to result in any impact to the Severn Estuary SAC, either alone or in combination with other plans and projects.*
- “As such the proposed plan can be screened-out at the end of Stage 1 of Habitats Regulations Assessment and a Stage 2 of Habitats Regulations Assessment (Appropriate Assessment) is not required to be undertaken.”*
- 2.41 Consultation with Natural England on the HRA screening opinion was carried out by letter dated on 29 March 2021. They responded to say that they agreed with the conclusion of the screening opinion and advised that further HRA is not required.
- 2.42 I am satisfied that the SEA and HRA assessments have been carried out in accordance with the legal requirements.
- 2.43 The Basic Conditions Statement considers the impact of the Plan on Human Rights and concludes that: *“3.26 The Submission BTNDP is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The BTNDP has been produced in full consultation with the local community. The BTNDP does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels.”*
- 2.44 From my review of the Consultation Statement, I have concluded that the consultation on the BTNDP has had appropriate regard to Human Rights.
- 2.45 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the BTNDP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

Consultation on the Neighbourhood Plan

- 2.46 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.47 Following the designation of the Neighbourhood Area on 5 May 2017, the following key stages of consultation were:
- a) An informal consultation on the future of the parish was held in November 2018 entitled Your Parish Today and Tomorrow. The informal consultation was publicised through a leaflet delivered to each household, online using the Parish Council web site, the Parish newsletter and posters put up throughout the neighbourhood area. As part of the consultation, drop-in events were held at the St Chad's Centre on 17th November 2018 and at Heathcote Primary School on 16th January 2019. These events sought views on the draft objectives and various issues facing the parish and possible proposals.
 - b) The Pre-submission Draft Neighbourhood Plan was published for consultation from 1 March 2019 – 16 April 2019. Publicity for the consultation was through a leaflet circulated to every household. The Plan was available on the Parish Council's website and hard copies were made available. Letters or emails were sent to statutory consultees. In total, 68 responses were received. These are summarised in Table 1 of the Consultation Statement together with the Steering Group's response.
- 2.48 Consultation on the Regulation 16 Submission draft Plan was carried out by WDC between 11 May 2020 and 10 August 2020. In total, 10 representations were received.
- 2.49 I am satisfied that from the evidence presented to me in the Consultation Statement, adequate consultation has been carried out during the preparation of the BTNDP.
- 2.50 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14, 15 and 16 in the Neighbourhood Planning (General) Regulations 2012.
- 2.51 This report is the outcome of my examination of the Submission Draft Version of the BTNDP dated March 2020. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. If the plan receives the support of over 50% of those voting then the Plan will be made following approval by WDC.

3.0 Neighbourhood Plan – As a whole

- 3.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in Section 2 above that the plan as a whole is compliant with Basic Conditions No 4 (EU obligations) and other prescribed conditions, this section largely focuses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General conformity with strategic policies of the Development Plan).
- 3.2 Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.
- 3.3 Basic Condition 1 requires that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State. Before considering the policies individually, I have considered whether the plan as a whole has had regard to national planning policies and supports the delivery of sustainable development.
- 3.4 The PPG states that “*a policy should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area*”. I will consider this requirement as I examine each policy.
- 3.5 The BTNDP contains policies on the natural environment, transport and accessibility, green spaces, community facilities, built environment, housing and climate change.
- 3.6 The introductory sections of the Plan set out a spatial portrait of the area, the strategic planning context and the key issues facing the parish.
- 3.7 The policies are clearly distinguishable from the supporting text by surrounding coloured boxes.
- 3.8 The Plan contains a map of the plan area and two Policies Maps which are in effect Inset Maps for part of the built up areas in the plan area. These maps do not cover the whole of the Plan area. It is recommended that a Policies Map be prepared for the whole of the Plan area to show the location of the Inset Maps and any designations in the countryside outside them. The boundaries of the sites are clearly indicated on the maps and the policies in the key are distinguishable. The key should be positioned outside of the plan area so that all parts of the plan area are visible. I have recommended under Policy BT6 that the sites should be indicated on the Policies Map with an alphabetical suffix to be consistent with the policy. I have recommended

under Policy BT10 that the key junctions, gateways and Conservation Area views should be shown on the Policies Map.

- 3.9 A representation has been made that the maps should be updated to show the Local Plan housing allocations and commitments. It is considered that as these are not allocations of the BTNDP it is not necessary to show them on the Policies Map. It may however be helpful to plan users to include a map of commitments within the text.
- 3.10 There are other helpful maps and diagrams. There are a number of references within the Plan to these maps, however, many of the page numbers are incorrect and they should be corrected in the final plan.

Recommendation 2: Include a Policies Map for the whole of the Plan area to show the location of the Inset Maps and any designations in the countryside outside them. Position the key so that it does not overlap with the plan area.

Include revisions under Policies BT6 and BT10.

The Neighbourhood Plan

Key Issues

- 3.11 A representation has been made concerning paragraph 4.5 stating that it is contrary to the requirement to provide flexibility to accommodate development required in the forthcoming review of the Local Plan.
- 3.12 The paragraph states that the BTNDP has not allocated land for housing or reviewed the village envelope to accommodate growth. There is no requirement in national guidance for neighbourhood plans to allocate sites for housing. If there is a requirement in the forthcoming Local Plan for additional housing in the parish, it may be appropriate to consider whether a review of the BTNDP is necessary.
- 3.13 A representation has been received stating that planning permission has been granted for site H46B The Asps and requesting that paragraph 4.6 be revised to reflect this. The Qualifying Body has requested that this amendment be made.
- 3.14 A representation has commented that the statement in paragraph 4.14 that *“the BTNDP will protect the landscape particularly those areas identified as highly sensitive to future housing development”* is overly restrictive. The representation seeks the identification of reserve housing sites.
- 3.15 The relevant landscape policy is Policy BT1 which seeks to conserve or enhance the area’s landscape character rather than restrict development in the area. Map 6 shows Landscape Sensitivity to Housing Development but its purpose in implementing the policy is not explained. I consider that the

statement in paragraph 4.14 does not reflect the nature of the plan's policies and consequently recommend that it should be revised and Map 6 and reference to it in paragraph 6.6 should be deleted. I consider the need to identify reserve sites at the end of my report.

Recommendation 3: Revise paragraph 4.6 bullet point 3 to read: H46B The Asps – 900 homes – *planning permission was granted in January 2016 together with S106 agreements.*

Revise the last sentence of paragraph 4.14 to read: “The BTNDP will seek to *conserve or enhance the area’s landscape character.*”

Delete Map 6 Landscape Sensitivity and delete “(Map 6, page 32)” from paragraph 6.6.

Vision and Objectives

- 3.16 The Plan includes a succinct vision statement and six objectives which are addressed through the policies of the Plan. It is recommended that the typographical error in Objective 4 is corrected.
- 3.17 A representation has been made that seeks the deletion of the word “protect” from Objective 1 and that Objective 5 should be amended to refer to the needs of the Local Plan and Local Housing Market Area.
- 3.18 I consider that it is appropriate to include the word “protect” in the objective as there are elements of the environment that are to be protected in accordance with national and strategic policies. No change is proposed.
- 3.19 I have addressed the matter of the application of the Parish Housing Needs Assessment under Policy BT12.

Recommendation 4: Revise Objective 4 on pages 5, 25 and 44 to read “...sympathetic to current buildings and landscape.”

Policy BT1 - Conserving and Enhancing Bishop’s Tachbrook’s Landscape Character

- 3.20 The policy sets out criteria to be used to conserve or enhance the landscape character of the area. The justification refers to Natural England’s National Character Areas and Warwickshire County Council’s Landscape Study of Bishop Tachbrook. The latter study assesses the character of the landscape parcels in the parish and considers their sensitivity to development.
- 3.21 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 key components in the justification. Map 6 that is referred to shows the Landscape Sensitivity to Housing Development; it does not relate to the policy

and it does not help to describe the Feldons Parkland Character. Paragraph 6.8 identifies mitigation measures to assist with assimilating the new housing development into the local landscape.

- 3.22 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 are 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.
- 3.23 Criterion e) seeks to retain a number of views shown on Figure 7. Representations have been received that consider that Figure 7 is imprecise and there is no evidence to justify the selection of the views; there is no description of the nature of the views to be protected, how they are to be assessed and what elements of the view are of value or need protecting. There is nothing in the justification to explain why these views should be protected.
- 3.24 In response to my request for an assessment of the views, the Qualifying Body have provided me with photographs and a brief description of each viewpoint. I have walked around the area on my site visit and considered the significance of each viewpoint.
- 3.25 Five of the viewpoints are on or close to the public footpath running north-westwards from Farm Walk. I am not satisfied that the arcs of the views have been indicated correctly. I noted that views from the first viewpoint are mainly in a northerly direction towards the new housing at Heathcote. They are restricted to the west by rising ground. The solar farm is well screened by rising ground and hedgerow planting.
- 3.26 Crossing into the large field, the main view is again towards the new housing development on the brow of the hill above the Tachbrook valley. There are also good views to the north west to the distant hills. The viewpoints on the eastern and western boundaries of this field are restricted by high hedgerows. In any case the eastern viewpoint is not located on the public footpath. Walking further to the north west, there is a good viewpoint near New House Farm over the surrounding countryside.
- 3.27 There are two viewpoints indicated in the valley, however, these are not accessible by a public footpath.
- 3.28 The Qualifying Body has referred me to the view from the new housing development at Heathcote towards Bishop’s Tachbrook. From here there are very good views across the valley towards the village where the church tower is clearly evident. It is unfortunate that the viewpoints from this direction were not considered by the plan makers.

- 3.29 There is no evidence in the plan to describe why the viewpoints have been selected and what is important in these views. The Qualifying Body has provided me with Appendix NP10 from the previously withdrawn BTNDP as evidence of the assessment of views. However, this was prepared some time ago before the new housing development was constructed and does not show the same viewpoints as the current plan.
- 3.30 I have considered how criterion e) is to be interpreted by decision makers. I have explained above about my concerns about the lack of an up to date assessment of the views and the failure to assess the views from the edge of the new housing towards the village. I also have concerns that there is no explanation as to what makes up the “quality or integrity” of the views. In the circumstances I am recommending that Figure 7 should be deleted and criterion e) should be revised to refer in general terms to Landscape and Visual Impact Assessment being undertaken where necessary to assess the impact of development on the views across the Tach Brook valley from the public footpath and from the new housing development at Heathcote towards the village.
- 3.31 There is a typographical error in criterion f).
- 3.32 As the housing development at Heathcote is progressing rapidly, it is considered that paragraph 6.7 is no longer relevant and should be deleted. Consequential amendments are proposed to paragraph 6.8.
- 3.33 Subject to the recommended modifications, it is considered that the policy accords with national planning policy and Local Plan Policy NE4.

Recommendation 5: Revise the following criteria of Policy BT1 as follows:

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

“b. Retaining the network of water features along Tach Brook and other streams and ponds;

“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;”

“f) ...supporting *the* creation of....

Add a summary of the Feldons Parkland Character in the justification paragraph 6.6 as follows:

“The overall character of the Feldon Parklands is of a well-wooded landscape with many large houses set in mature parkland. The characteristic features are:

“Large scale rolling topography with occasional steep scarp slopes; large woodlands often associated with rising ground; many small coverts and belts of trees; mature hedgerow and oaks; large country houses set in mature parkland; a nucleated settlement pattern of small estate villages; large isolated brick farmsteads. (Source: Warwickshire Landscapes Project)”

Delete paragraph 6.7. Revise paragraph 6.8 to read: “It will be important to manage and mitigate *changes that impact on the local landscape* through:”

Delete Figure 7.

(The deletion of Map 6 and textual references to it are included in Recommendation 3)

Policy BT2 – Tachbrook Country Park

- 3.34 The first part of the policy provides details to guide the development and safeguarding of the Tachbrook Country Park which is allocated in the Warwick Local Plan under Policy DS13. A representation has noted that the area shown on the Policies Map in the BTNDP differs from that shown on the Proposals Map in the Local Plan. However, the justification explains the changes that have occurred subsequent to the adoption of the Local Plan as part of the site has been identified for a new school and other land has become available. WDC has confirmed that the boundaries shown in the BTNDP are correct as the area of the Country Park has been extended since it was set out in the Local Plan. I consider it to be appropriate for the BTNDP to reflect the most up to date situation.
- 3.35 The second part of the policy identifies an area of search for a southern extension to the country park. A representation has stated that they consider that the area of search is too limited. In response to the representation, the Qualifying Body has provided me with a map showing the area of search enlarged to cover a larger area up to the edge of Bishop Tachbrook village. It is not within my remit to propose that the area should be enlarged. However, I consider that the policy does not restrict the area of search only to that area shown on the Policies Map.
- 3.36 The final sentence of the policy sets out an action for the Parish Council to work with WDC and others to develop a masterplan for the area. It is considered that this is a Community Action and not a planning policy. It should be set out in a separate section of the Plan headed “Community Action”.

- 3.37 A representation has been made that seeks additional wording to encourage connections to link residential areas around the country park and for the masterplan to include consideration of “*appropriate enabling development commensurate with the character and purposes of the country park*”.
- 3.38 I have sought the views of the Qualifying Body on this proposed revision. They have responded to say that some enabling development may be necessary to facilitate the development of the extended Country Park. They have suggested revisions to the text that would make provision for small scale, sensitively designed development. It is not clear what type of development may be acceptable or where it may be located. It would in any case have to be considered against the national and strategic policies for development in the countryside.
- 3.39 I consider that the revision proposed by the Qualifying Body would amount to an additional development policy which has not been subject to scrutiny through the BTNDP process. It is not in my remit to recommend such a revision.
- 3.40 There is a typographical error in paragraph 6.13.

Recommendation 6: Revise Policy BT2 as follows:

Revise criterion a) to read: “Connections to the Country Park *that help to link existing and new residential areas with community facilities, especially schools.*”

Delete the final sentence from Policy BT2 (“The Parish Council will work with.....area”) and place it in an Appendix to the Plan entitled Community Actions.

Revise paragraph 6.13 last sentence to read “...land originally allocated...”

Policy BT3 – Green Infrastructure

- 3.41 The policy seeks to maintain and enhance a network of green infrastructure for its recreational, tourism and ecological value. The justification also refers to the importance for carbon capture. The list of features is wide ranging and includes fields and grassland as well as paths, watercourses and woodland. This could be interpreted to apply to all the countryside outside of the settlements and is considered to be unduly restrictive.
- 3.42 A representation has been received concerning the inclusion of fields in the list of green infrastructure, stating that the policy would be more restrictive than green belt policy.

- 3.43 The NPPF definition of Green Infrastructure is “*A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.*”
- 3.44 I have considered the Green Infrastructure Studies that have been undertaken for Warwick District and noted that the Tach Brook is identified as part of the network of watercourses and Oakley Wood is an accessible woodland, although this is not referred to in the justification. A further study by WDC on Green Infrastructure Delivery Assessment (2012) used the area around Bishop’s Tachbrook as a case study for how green infrastructure in rural areas could be enhanced with enhancements to hedgerows included.
- 3.45 I consider that the list of green areas is too extensive including agricultural land that does not have special qualities within the accepted definition of green infrastructure. The result is that the policy is considered to be overly restrictive. I am recommending modifications to limit the typology list and to include reference to Oakley Wood which is identified on the Warwickshire Green Infrastructure Maps as an accessible woodland.

Recommendation 7: Revise Policy BT3 as follows:

Revise the first sentence to read: “The network of paths, watercourses and water features, *hedgerows* and woodland (including Oakley Wood) within the parish.....”

Add the following to paragraph 6.17: “.....identifies Tach Brook and Oakley Woods as part of the District’s strategic Green Infrastructure. *Oakley Wood is a 47ha plantation woodland near Bishop’s Tachbrook village. It provides significant amenity for peaceful walks and getting out into nature. Oakley Wood has been continuously wooded since the 1600s but is now planted with conifers and other non-native trees. The site is being gradually restored to native woodland with a major programme of working started in 2020. In 2017, Oakley Wood was awarded a Green Flag Award for the first time. Oakley Wood is one of the area’s largest accessible woodlands.*”

Show Oakley Woods on the Map of Green Infrastructure.

Policy BT4 - Traffic Management and Transport Improvements

- 3.46 The policy includes a range of measures to improve road safety and reduce the impact of traffic within the parish. I have asked for information from the WDC and Qualifying Body to whether these are to be delivered as part of the new development proposals or whether they are community aspirations.
- 3.47 WDC has commented that:

- point a) no provision has been made for safer travel measures to Bishop's Tachbrook CE Primary School; measures have been included in the design of the new primary and secondary schools;
- points b) and c) – there is no provision for these measures;
- point d) that traffic calming measures have been approved as part of the planning consent, but not a pedestrian crossing. (The Qualifying Body has requested that reference to the pedestrian crossing should be deleted.)
- point e) a suitable pedestrian/cycle crossing is proposed to be included in the new junction to the Asps at Europa Way;
- point f) some traffic calming has been implemented as a result of the new development in Bishop's Tachbrook village;
- point g) contributions have been made through S106 agreement to improve public transport.

3.48 I am therefore recommending that points a) relating to Bishop's Tachbrook School, b) and c) should be moved to the Appendix and worded as a Community Action. I am also recommending revision to the wording of the policy to include reference to the other actions being encouraged as part of the proposals for new development in the plan area.

3.49 In response to my question on the purpose and deliverability of the policy, the Qualifying Body has commented that there is a concern about the cumulative impacts of traffic from new development on road safety in the parish and a desire to ensure that new development proposals include appropriate mitigation measures. I am recommending a revision to the first sentence of the policy to word the policy in more general terms and to relate it to the impacts from new development.

3.50 The Qualifying Body has requested that some additional points should be added to criteria b) and d) and an additional criterion be added to the policy:

"h) Improvements to Harbury Lane between Europa Way & Oakley Wood Road, specifically connectivity of cycle lanes & pathways, safe crossing points and reduced speed limit outside Heathcote Primary School."

3.51 My role is to consider whether the Plan satisfies the Basic Conditions which includes consideration of whether the policies are worded so as to be clear and deliverable. The additional text includes a number of new matters which have not been tested through the plan making process. I make no recommendation to include them in the policy or Community Actions.

3.52 A representation has been received stating that the offsite improvements associated with The Asps have already been determined and the Plan cannot alter the provision at this time. The comment is noted, however, there is no reason why the requirements should not be included in the policy in general terms.

Recommendation 8: Revise the first sentence of Policy BT4 as follows:

“Appropriate measures shall be implemented as part of new development proposals to mitigate the impacts of traffic on road safety and health, including the following: criteria a) as revised below, d) as revised below, e) to g)”

Delete “Bishops Tachbrook CE Primary School” from criterion a).

Delete “a pedestrian crossing and” from criterion d).

Include the following as a Community Action in an Appendix: “*The Parish Council will work with Warwickshire County Council and XXXXX to improve health, road safety and reduce traffic impacts. The following proposals will be supported:... criteria a) revised to refer only to Bishops Tachbrook CE Primary School, b) and c).*”

Policy BT5 – Improving Accessibility for All

- 3.53 The policy seeks improved accessibility for pedestrians and cyclists and improved bus services. The policy accords with and builds on the Warwick Local Plan Policy TR1 Access and Choice.
- 3.54 Some of the proposals in this policy are community aspirations that are to be taken forward as actions for the Parish Council and should therefore be included in the Appendix on Community Actions. These cover point a) the provision of cycle routes on existing roads, b) bike storage at community and retail facilities, and d) signalling, environmental and signage improvements to promote increased use of walking and cycling routes to schools, neighbourhood centres shops and open spaces.
- 3.55 A representation has been made that concerns the provision of a footbridge over Europa Way. The planning permission requires an at grade pedestrian crossing. It is unclear where the footbridge could be located and whether it would be in the Plan area. I have asked WDC for further information on this matter. They have confirmed that the footbridge is deliverable subject to securing the required funding. The land required for the landing of the bridge will be transferred to WDC as part of the adoption of the Public Open Space and Country Park.
- 3.56 The bullet points should be replaced by letters in the same format as other policies for consistency.
- 3.57 Point d) refers to “neighbourhood centres”. This is not a term that is used in the Local Plan and it is not clear what this is referring to. A modification is recommended to improve the clarity of the criterion to refer to the “village centre, local shops and community facilities”.

- 3.58 I have made a recommendation under Policy BT9 to revise the wording of point g).
- 3.59 The Strategic Transport Assessment and Local Transport Plan described in paragraphs 6.23 and 6.24 provide the framework for transport improvements in the county. The Neighbourhood Plan is the opportunity for the parish to put forward proposals for its local area to address these high level objectives. Warwickshire County Council has supplied me with information about their current programme for improving the cycling and walking networks in the area. It would be helpful to plan users to include a summary of this in the justification to the policy to replace the strategic information.

Recommendation 9: Revise Policy BT5 as follows:

Replace the bullet points with letters. Retain criteria c), e), f) and h) unchanged.

From point a) delete “and existing”.

Delete points b) and d).

Revise point g) in accordance with the recommendation under Policy BT9.

Include a Community Action in the Appendix to cover safe cycle routes on existing roads, and points b) and d). Replace the term neighbourhood centres with “*village centre, local centre and community facilities*”.

Replace paragraphs 6.23 – 6.24 with summary text to explain the latest position on the County Council’s plans to improve the cycling and walking network in and around Bishop’s Tachbrook.

Retain the first sentence of paragraph 6.25. Move the remainder of the paragraph “Other improvements will be funded.....to secure such improvements” to the Appendix on Community Actions.

Incorporate paragraphs 6.32 – 6.35 into the justification.

Policy BT6 – Protecting Local Green Spaces

- 3.60 The policy proposes the designation of five areas as Local Green Spaces. An assessment of potential sites was carried out in June 2018. The site assessment considered the sites against the criteria set out in NPPF paragraph 100 and distinguished those sites that met the criteria from other smaller areas within residential areas which are to be protected under Policy BT7.

- 3.61 It is noted that the site assessment did not include the western part of site d). The eastern part of site d) is included in the recommendation in section 7 of the Assessment as suitable for designation as Local Green Spaces, however, the assessment form states that it is questionable that site d) is demonstrably special.
- 3.62 Site d) is an area of unused land on the northern edge of the village that is crossed by informal footpaths. The status and ownership of the land is not clear.
- 3.63 In response to my question on the assessment of this site, the Qualifying Body has agreed that as the western part of the site has not been assessed and the assessment of the eastern part is not conclusive that it is demonstrably special and has concluded that the site should not be designated as a Local Green Space. I am therefore recommending that it be deleted from the policy and the Policies Map.
- 3.64 Site e) is a small area of open space provided for use by the park home residents of Heathcote Park. The site assessment form describes the community use of site e) and assesses that it is considered to be demonstrable special. This is carried through to the conclusion in section 7. However, there appears to be an error in Table 1 where it states that the site is not demonstrable special. As the assessment form shows that the site is demonstrably special to the local community, I agree that it should be designated as a Local Green Space.
- 3.65 Local Plan Policy HS3 supports the principle of local communities designating Local Green Spaces through neighbourhood plans.
- 3.66 I am recommending a revision to the wording of the policy to improve its clarity to ensure that it can be applied consistently by decision makers. Paragraph 143 of the NPPF sets out the national policy on development in Green Belts that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”* I am recommending a revision to better reflect this policy.
- 3.67 The sites on the Policies Map should be referenced by the site letters shown in the policy and not numbers. The word “potentially” in paragraph 6.28 is unnecessary.

Recommendation 10: Revise Policy BT6 as follows:

Revise the first paragraph to read: “The following areas shown on the Policies Maps are designated as Local Green Spaces:”

Delete site d) from Policy BT6 and the Policies Map.

Revise the last paragraph to read: “*Development on the Local Green Space will not be supported except in very special circumstances.*”

Delete “potentially” from the second sentence of paragraph 6.28.

Revise the numbering on the Policies Map to have an alphabetical suffix to be consistent with the site references in the policy.

Policy BT7 – Protecting Other Open Spaces

- 3.68 The policy sets out protection for small areas of open space within the housing development of the parish. The sites have been assessed in the Local Green Space Assessment Report. I agree with the conclusion of the Assessment Report and make no recommendations to modify the policy, except for the recommendations included under Policy BT8.

Policy BT8 – Protection of Community Facilities

- 3.69 The policy seeks to safeguard the community facilities in Bishop’s Tachbrook and supports their enhancement. A list of facilities is included in the policy. It is considered that the policy accords with Local Plan Policy HS8 and provides local details on the application of the policy.
- 3.70 The first paragraph states that certain uses “will only be permitted” where certain conditions are satisfied. However, paragraph 2 of the NPPF states that “*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.*” When determining planning applications, the local planning authority will take account of the policies of the Local Plan as well as the Neighbourhood Plan and any other material considerations. Neighbourhood plan policies cannot pre-determine whether any particular type of development should or should not be permitted. I am proposing a modification to avoid this terminology.
- 3.71 The penultimate paragraph refers to the “development plan policies and the policies of the BTNDP”. As the development plan includes the BTNDP, there is no need to make particular reference to it in this paragraph.
- 3.72 The last paragraph states that new open spaces will be subject to Policy BT8. I am concerned that the requirements in this respect are not clear or relevant. Policy BT2 addresses the safeguarding of the major new open space in the Plan area at the Tachbrook Country Park, Policy BT6 covers the safeguarding of Local Green Spaces and Policy BT7 covers the protection of other smaller areas of open space. All three policies state the types of development that may be acceptable. I am recommending that the safeguarding of new open space, with the exception of the Tachbrook Country Park, should be subject to Policy BT7.

Recommendation 11: Revise Policy BT8 as follows:

Revise the first paragraph to read: “There will be a presumption in favour of *safeguarding* the existing *community* facilities listed below and shown on the Policies Maps 2 and 3: points a) to h).

“Where *planning* permission is required, the change of use of a community facility listed *above* will be *supported* for other health, education or community uses (such as village halls, local *sports* clubhouses, health centres, schools or children’s day nurseries) unless one of the following conditions is met: criteria 1 and 2.”

Delete “and the policies of the BTNDP” from the penultimate paragraph.

Delete the final paragraph. Add the following to Policy BT7: “*The creation of new open spaces outside of Tachbrook Country Park will be supported and will be safeguarded as Other Open Spaces in accordance with Policy BT7.*”

Add text to the justification of Policy BT7 to explain that where new areas of open space are created, for example as part of new housing development, they will be safeguarded in accordance with this policy.

Policy BT9 - Healthy, Inclusive Community

- 3.73 The policy puts forward four proposals to promote a healthy and inclusive community. The justification explains that the plan seeks to include measures to help bring residents of the neighbourhood area together, recognising that the new development is located on the southern edge of Royal Leamington Spa.
- 3.74 There is a degree of overlap with the terms of Policy BT5 – Improving Accessibility for All and I have recommended that the policies should be consolidated with points a) to c) of Policy BT9 incorporated into Policy BT5. Point d) is a Community Action and should be included in the Appendix.
- 3.75 I have asked the Qualifying Body to clarify their intentions by the point “Meeting places and spaces”. I am recommending the addition of the words “with seating and shelter” by way of explanation.

Recommendation 12: Delete Policy BT9.

Revise point g) of Policy BT5 to read: “*Creation of on-road and off-road footpaths, cycleways and bridleways that provide connections between Bishop’s Tachbrook village and the Tachbrook Country Park and the new residential areas at Heathcote.*”

Move point d) to the Appendix of Community Actions.

Incorporate paragraphs 6.32 – 6.35 of the justification of Policy BT9 into that of Policy BT5. Revise the third bullet point to read: “Meeting places and spaces *with seating and shelter*”.

Policy BT10 – Development within Bishop’s Tachbrook Conservation Area

- 3.76 The policy sets out criteria to be used in considering development proposals within and affecting the conservation area. The justification repeats the text of a descriptive leaflet on the Conservation Area prepared by the District Council, however, this is not a formal Conservation Area Appraisal.
- 3.77 Local Plan Policy HE2 provides general advice on the retention of unlisted buildings in conservation area. It is considered that Policy BT10 accords with national planning policy on conserving the historic environment and this Local Plan policy. It establishes a sensitive policy framework that identifies the important features of the village’s conservation area that should be taken into account in considering development proposals affecting it.
- 3.78 In its response to the Pre-submission Consultation Historic England commented that: *“The emphasis on the conservation of local distinctiveness and village and landscape character, including through the protection of locally listed buildings and other undesignated heritage assets, along with the recognition afforded to green space, historic farmsteads and archaeological remains is highly commendable. we consider [it] takes a suitably proportionate approach to the historic environment of the Parish. ..what Historic England considers is a good example of community led planning.”*
- 3.79 WDC has prepared a Local List of Heritage Assets. This currently does not include any properties in the plan area. However, there is scope for additional properties to be submitted for inclusion in the list and paragraph 6.43 under Policy BT11 seeks suggestions from the local community. The Heritage Environment Record includes some archaeological sites in the plan area.
- 3.80 Neighbourhood plans provide the community with the opportunity to identify buildings and other features for consideration for inclusion in the Council’s Local List. The NPPG on Heritage states that *“Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers.”*
- 3.81 However, the plan makers have not prepared a list of potential non-designated heritage assets. I have concerns about point b) that the example of the former village school as a non-designated heritage asset is confusing and imprecise as there is no evidence to justify the significance of this building and it has not been included on the WDC local list. I am therefore recommending that reference to it should be deleted from point b).

- 3.82 Point c) refers to development on key gateways, with the example given of the Leopard Public House. It is considered that this is imprecise. The Qualifying Body has provided me with a map to show three gateways at the entrances into the conservation area. To improve the clarity of the policy it is recommended that the gateways are shown on an Inset Map to the Policies Map.
- 3.83 Point e) refers to key road junctions. It is considered that this is imprecise. The Qualifying Body has provided me with maps to show three key road junctions within the conservation area. To improve the clarity of the policy it is recommended that these road junctions are shown on an Inset Map to the Policies Map.
- 3.84 Point f) lists four important views which have been defined in the Council's Conservation Area leaflet. However, these are not shown on the Policies Maps and no information is given as to what is significant about the views. The Qualifying Body has provided me with photographs of the views they consider to be important. I am recommending that the viewpoints and arcs should be shown on an Inset Map to the Policies Map. The photographic assessment of the views should be included in an Appendix to the Plan.

Recommendation 13: Revise Policy BT10 as follows:

Point b): delete "such as the former village school"

Point c) delete "such as The Leopard Public House".

Show the key gateways, key road junctions and important views on an Inset Map to the Policies Map.

Include the photographic assessment of the views in an Appendix to the Plan.

Policy BT11 – Protection of Non-Designated Heritage Assets and Locally Listed Buildings

- 3.85 The policy sets out the circumstances where support will be given to development proposals affecting the significance of locally listed buildings and other non-designated heritage assets identified in the Warwickshire Heritage Environment Record.
- 3.86 The second criteria states that the total loss or substantial harm will only be supported where the public benefit outweighs the loss or harm. This is the test that is set out in NPPF paragraph 195 to be applied to proposals that would involve substantial harm to or total loss of a designated heritage asset.
- 3.87 The relevant guidance on non-designated heritage assets is set out in NPPF paragraph 197 which states:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

- 3.88 Local Plan Policy HE3 Locally Listed Historic Assets provides a policy that reflects the national planning guidance. It states that *“Development that would lead to the demolition or loss of significance of a locally listed historic asset will be assessed in relation to the scale of harm or loss and the significance of the asset.”*
- 3.89 NPPF paragraph 199 calls for the appropriate recording of any heritage assets to be lost wholly or in part proportionate to their importance.
- 3.90 It is considered that the approach set out in the first part of criterion b) is overly prescriptive and does not accord with NPPF policy on non-listed heritage assets. It adds no locally specific guidance to the Local Plan policy. The second part (on recording) reflects only part of the NPPF guidance. I am therefore recommending that this criterion should be deleted and replaced with a reference to national and Local Plan policies.
- 3.91 Paragraph 6.43 refers to the opportunity for local people to submit suggestions for buildings to be included on the Local List. It should be deleted from the final plan.

Recommendation 14: Revise Policy BT11 as follows:

Delete criterion b) and replace with: “Where a development proposal would result in the total loss of, or substantial harm to, the significance of a non-designated heritage asset, such development *should be considered against national planning policy and Local Plan policies.* Where such development is permitted, *it will be subject to the requirement for the recording of the significance of the heritage asset in a manner proportionate to their importance and the impact.*”

Delete paragraph 6.43.

Policy BT12– Securing a Suitable Mix of House Types, Tenures and Sizes in New Development

- 3.92 The policy states that the type and mix of new housing development should be informed by a parish housing needs survey. The findings of the most recent survey carried out in July 2019 are set out in paragraph 6.48. The survey received 348 responses of which 70% were from the village or surrounding countryside; the remainder were from residents of the housing in the northern part of the parish, including the Park Homes.

- 3.93 Local Plan Policy H4 on Securing a Mix of Housing makes provision in point e) for development in rural areas to be informed by parish housing needs surveys. Paragraph 4.48 states *“In rural areas, developments will be expected to provide a mix of housing in accordance with a local village or parish housing needs assessment, where an up-to-date survey exists.”*
- 3.94 A representation has noted that the strategic housing sites in the north of the plan area are addressing a district wide housing need and the housing mix should be considered against the Strategic Housing Market Assessment.
- 3.95 There is no doubt that the strategic housing development will in the main deliver housing to meet the needs of the wider area. However, in view of the proximity of the development to Bishop’s Tachbrook village, there is no reason why the development should not also contribute to the housing needs of the village and the parish as a whole as demonstrated through the Bishop’s Tachbrook Housing Needs Survey.
- 3.96 Reference to meeting Policies H2 and H4 in the wording of the policy is imprecise. It is usual to state that development proposal should “contribute towards” the housing needs identified. I have made a recommendation to clarify the wording of the policy so that it can be applied consistently by decision makers.
- 3.97 The aspiration to carry out up to date Housing Needs Surveys biennially set out in paragraph 6.52 should be included in the Appendix as a Community Action.

Recommendation 15: Revise Policy BT12 as follows:

“Development proposals for market and affordable housing within the plan area 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 Parish Housing Needs Survey.”

Move paragraph 6.52 to the Appendix on Community Actions.

Policy BT13 – Responding to Climate Change

- 3.98 The policy sets out a number of matters that are to be incorporated into all new buildings to reduce greenhouse gas emissions and increase resilience to the impact of climate change and gives more general support to five other themes.
- 3.99 Section 14 of the NPPF sets out national planning policy to support the transition to a low carbon future taking account of the long term implications of flood risk.
- 3.100 Local Plan Policy BE1p) seeks to ensure that the layout and design of new development addresses the need for development to be resilient to climate

change. Further details of the application of this policy are set out in Local Plan in the section on Climate Change in Policies CC1 - CC3 and it would be helpful to refer to these policies in the justification.

- 3.101 The Written Ministerial Statement on Plan Making dated 25 March 2015 clarified the use of plan policies on energy performance standards for new housing developments. The statement sets out the government's expectation that such policies should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes.
- 3.102 The PPG on Climate Change states in paragraph 012 that "*we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code level 4 equivalent.*" The government has stated that the energy performance requirements for housing are to be set in the Building Regulations and not planning policies.
- 3.103 Representations have commented that it is contrary to national planning policy to set out higher energy performance standards in planning policies. A representation has been made that states that the policy largely repeats national and Local Plan policy and does not add anything of a local context.
- 3.104 I consider that the policy does provide design guidance that will help in the delivery of the Government's agenda on responding to climate change. It will also support the delivery of WDC's SPD on Climate Change and Sustainable Buildings which should be referenced from the justification.
- 3.105 Parts 1 and 2 of Policy BT13 are general design considerations although there is no evidence that they are locally specific. Nevertheless they are considered to be in conformity with national and Local Plan Policy.
- 3.106 The policy includes the statement after part 2 that "*the Parish Council will not support new developments that it considers does not meet these criteria.*" It is considered that this statement is misleading and does not accord with national planning policy. The policies in the neighbourhood plan are to be used in the determination of planning applications by the local planning authority along with those in the Local Plan. NPPF paragraph 2 states that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. It is recommended that this statement should be deleted. It is not appropriate for a planning policy to stipulate whether or not a Parish Council will support development proposals.
- 3.107 Part 3 of the policy lists 5 themes that will be supported. However, the policy is considered to be vague and imprecise as it gives no details about the nature of the development that may be acceptable. It also includes subjects that are not development that require planning permission. It is considered that it could not be applied consistently by decision makers and I am therefore

recommending that part three should be deleted and placed in the Appendix on Community Aspirations.

Recommendation 16: Revise Policy BT13 as follows:

Delete the sub-heading “New builds” and “Other Issues”.

Delete “The Parish Council will not support new developments that it considered does not meet these criteria.”

Delete part three and points a) to e). Place in the Appendix on Community Aspirations.

Correct the date in paragraph 6.53 to 2050.

Add the following to paragraph 6.56 after the second sentence: “*Local Plan Policies CC1 – CC3 set out the framework and further guidance on planning for climate change.*”

Add the following to paragraph 6.59: “*and the Climate Change and Sustainable Buildings Supplementary Planning Document.*”

Secured By Design

- 3.108 A representation has been made suggesting a number of revisions to the plan to emphasise the importance of Secured By Design Principles in the design of new development.
- 3.109 The NPPG makes it clear that “*The scope of neighbourhood plans is up to the neighbourhood planning body.*” Local Plan Policies HS1 and HS7 address the subject of crime prevention by design. I agree with the Qualifying Body that there is no need for a locally specific policy in the BTNDP. No change is recommended in respect of this representation.

New Policy

- 3.110 A representation has proposed that reserve housing sites should be identified or a site east of Oakley Wood Road should be allocated in order to provide flexibility for the provision of housing in the forthcoming review of the Local Plan.
- 3.111 The NPPG makes it clear that “*The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing.....*”.
- 3.112 Furthermore the NPPG advice with respect to the review of the housing requirement in Local Plans is “*When strategic housing policies are being*

updated, neighbourhood planning bodies may wish to consider whether it is an appropriate time to review and update their neighbourhood plan as well. This should be in light of the local planning authority's reasons for updating, and any up-to-date evidence that has become available which may affect the continuing relevance of the policies set out in the neighbourhood plan."

3.113 No change is recommended in respect of this representation.

4.0 Referendum

- 4.1 The Bishop's Tachbrook Neighbourhood Development Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of the community.
- 4.2 I am satisfied that the Neighbourhood Development Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the Basic Conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies contained in the Development Plan for the area; and
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 4.3 **I am pleased to recommend to Warwick District Council that the Bishop's Tachbrook Neighbourhood Development Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 4.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I have been mindful that the northern part of the parish adjoins the communities of Heathcote and Whitnash. The major new proposal of the Tachbrook Country Park will serve residents in this area. However, the principle of the Park has been established through its allocation in the Local Plan. Any revisions to the area and its layout and design will be subject to further consultation with local residents outside the neighbourhood plan process.
- 4.5 In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area designated by Warwick District Council on 5 May 2017.

5.0 Background Documents

5.1 In undertaking this examination, I have considered the following documents

- Bishop's Tachbrook Neighbourhood Plan Submission Draft Version March 2020
- Bishop's Tachbrook Neighbourhood Plan Basic Conditions Statement March 2020
- Bishop's Tachbrook Neighbourhood Plan Consultation Statement March 2020
- Bishop's Tachbrook Neighbourhood Plan SEA Screening Opinion March 2019
- Bishop's Tachbrook Neighbourhood Plan HRA Report March 2021
- Bishop's Tachbrook Local Green Space Assessment June 2018
- Proposed Country Park Extension – Summary of responses to consultation by Warwick DC March – June 2020.
- Bishop's Tachbrook Conservation Area Leaflet – Warwick DC, undated.
- Bishop's Tachbrook Parish Landscape Study, Warwickshire County Council, October 2014
- Bishop's Tachbrook Housing Needs Survey, Report July 2019
- Green Infrastructure Study, Warwick District Council, October 2010
- Warwick District Green Infrastructure Delivery Assessment, Warwick District Council, February 2012
- The Local List of Heritage Assets, Warwick DC
- Residential Design Guide Supplementary Planning Document, Warwick DC, 2018.
- Sustainable Buildings Supplementary Planning Document, Warwick DC 2008
- National Planning Policy Framework 2019 (as amended)
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Warwick District Local Plan 2011- 2019 adopted 2017

6.0 Summary of Recommendations

Recommendation 1: Include the Plan period on the front cover and the Introduction to the Plan and show the commencement date of the Plan as 2020.

Recommendation 2: Include a Policies Map for the whole of the Plan area to show the location of the Inset Maps and any designations in the countryside outside them. Position the key so that it does not overlap with the plan area.

Include revisions under Policies BT6 and BT10.

Recommendation 3: Revise paragraph 4.6 bullet point 3 to read: H46B The Asps – 900 homes – *planning permission was granted in January 2016 together with S106 agreements.*

Revise the last sentence of paragraph 4.14 to read: “The BTNDP will seek to *conserve or enhance the area’s landscape character.*”

Delete Map 6 Landscape Sensitivity and delete “(Map 6, page 32)” from paragraph 6.6.

Recommendation 4: Revise Objective 4 on pages 5, 25 and 44 to read “...sympathetic to current buildings and landscape.”

Recommendation 5: Revise the following criteria of Policy BT1 as follows:

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

“b. Retaining the network of water features along Tach Brook and other streams and ponds;

“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;”

“f) ...supporting the creation of....

Add a summary of the Feldons Parkland Character in the justification paragraph 6.6 as follows:

“The overall character of the Feldon Parklands is of a well-wooded landscape with many large houses set in mature parkland. The characteristic features are:

“Large scale rolling topography with occasional steep scarp slopes; large woodlands often associated with rising ground; many small coverts and belts of trees; mature hedgerow and oaks; large country houses set in mature parkland; a nucleated settlement pattern of small estate villages; large isolated brick farmsteads. (Source: Warwickshire Landscapes Project)”

Delete paragraph 6.7. Revise paragraph 6.8 to read: “It will be important to manage and mitigate *changes that impact on the local landscape* through:”

Delete Figure 7.

(The deletion of Map 6 and textual references to it are included in Recommendation 3)

Recommendation 6: Revise Policy BT2 as follows:

Revise criterion a) to read: “Connections to the Country Park *that help to link existing and new residential areas with* community facilities, *especially* schools.”

Delete the final sentence from Policy BT2 (“The Parish Council will work with.....area”) and place it in an Appendix to the Plan entitled Community Actions.

Revise paragraph 6.13 last sentence to read “...land originally allocated...”

Recommendation 7: Revise Policy BT3 as follows:

Revise the first sentence to read: “The network of paths, watercourses and water features, *hedgerows* and woodland (including Oakley Wood) within the parish.....”

Add the following to paragraph 6.17: “.....identifies Tach Brook *and Oakley Woods* as part of the District’s strategic Green Infrastructure. *Oakley Wood is a 47ha plantation woodland near Bishop’s Tachbrook village. It provides significant amenity for peaceful walks and getting out into nature. Oakley Wood has been continuously wooded since the 1600s but is now planted with conifers and other non-native trees. The site is being gradually restored to native woodland with a major programme of working started in 2020. In 2017, Oakley Wood was awarded a Green Flag Award for the first time. Oakley Wood is one of the area’s largest accessible woodlands.*”

Show Oakley Woods on the Map of Green Infrastructure.

Recommendation 8: Revise the first sentence of Policy BT4 as follows:

“Appropriate measures shall be implemented as part of new development proposals to mitigate the impacts of traffic on road safety and health, including the following: criteria a) as revised below, d) as revised below, e) to g)”

Delete “Bishops Tachbrook CE Primary School” from criterion a).

Delete “a pedestrian crossing and” from criterion d).

Recommendation 9: Revise Policy BT5 as follows:

Replace the bullet points with letters. Retain criteria c), e), f) and h) unchanged.

From point a) delete “and existing”.

Delete points b) and d).

Revise point g) in accordance with the recommendation under Policy BT9.

Include a Community Action in the Appendix to cover safe cycle routes on existing roads, and points b) and d). Replace the term neighbourhood centres with *“village centre, local centre and community facilities”*.

Replace paragraphs 6.23 – 6.24 with summary text to explain the latest position on the County Council’s plans to improve the cycling and walking network in and around Bishop’s Tachbrook.

Retain the first sentence of paragraph 6.25. Move the remainder of the paragraph “Other improvements will be funded.....to secure such improvements” to the Appendix on Community Actions.

Incorporate paragraphs 6.32 – 6.35 into the justification.

Recommendation 10: Revise Policy BT6 as follows:

Revise the first paragraph to read: “The following areas shown on the Policies Maps are designated as Local Green Spaces:”

Delete site d) from Policy BT6 and the Policies Map.

Revise the last paragraph to read: *“Development on the Local Green Space will not be supported except in very special circumstances.”*

Delete “potentially” from the second sentence of paragraph 6.28.

Revise the numbering on the Policies Map to have an alphabetical suffix to be consistent with the site references in the policy.

Recommendation 11: Revise Policy BT8 as follows:

Revise the first paragraph to read: “There will be a presumption in favour of *safeguarding* the existing *community* facilities listed below and shown on the Policies Maps 2 and 3: points a) to h).

“Where *planning* permission is required, the change of use of a community facility listed *above* will be *supported* for other health, education or community uses (such as village halls, local *sports* clubhouses, health centres, schools or children’s day nurseries) unless one of the following conditions is met: criteria 1 and 2.”

Delete “and the policies of the BTNDP” from the penultimate paragraph.

Delete the final paragraph. Add the following to Policy BT7: “*The creation of new open spaces outside of Tachbrook Country Park will be supported and will be safeguarded as Other Open Spaces in accordance with Policy BT7.*”

Add text to the justification of Policy BT7 to explain that where new areas of open space are created, for example as part of new housing development, they will be safeguarded in accordance with this policy.

Recommendation 12: Delete Policy BT9.

Revise point g) of Policy BT5 to read: “Creation of *on-road* and off-road footpaths, *cycleways and bridleways that provide connections between Bishop’s Tachbrook village and the Tachbrook Country Park and the new residential areas at Heathcote.*”

Move point d) to the Appendix of Community Actions.

Incorporate paragraphs 6.32 – 6.35 of the justification of Policy BT9 into that of Policy BT5. Revise the third bullet point to read: “Meeting places and spaces *with seating and shelter*”

Recommendation 13: Revise Policy BT10 as follows:

Point b): delete “such as the former village school”

Point c) delete “such as The Leopard Public House”.

Show the key gateways, key road junctions and important views on an Inset Map to the Policies Map.

Include the photographic assessment of the views in an Appendix to the Plan.

Recommendation 14: Revise Policy BT11 as follows:

Delete criterion b) and replace with: “Where a development proposal would result in the total loss of, or substantial harm to, the significance

of a non-designated heritage asset, such development *should be considered against national planning policy and Local Plan policies*. Where such development is permitted, *it will be subject to the requirement for the recording of the significance of the heritage asset in a manner proportionate to their importance and the impact.*”

Delete paragraph 6.43.

Recommendation 15: Revise Policy BT12 as follows:

“Development proposals for market and affordable housing within the plan area 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 Parish Housing Needs Survey.”

Move paragraph 6.52 to the Appendix on Community Actions.

Recommendation 16: Revise Policy BT13 as follows:

Delete the sub-heading “New builds” and “Other Issues”.

Delete “The Parish Council will not support new developments that it considered does not meet these criteria.”

Delete part three and points a) to e). Place in the Appendix on Community Aspirations.

Correct the date in paragraph 6.53 to 2050.

Add the following to paragraph 6.56 after the second sentence: *“Local Plan Policies CC1 – CC3 set out the framework and further guidance on planning for climate change.”*

Add the following to paragraph 6.59: *“and the Climate Change and Sustainable Buildings Supplementary Planning Document.”*