

# **HAMPTON-IN-ARDEN NEIGHBOURHOOD PLAN 2015 - 2028**

**The Report of the Independent Examiner to Solihull Metropolitan Borough  
Council on the Hampton-in-Arden Neighbourhood Plan**

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2<sup>nd</sup> February 2017**

## Summary

I was appointed by Solihull Metropolitan Borough Council in December 2016 to undertake the Independent Examination of the Hampton-in-Arden Neighbourhood Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 6<sup>th</sup> January 2017.

The Neighbourhood Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in Hampton-in-Arden. There is an evident focus on safeguarding the very distinctive character of the area whilst accommodating future change and growth.

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Solihull Metropolitan Borough Local Plan.

Subject to a series of recommended modifications set out in this Report I have concluded that the Hampton-in-Arden Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.

I recommend that the referendum should be held within the Neighbourhood Area.

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## **Introduction**

This report sets out the findings of the Independent Examination of the Hampton-in-Arden Neighbourhood Plan 2015-2028. The Plan was submitted to Solihull Metropolitan Borough Council by Hampton-in-Arden Parish Council in its capacity as the 'qualifying body' responsible for preparing the Neighbourhood Plan.

Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently incorporated within the National Planning Policy Framework (NPPF) in 2012 and this continues to be the principal element of national planning policy.

This report assesses whether the Hampton-in-Arden Neighbourhood Plan is legally compliant and meets the 'basic conditions' that such plans are required to meet. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text. This report also provides a recommendation as to whether the Hampton-in-Arden Neighbourhood Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Hampton-in-Arden Neighbourhood Plan would then be used to determine planning applications within the Plan boundary as an integral part of the wider development plan.

## **The Role of the Independent Examiner**

The Examiner's role is to ensure that any submitted neighbourhood plan meets the legislative and procedural requirements. I was appointed by Solihull Metropolitan Borough Council, with the consent of the Hampton-in-Arden Parish Council, to conduct the examination of the Hampton-in-Arden Neighbourhood Plan and to report my findings. I am independent of both the Solihull Metropolitan Borough Council and the Hampton-in-Arden Parish Council. I do not have any interest in any land that may be affected by the Plan.

I possess the appropriate qualifications and experience to undertake this role. I have over 40 years' experience in various local authorities and third sector bodies as well as with the professional body for planners in the United Kingdom. I am a Chartered Town Planner and a panel member for the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). I am a member of the Royal Town Planning Institute.

In my role as Independent Examiner I am required to recommend one of the following outcomes of the Examination:

- the Hampton-in-Arden Neighbourhood Plan is submitted to a referendum; or
- the Hampton-in-Arden Neighbourhood Plan should proceed to referendum as modified (based on my recommendations); or
- the Hampton-in-Arden Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

If recommending that the Neighbourhood Plan should go forward to referendum, I must then consider whether or not the referendum area should extend beyond the Hampton-in-Arden Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 Act (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

These are helpfully covered in the submitted Basic Conditions Statement and, subject to the contents of this Report, I can confirm that I am satisfied that each of the above points has been properly addressed and met.

In undertaking this examination I have considered the following documents:

- Hampton-in-Arden Neighbourhood Plan as submitted
- Hampton-in-Arden Neighbourhood Plan Basic Conditions Statement, which includes the Hampton-in-Arden Neighbourhood Plan Strategic Environmental Assessment Screening Report (April 2015)
- Hampton-in-Arden Neighbourhood Plan Consultation Statement
- Representations made to the Hampton-in-Arden Neighbourhood Plan
- Content at [www.hamptoninarden.org.uk](http://www.hamptoninarden.org.uk)
- Solihull Local Plan - Shaping a Sustainable Future (December 2013)
- The Solihull MBC Gypsy and Traveller Site Allocations Plan (December 2014)
- Solihull MBC Supplementary Planning Document – Meeting Housing Needs (July 2014)
- National Planning Policy Framework (March 2012)
- Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance (March 2014 and subsequent updates)
- Ministerial Statement March 2015
- Ministerial Statement June 2015.

I carried out an unaccompanied visit to the Plan area on 6<sup>th</sup> January 2016. I looked at the town of Hampton-in-Arden within the larger Plan area and its hinterland. I also viewed the character of the Conservation Area and all the sites identified in the Plan policies.

The legislation establishes that, as a general rule, neighbourhood plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity, I was satisfied that the Hampton-in-Arden Neighbourhood Plan could be examined without the need for a public hearing and I advised Solihull Metropolitan Borough Council accordingly. The Borough Council and the Qualifying Body have provided me with a few extra facts to meet my needs.

### **Hampton-in-Arden Neighbourhood Area**

A map showing the boundary of the Hampton-in-Arden Neighbourhood Area is provided on page 1 of the Neighbourhood Plan. Further to an application made by Hampton-in-Arden Parish Council, Solihull Metropolitan Borough Council approved the designation of Hampton-in-Arden as a Neighbourhood Area on 24<sup>th</sup> June 2013. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

## **Consultation**

In accordance with the Neighbourhood Planning (General) Regulations 2012, the Parish Council has prepared a Consultation Statement, dated February 2016. This records that a Neighbourhood Plan Steering Committee was appointed by the Town Council to progress the plan-making. The Committee has reported back to the Town Council at all decision-making points and that is shown in the records of the meetings of the Town Council.

It is clear that community involvement has been at the heart of the Plan's production. The summary in the Plan and the Consultation Statement itself show a varied and extensive approach to community engagement and the range of approaches and media used to invite participation is impressive. I note in particular that in November 2013 all 803 homes in the Parish received a questionnaire by post together with a pre-paid reply envelope with a final return rate of 40%. Then in August 2015, a Newsletter was delivered to all households and a letter to all businesses in the Parish and public notices were posted promoting the public consultation on the Pre-Submission Draft Plan and the various locations in the Parish where hard copies of the Plan could be inspected; Consultation 'Drop in' events were also held. In total 64 statutory and non-statutory bodies and local businesses were invited to comment on the together with all residents of the Parish. All comments received were noted and addressed, as recorded in the Appendix to the Consultation Statement. This degree of commitment by all participants illustrates the potential of neighbourhood planning to give "communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need" (para 183, National Planning Policy Framework).

From all the evidence provided to me for the examination, I can see that an inclusive and comprehensive approach has been made to obtaining the input and opinions of all concerned throughout the process. Comments were pro-actively sought and those received were duly considered. I can see that there has been a documented record of the ways that consultation has benefitted the Hampton-in-Arden Neighbourhood Plan. I am accordingly satisfied that the consultation process has complied with the requirements of the Regulations.

## **Representations Received**

Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 17, was undertaken by the Borough Council from 4<sup>th</sup> August to 30<sup>th</sup> September 2016. I have been passed representations received from the following organisations:

- National Grid
- The Coal Authority
- Pegasus Group on behalf of Extra MSA Group Ltd
- Natural England
- Richard Cobb MRTPI on behalf of Nigel & Robin Tarplin
- Highways England
- Warwickshire County Council
- Birmingham Airport
- Donna Savage Planning Ltd on behalf of the owners of Oak Farm, Catherine de Barnes
- Network Rail.

## The Neighbourhood Plan

The Hampton-in-Arden Parish Council are to be congratulated on their extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2028. It is evident that a sustained effort has been put into the dialogue with the Hampton-in-Arden Parish community to arrive at actions and policies that can help to ensure that, by 2028, Hampton-in-Arden “will have retained the strong, local identity and distinctiveness of the Parish and have made the area an even more vibrant place to live, work and visit”. The Plan document is well presented with a combination of images and text that is engaging for the reader and, subject to the specific points that I make below, set out in logical and clearly themed sections. The Plan has been kept to a manageable length, both by not overextending the coverage of the potential subject matter and also by helpfully combining narrative text and coloured policy & action boxes as appropriate.

Having considered all the evidence and representations submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the Neighbourhood Area and promotes policies that are proportionate and sustainable. The Plan sets out the community needs it will meet whilst safeguarding Hampton-in-Arden’s distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive Vision agreed with the community. All such difficult tasks were approached with transparency and care, with input as required and support from the Borough Council.

However, in the writing up of the work into the Plan document, it is often the case that the phraseology is imprecise, or it falls short in justifying aspects of the selected policy, and I have been obliged to recommend modifications so as to ensure both clarity and meeting of the ‘basic conditions’. In particular, Plan policies as written may not meet the obligation to “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17). I bring this particular reference to the fore because it will be evident as I examine the policies individually and consider whether they meet the ‘basic conditions’.

### Basic Conditions

The Independent Examiner is required to consider whether a neighbourhood plan meets the “basic conditions”, as set out in law following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

The submitted Basic Conditions Statement has very helpfully set out to address the issues in the same order as above and, where appropriate, has tabulated the relationship between the policy content of the Plan and its higher tier equivalents. However it fails in one respect; the requirement to “contribute to the achievement of sustainable development” is not specifically addressed. The Statement notes that the Parish Council “has made a commitment to sustainable development in line with the UK Sustainable Development Strategy *Securing the Future*” but there is no related substantiation that the Plan is in line with that commitment. I can see from the approach adopted, the Plan content, its detailed relationship to the Local Plan and the Strategic Environmental Assessment Screening Report (April 2015) that the “golden thread” presumption in favour of sustainable development (NPPF para 14) is

honoured; for instance it sets out to support the provision of a balanced portfolio of new housing. I do however believe that it would be appropriate for the Basic Conditions Statement to set down briefly the ways in which the Plan “contributes” to the achievement of sustainable development.

***Recommendation 1:***

*Add to the Basic Conditions Statement a brief paragraph setting out the ways in which the Plan contributes to the achievement of sustainable development.*

I have examined and will below consider the Neighbourhood Plan against all of the Basic Conditions above, utilising the supporting material provided in the Conditions Statement and other available evidence as appropriate.

**The Plan in Detail**

I will address the aspects of the Neighbourhood Plan content that are relevant to the Examination in the same sequence as the Plan. Recommendations are identified with a bold heading and italics and I have brought them together as a list at the end of the Report.

**Front cover**

A neighbourhood plan must specify the period during which it is to have effect. I note that there is a clear reference to the period on the front cover; however, I note that the Plan was submitted in 2016 and, as the Plan content cannot be backdated, I suggest that 2016 (or even 2017) would be the appropriate starting point.

***Recommendation 2:***

*Update the start date for the Plan and remove ‘Submission Draft February 2016’; amend the document footer accordingly.*

**Foreword**

Since all consultations are complete (and most of the content is repeated in the Plan document) the Foreword has become redundant and therefore should be deleted.

***Recommendation 3:***

*Delete the Foreword and amend the Contents page accordingly. The Contents page should also be completely reviewed in the light of the other Recommendations as to content set out below.*

**Executive Summary**

As with the Foreword, the Executive Summary serves no real purpose for the published Plan and can be omitted. However, to assist prospective developers I believe it would be helpful to add to the Contents Page the listing of Policies, by reference and title, under the relevant topic headings. I am deliberately not making the same suggestion for the “Key Actions” to avoid any confusion since these are effectively notes of supporting actions for the Parish Council.

***Recommendation 4:***

*Delete the Executive Summary and amend the Contents page accordingly. Add back into the Contents page the (final) listing of Policies, by reference and title, under the relevant topic headings.*

**1. Introduction and Background**

Setting out a brief background to the preparation of the Plan is helpful both to provide a context for the themed sections that follow but also to signpost to related documents with which the Plan ought to be read for completeness. Some modifications ought to be made for

accuracy/clarity and to ensure that the wording is appropriate for the submission/referendum version (rather than for the previous consultations).

### **1.1 Civil Parish Profile**

Figure 1.1 There seems to be a confusing array of red boundaries on this map whereas its sole purpose in the Plan document is to identify the Neighbourhood Area (which coincides with the Parish).

#### **Recommendation 5:**

*In Figure 1.1 remove all boundaries other than the Neighbourhood Area and retitle the Figure and section 1.1 as 'The Neighbourhood Area'.*

1.1.8 Whilst I appreciate that 2011 is the most recent date for which dwelling and population figures exist it is misleading for this paragraph to suggest that these are current figures.

#### **Recommendation 6:**

*Correct para 1.1.8 to read: 'In the 2011 Census the Parish was shown to have 803 dwellings and a population of 1,834'.*

### **1.2 Plan Content & Status**

1.2.1 The wording here is confused. You applied to Solihull MBC to have the Parish designated as a Neighbourhood Area and, after due consideration, this is what they did. This allowed you to proceed to prepare a Neighbourhood Development Plan with a formal planning status.

#### **Recommendations 7 & 8:**

*Amend para 1.2.1 to say: 'In June 2013 Solihull Metropolitan Borough Council (hereafter referred to as Solihull MBC) designated the Parish of Hampton-in-Arden as a Neighbourhood Area<sup>8</sup>. This enabled the Parish Council to proceed to prepare a Neighbourhood Development Plan. The Parish has chosen to extend the Plan document to include Key Actions which, since they do not relate to land use matters, cannot be used for formal Development Plan purposes but rather they outline important issues that the Parish Council will seek to progress over the period of the Plan in line with the Plan vision and objectives. The two types of content are distinguished by the use of two colours: Development Plan policies are clearly identified by blue text boxes whereas the Key Actions solely for the Parish Council are identified by green text boxes.*

*Amend para 1.2.3 in line with the revised para 1.2.1 ie omit the last two sentences that duplicate the reference to Key Actions.*

1.2.4 This paragraph and the related footnote need to be updated and to reference the supporting documents that actually accompany the Plan.

#### **Recommendation 9:**

*Amend para 1.2.4 (and its related footnote) to refer to the submitted Plan document and to reference all the accompanying documents.*

### **1.3 Planning Policy Context**

1.3.2 By paraphrasing, the second sentence of this paragraph potentially confuses as to what is the true expectation set out in the NPPF; I noted the exact wording earlier.

#### **Recommendation 10:**

*Amend para 1.3.2 to include the actual wording from the NPPF and note that further detail is included in the Basic Conditions Statement accompanying the Plan:*

*“the Plan must:*

- have regard to national policies and advice contained in guidance issued by the Secretary of State;*
- contribute to the achievement of sustainable development;*
- be in general conformity with the strategic policies of the development plan for the area.”*

1.3.3 The NPPF (para 16) is actually more explicit about the implications of the presumption in favour of sustainable development for neighbourhood planning.

***Recommendation 11:***

*Replace the general reference in para 1.3.1 that seeks to explain the ‘presumption in favour of sustainable development’ with the more neighbourhood plan specific explanation from the NPPF (para 16): “neighbourhoods should:*

- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*
- plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.*

1.3.7 As noted above, by paraphrasing there is the potential to confuse what is the true expectation set out in the NPPF; I noted the exact wording earlier.

***Recommendation 12:***

*Amend para 1.3.6 to open with: ‘The Neighbourhood Plan is written to be in general conformity with the strategic policies of the Solihull Development Plan....’*

1.3.8 I find this paragraph very confusing as to its intent, and this may help to explain some of the later confusion as to what the neighbourhood plan is adding to the policies already existing within the Local Plan. I think that the paragraph needs to do more to tease out what “elements [which] directly affect” the Plan Area, which “complement [y]our own ambitions” and where the neighbourhood plan has been “challenged” to do more?

***Recommendation 13:***

*Devise a more explanatory approach for the content of para 1.3.8 better setting out the relationship for the Plan Area between the Local Plan and the priorities for the neighbourhood plan.*

## **1.4 Plan Development**

1.4.1 For neighbourhood plan purposes the Parish Council is the “Qualifying Body” rather than the accountable or relevant body.

***Recommendations 14 & 15:***

*In para 1.4 remove ‘the accountable body’ and replace with ‘the Qualifying Body’.*

*In para 1.4.5 remove ‘Following confirmation of ‘relevant body’ status in 2013’ and so the paragraph will start with ‘Extensive consultation has been.....’*

1.4.8 There should no longer be references to a ‘Submission Draft’.

***Recommendation 16:***

*Amend the reference in para 1.4.8 to omit reference to ‘Submission Draft’.*

1.4.13 to 1.4.15 These paragraphs are no longer relevant following the completion of the steps outlined.

**Recommendation 17:**

*Delete paras 1.4.13 to 1.4.15.*

**2. A Plan for the Parish**

It is vital that the language and wording used in this section is carefully chosen, proportionate and appropriate to the evidence that you have found in the consultation process.

**2.1 The Vision for 2028**

2.1.1 The span of years that the Plan will cover needs to be brought in line with the amended dates headlined on the front cover eg 2017 – 2028 would be 12 years.

**Recommendation 18:**

*In para 2.1.1 correct the span of years covered by the Plan.*

**2.2 Challenges for the Parish**

2.2.1 The last sentence of this paragraph suggests that there is a “certainty” over the consequences of proposals yet to be detailed, a good proportion of which will be outside the Area boundary. This sweeping assertion is not appropriate as part of an objective planning document.

**Recommendation 19:**

*Delete the final sentence of para 2.2.1.*

2.2.2 This paragraph largely relates to a proposal that, at most, will have permanent consequences for only the last two years of the Plan period. I have not seen any evidence that would support the assertion that a primary purpose of the HS2 line is to provide “a fast commuter link to London”. Whilst I can see that the prospective disruption from HS2 is of concern to residents, since this Plan at this time does not seek to address the issues a single sentence should suffice.

**Recommendation 20:**

*Reduce para 2.2.2 to a simple sentence noting the nature of concerns as actually expressed during the consultations, with updated timescale details, rather than assertions which are not factually based.*

2.2.3 A representation from Birmingham Airport has challenged the accuracy of the content here; data shows that overflying is not apparently as described. It is not appropriate for the Plan document to be any part of a “challenge” of flight data. And nothing will “inevitably” be a consequence of Airport proposals yet to be detailed. Again, since this Plan at this time does not (and probably could not) seek to address the issues raised, a single sentence should suffice.

**Recommendation 21:**

*Reduce para 2.2.3 to a simple sentence noting the nature of concerns as actually expressed during the consultations, with any updated timescale details, rather than assertions which are not factually based.*

2.2.4 Again, the only part of this paragraph that is relevant to the document is a factual reporting of matters that the Plan will seek to address. Assertions that “no part of the Parish will be unaffected by...” or that “rail users often complain that...” have no place unless evidence is produced to show that they have a factual basis.

**Recommendation 22:**

*Reduce para 2.2.4 to a simple sentence noting the nature of concerns as actually expressed during the consultations rather than assertions which are not factually based.*

2.2.5 & 2.2.6 Again, there are assertions here that matters “will become...” or “will be...” but no evidence is produced or referenced to underpin these. So the most that can be said is that “residents have expressed concerns that.....”

**Recommendation 23:**

*Reduce paras 2.2.5 & 2.2.6 to a simple sentence noting the concerns as actually expressed during the consultations rather than assertions which are not factually based.*

2.2.8 Since this Plan is relying on the Local Plan for the allocation of land for new housing I believe it would be appropriate for this paragraph to include a cross-reference regarding the Meriden Road site.

**Recommendation 24:**

*Add after the first sentence of para 2.2.8 a bracketed reference or footnote indicating that the detail for the housing site identified is: (Solihull Local Plan 2013 p87 Site 24).*

2.2.9 The Census projections at para 3.1.1 are probably more relevant than the repetitious content here (not least because they are suitably referenced, although a single reference will suffice).

**Recommendation 25:**

*Delete para 2.2.9 and replace with the first two sentences from para 3.1.1 (but with a single source referencing).*

2.2.12 Arguably, since the Meriden Gap is Green Belt, it is appropriately protected from ‘the constant threat of development’; any actual developments have already been referred to individually. Although it is noted that there is a designated SSSI, the reference to there being a nationally important migration corridor is unsubstantiated. I therefore suggest that this paragraph should stick exclusively to the facts on the subject headlined.

**Recommendation 26:**

*Remove from para 2.2.12 extraneous, duplicate or unsubstantiated references and matters which are not about the ‘Historic and Natural Environment’.*

### **2.3. Objectives of the Neighbourhood Plan**

2.3.1 Objective 1: I am not sure that a Plan can set out to “provision”/provide a viable and sustainable community?

**Recommendation 27:**

*Omit the words ‘the provision of’ from Objective one at para 2.3.1.*

2.3.1 Objective 5: Since the Plan cannot be applied other than within the Plan Area I believe that Objective 5 needs explicitly to be limited to the Green Belt contained within the Parish.

**Recommendation 28:**

*Add the words ‘within the Parish’ in place of the undefined detail “(including the Meriden Gap)” in para 2.3.1.*

### **3. Policies & Key Actions**

I believe it is worth repeating at the beginning of this section the caution about the Key Actions not being part of the Neighbourhood Development Plan.

**Recommendation 29:**

*Add at the commencement of Section 3: ‘The Key Actions included here (clearly identified in Green text boxes) cannot be used for formal Development Plan purposes since they do not relate to land use matters; rather they outline important issues that the Parish Council will seek to progress over the period of the Plan in line with the Plan vision and objectives’.*

The pre-amble to each Policy set should be used to set out the factual evidence (carefully referenced as appropriate) which justifies the policies both in terms of the need for them and the detail within them. Whilst cross-referencing to the equivalent material in the Local Plan will invariably be beneficial to provide context, there is no value in a Neighbourhood Plan merely replicating policies or parts of policies set out in the Local Plan as the two Plans will operate together and any variations in wording will give rise to confusion.

**3.1 Housing**

3.1.1 & 3.1.2 Having relocated the Census content (*Recommendation 24*) the main purpose of these paragraphs should be to establish that the Neighbourhood Plan will rely on the Local Plan to meet the objectively identified need for additional housing in the Parish (paras 3.1.3 & 3.1.4 then establish in what matters local policy should vary from the Local Plan policies). Therefore the content of 3.1.2 provides an appropriate opening to which the remaining part of 3.1.1 adds some further detail. However, an explicit conclusion needs to be drawn.

**Recommendation 30:**

*Redraft paras 3.1.1 & 3.1.2 along these lines:*

*‘3.1.1 The housing situation in Hampton-in-Arden and Catherine-de-Barnes broadly reflects that in the Borough and the Solihull Development Plan sets out proposals for meeting housing needs (Policy P4 Meeting Housing Needs & Policy P5 Provision of Land for Housing). In particular (and as noted earlier) the Development Plan allocates a site within the Parish for 110 houses (Solihull Local Plan 2013 p87 Site 24). In the Meeting Housing Needs Supplementary Planning Document (SPD)<sup>21</sup> the Parish is identified as one of the Rural Housing Market Areas where “there is a strong mismatch between the local housing demand of newly forming households...and the housing supply. The Council will [generally] seek 40% of all new market dwellings to be 1 or 2 bedrooms in size” (para 9.7). The SPD also includes a Rural Exceptions Policy in order to “increase the supply of affordable housing in rural areas and to enable these Parishes and Neighbourhoods to meet their own local housing needs”.*

*3.1.2 In view of the existing Local Plan commitment of land for 110 houses, this Plan does not include for any additional land allocation for housing. Instead the Plan provides policy guidance supportive of particular types of proposals for housing that address identified local needs.’*

3.1.3 If “the Parish has a higher than average proportion of larger family properties” the source for this fact needs to be stated and the basis for averaging established.

**Recommendation 31:**

*In para 3.1.3 provide the source and the basis (local or national) for the averaging of the proportion of family homes.*

Figure 3.1 The Green Belt area is singular.

**Recommendation 32:**

*Correct the title for Figure 3.1 to ‘The Green Belt Area within the Parish’.*

### **Policy HOU1 – New Housing Developments**

You do not identify actions that ‘encourage’ and I believe the correct term to use in the opening line is ‘support’. The last bullet point does not fit with the bullet point structure and unnecessarily duplicates content that is better set out in Policy HOU2.

#### **Recommendations 33:**

*In Policy HOU1: amend the first sentence to replace ‘encouraged’ with ‘supported’; delete the last bullet point beginning ‘development proposals within the Conservation Area...’*

As revised the Policy HOU1 meets the basic conditions.

### **Policy HOU2 – Design**

Since you note that Rural Exception Sites may be outside of the area covered by the Conservation Area, the Conservation Area Appraisal document will not always be applicable. Since none of the other bulleted points within the Policy have been justified in the pre-amble and the significant points are all covered with greater clarity within the Village Design Statement (or within the Local Plan) the Policy can be stated more simply. As noted earlier, Plan policies must “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17).

#### **Recommendation 34:**

*Edit Policy HOU2 to read: ‘All new developments must have regard to the Hampton-in-Arden Village Design Statement and, where appropriate, the Conservation Area Appraisal.’*

As revised the Policy HOU2 meets the basic conditions.

### **Key Action HOU1**

The NPPF requirements are not quite as absolute as the first paragraph implies; for instance other sites may have a greater priority. And the content of the second paragraph cannot read as if it binds Solihull MBC to a particular course of future action.

#### **Recommendation 35:**

*Amend the Key Action HOU1 box along these lines: ‘A site of 2.79ha off Meriden Road for an estimated 110 dwellings is identified in the Solihull Development Plan for release in 2023. However, changes in circumstances or policy could result in an earlier release. It is intended that the site will only be released conditionally on the reclaiming of the Arden Wood Shavings site for open space. In the event that this site is unavailable an alternative solution for delivering the additional open space will be needed. The Parish Council will publicise proposals and work with residents to identify favoured options.’*

## **3.2 Local Economy**

### **Policy ECN1 – Local Shops**

The second paragraph of this Policy is not a planning policy but a call to action by the Parish Council; it therefore needs to be a Key Action.

#### **Recommendation 36:**

*Delete the second paragraph of the Policy ECN1 and recast this as Key Action ECN3.*

As recast the content of Policy ECN1 meets the basic conditions.

### **Policy ECN2 – Business Premises**

The wording here is not as clear as it needs to be: the term ‘inset sites’ is not introduced in the pre-amble and is potentially ambiguous; the sequencing of the second paragraph creates a puzzle about what is ‘excepted’.

**Recommendation 37:**

*Rephrase Policy ECN2 as:*

*'The creation of small scale business accommodation on brownfield sites or other suitable sites within the built-up area will be supported provided:*

- there is a sufficient and acceptable loading, delivery and despatch arrangement including staff and visitor parking,*
- it can be demonstrated that the impact on any neighbouring residences has been considered and is acceptably small, and*
- it can be demonstrated that the impact on the environment and visual amenity has been considered and is acceptably small.*

*Proposals that require a planning consent and would result in the loss of existing business premises will not be supported unless they are an appropriate part of a wider scheme that will deliver business benefits or it is evidenced that the business is no longer viable.'*

As amended the Policy ECN2 meets the basic conditions.

### **3.3 Transport**

Each of the policies here starts with or includes the words 'the Parish Council will'; they are all therefore Key Actions and there must be no confusion with the planning Policy content of the Plan. The only exception here is the opening sentence of Policy TRA2 but that is adequately dealt with in the Local Plan, and is therefore in effect just a confirmation of fact.

**Recommendation 38:**

*Recast Policies TRA1 to TRA4 as Key Actions and renumber the subsequent TRA Key Actions accordingly. Update and edit the narrative content where appropriate.*

As recast the content of Policies TRA1 to TRA4 meets the basic conditions.

3.3.13 The representation from Birmingham Airport challenges your assertions about the impact of the extended runway. They note that "as a result of the runway extension, our noise contours have shown that there is actually a very modest reduction in the noise impact for residents in Hampton-in-Arden. Further to this I have never heard of, nor received a complaint from Hampton-in-Arden that relates to either aircraft departure noise from runway 33 or that of disturbance relating to Full Power Engine Ground Running.... I also note the comments regarding the S106 report relating to Engine Testing noise ...[but] it does not specifically mention Hampton-in-Arden and its intended meaning is really relating to those communities that directly border the airport perimeter, not Hampton-in-Arden". As I commented earlier, it is not appropriate for the Plan document to be any part of a "challenge" of flight data. Again, since this Plan at this time does not (and probably could not) seek to address the issues raised, a single sentence should suffice to introduce your commitment to continuing involvement in the change process.

**Recommendation 39:**

*Reduce para 3.3.13 to a simple sentence noting the general nature of concerns rather than assertions which are not evidenced as factually based.*

### **3.4 Environment**

3.4.3 A representation from Warwickshire County Council has pointed out that an error has been made in identifying the appropriate landscape character from the Warwickshire Landscapes Guidelines for Arden.

**Recommendation 40:**

*In para 3.4.3 change the noted landscape description from that for 'Arden Pastures' to that for 'Arden Parklands' and amend footnote 31 to reference page 17 [not page 13].*

3.4.6 – 3.4.12 I believe that it would be more helpful if the justifications for the Local Green Spaces were addressed in the same order as the NPPF criteria; this would then ensure that you explicitly address all of the requirements ie “the green area is demonstrably special”. Planning Policy Guidance also adds: “If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space” (Ref: 37-011-20140306). It is evident that the majority of the identified Local Green Spaces (nos 1,2,3,8 & 10) are inside the Green Belt. The Local Green Space designation effectively gives a protection equivalent to the Green Belt and so duplicates an existing protection. However, I appreciate that Green Belt policy matters are outside of local control whereas Local Green Space is a neighbourhood matter; accordingly I accept that the reassurance of a local protection is appropriate in this instance. I will address the matter of the related Policy ENV3 below.

***Recommendation 41:***

*Reorder the content of paras 3.4.10 to 3.4.12 to ensure that they fully address each and every one of the NPPF criteria in turn.*

3.4.13 As also noted at 2.2.12, the reference to the Blythe valley being part of a ‘nationally important wildlife migration corridor’ is misleading and you have accepted that there is need for amendment.

***Recommendation 42:***

*Amend the last sentence of para 3.4.13 to read: ‘The Blythe Valley also provides a wildlife migration corridor within the Parish.’*

3.4.17 I note that whilst two views are to be protected only one is illustrated. Whilst I can appreciate that photos rarely can do justice to the whole scene to be captured, I believe the illustrations should be two or none. As I am aware that you have a second photo I suggest that the two are included but with a caution in the caption.

***Recommendation 43:***

*Add a photo illustration of View 2 adjacent to para 3.4.17, cross reference both photos to the map that is Figure 3.4 and include a note: ‘These illustrative photographs can only provide a limited representation of the views being protected.’*

**Policy ENV1 – Green Belt**

Green Belt policy is nationally defined and it is neither necessary nor appropriate for it to be (partially) represented here.

***Recommendation 44:***

*Delete Policy ENV1 and adjust the numbering of subsequent policies accordingly.*

**Policy ENV2**

This Policy seems to add little to the Local Plan Policy P14 iv; however, I do note that there is a wish for the species for new tree planting to be more Parish specific.

***Recommendation 45:***

*Re-edit Policy ENV2 as:*

*‘All development proposals should include a landscaping scheme that:*

- wherever possible retains existing mature and established trees;*
- provides for additional tree planting to enhance, soften and screen the development;*

- *utilises tree species that reflect the existing pattern of tree cover in the Parish; and*
- *wherever possible includes for some semi-mature trees to aid the early maturity of the landscaping.'*

As amended the Policy ENV2 meets the basic conditions.

### **Policy ENV3 – Local Green Spaces**

The purpose of this Policy is to designate the selected and identified spaces as Local Green Spaces; the definition of what designation achieves need not be repeated from the NPPF.

A representation expressed a concern that Space 11 “Catherine-de-Barnes Common” had initially be shown to include private land adjacent to the public land. Although national policy does not rule out private land being designated, after consultation, as a Local Green Space, I am assured by the Qualifying Body that the original boundary was simply drawn incorrectly. I am satisfied that the Figure 3.3 included in the Plan copy provided for me (and therefore for the Referendum also) shows the correct boundary, as was originally intended, defining the Common only and therefore the appropriate correction has been made.

#### ***Recommendation 46:***

*Reword Policy ENV4 as:*

*‘The areas scheduled below (and identified in the related Figure 3.3) are designated and protected as Local Green Spaces (as defined in the National Planning Policy Framework).’  
[add in a schedule of the sites, the land around the Spinney could be a single entry]*

As amended (and justified with *Recommendation 41*) the Policy ENV4 meets the basic conditions.

### **Policy ENV4 - Biodiversity**

I do not believe that this Policy adds anything of consequence to the Local Plan Policy P10. The final paragraph has already been addressed in Policy ENV2 above. You may wish to consider replacing the Policy with a Key Action to commit the Parish Council to a role in monitoring the sustaining of biodiversity.

A representation expressed concern that the wording of Policy ENV4 does not met the basic conditions.

#### ***Recommendation 47:***

*Delete Policy ENV4 and adjust the numbering of subsequent policies accordingly.*

### **Policy ENV5 - Flooding**

I do not believe that this Policy adds anything to the generally more appropriate Local Plan Policy P11. You may wish to consider replacing the Policy with a Key Action to commit the Parish Council to a role in monitoring local water management.

#### ***Recommendation 48:***

*Delete Policy ENV5 and adjust the numbering of subsequent policies accordingly.*

### **Policy ENV6 – Views**

The opinions of the Parish Council are not relevant in the context of this statement of planning policy; the justification for the Policy has been established in the pre-amble.

#### ***Recommendation 49:***

*Re-edit Policy ENV6 as:*

*‘Two views of importance to the setting of Hampton-in-Arden and its Conservation Area will be protected; the views are scheduled below (and identified in the related Figure 3.4).’*

*Development proposals affecting these open vistas must consider, address and minimise their impact.'*

*[add in a schedule of the two views but describe each as 'view' rather than 'those']*

As amended the Policy ENV6 meets the basic conditions.

3.4.19 to 3.4.25 Scheduled Ancient Monuments are now known simply as Scheduled Monuments and so the references in para 3.4.19, under the photograph, in para 3.4.23 and in footnote 40 need to be amended.

**Recommendation 50:**

*Under the Historic Environment heading, replace each reference to 'Scheduled Ancient Monument' or variants with the current term 'Scheduled Monument'.*

**Policy ENV7 – Heritage**

I do not believe that this Policy adds anything of consequence to the national and Local Plan policies and by paraphrasing may only serve to confuse. However, I do accept that the retention of heritage assets is an important matter for the Parish.

A representation expressed a concern that Policy ENV7 does not meet the basic conditions because of a failure to have appropriate regard for national policy and guidance.

**Recommendation 51:**

*Amend Policy ENV7 as:*

*'All the Parish heritage assets, whether designated or not, and their settings are valued and all development proposals that may affect an asset must sensitively consider and address their potential impact. Appropriate regard should always be demonstrated for the Hampton-in-Arden Village Design Statement.'*

As amended the Policy ENV7 meets the basic conditions.

**3.5 Community**

3.5.1 "[T]he viability of the school is threatened by the construction of HS2";  
"The churchyard has a cemetery which requires extension or a site elsewhere";  
these statements are neither substantiated nor addressed and therefore should be omitted.

**Recommendation 52:**

*Delete from para 3.5.1 the sentences: "However, the viability of the school is threatened by the construction of HS2" and "The churchyard has a cemetery which requires extension or a site elsewhere".*

**Policy COMM1 – Retention of Key Services and facilities**

A neighbourhood plan should plan positively to support appropriate local development (as outlined in paragraph 16 of the NPPF). Whilst the pre-amble to the Policy is clear, the Policy itself could be more positively written and needs in itself to be explanatory of the "facilities". I suggest that a location map is added and the sites are scheduled and cross-referenced to the map.

**Recommendations 53:**

*Rewrite the Policy COMM1 as:*

*'Proposals that ensure the retention and improvement of key local facilities will be supported. Any redevelopment for an alternative purpose will only be supported if the facility affected is replaced by an equivalent or better provision in an equally suitable and accessible location or where it is evidenced that the facility is no longer viable. These facilities (as at 2017) are*

*scheduled here (and identified on the related Figure 3.5):' [add in a schedule and cross reference this to a map added as Figure 3.5]*

As amended the Policy COMM1 meets the basic conditions.

#### **Policy COMM2: Developer Contributions**

The purpose of this Policy is to identify the preferred ways in which Developer Contributions can be used to the benefit of the Parish. I understand that your schedule of community infrastructure has had appropriate regard for the CIL Schedule prepared by and approved for Solihull MBC. Any Section 106 monies would necessarily be site specific.

#### **Recommendation 54:**

*Rewrite the pre-amble within Policy COMM2 as:*

*'Funds made available to the Parish through the Community Infrastructure Levy<sup>42</sup> will make contributions toward appropriate community infrastructure, which may include:...'*

*[add in the schedule as shown]*

As amended the Policy COMM2 meets the basic conditions.

### **4. Next Steps**

#### **4.1 Examination & Referendum**

#### **4.2 Monitoring & Review**

As the Plan is now at the stage immediately prior to proceeding to Referendum, I suggest that Section 4.1 is no longer relevant and should be deleted and the commitment to 'Monitoring and Review' should become the sole content of Section 4.

#### **Recommendation 55:**

*Delete Section 4.1 and renumber section 4.2 accordingly.*

### **5. Sources**

If you ensure that all the footnotes are complete and the references accurate then there is no continuing purpose for Section 5; its value was during drafting phases.

#### **Recommendation 56:**

*Delete Section 5 and recheck that all the footnotes are complete and the references are current and accurate.*

### **Other matters raised in representations**

Two representations to the consultation on the submitted plan in accordance with Neighbourhood Planning Regulation 17 included a suggestion of potential housing sites that the Plan might usefully include. However, there is no checklist of content that a Neighbourhood Plan must contain or subject matter that it must address; the range of content is entirely at the discretion of the local community and the local issues as they see them. It is not my role as Examiner to test the soundness of a Plan, such as in terms of its coverage, but rather to consider the content presented against the Basic Conditions and related requirements. I cannot therefore recommend additional content or widen the scope of the Plan to the extent suggested.

## **European Union (EU) and European Convention on Human Rights (ECHR) Obligations**

A further Basic Condition, which the Hampton-in-Arden Neighbourhood Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal. The Hampton-in-Arden Neighbourhood Plan does not seek to allocate land for development and therefore significant environmental impact is unlikely. However, in April 2015, Solihull MBC produced the Hampton-in-Arden Neighbourhood Plan Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report. The purpose of this report was to determine whether or not the contents of the Hampton-in-Arden Neighbourhood Plan required a Strategic Environmental Assessment (SEA) (in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004) and/or a Habitat Regulations Assessment (HRA) (in accordance with Article 6(3) and (4) of the EU Habitats Directive 92/43/EEC). A copy of the Report was included in the Basic Conditions Statement, a supporting document for the Neighbourhood Plan.

With regard to Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, the conclusion of the SEA Screening Report produced by Solihull MBC was: "...the policies in the Plan are likely to be in general conformity with the strategic policies of the Development Plan. It is therefore unlikely that there will be any significant environmental effects arising from the Plan that were not covered in the Sustainability Appraisal / SEA of the Solihull Local Plan and the Gypsy and Traveller Site Allocations Plan. It is therefore concluded that the Plan does not require a full SEA to be undertaken". The consultation responses in relation to this Screening Report from Natural England, Historic England and the Environment Agency supported this conclusion

With regard to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds, the conclusion of the HRA Screening Report produced by Solihull MBC was: "The policies of the Solihull Local Plan and the Gypsy and Traveller Site Allocations Plan have also been subject to HRA. The screening assessment for both documents concluded that there would be no likely significant effect on the Natura 2000 network, either alone or in combination with other local plans. For the reasons outlined above, it is also concluded that the Plan does not require a full HRA to be undertaken." The consultation responses in relation to this Screening Report from Natural England, Historic England and the Environment Agency supported this conclusion.

Particularly in the absence of any adverse comments from the statutory bodies or the local planning authority, I can confirm that the screening undertaken was appropriate and proportionate and confirm that the Plan has sustainability at its heart.

The Hampton-in-Arden Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. No evidence has been put forward to demonstrate that this is not the case.

Taking all of the above into account, I am satisfied that the Hampton-in-Arden Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with the ECHR.

## Conclusions

This Independent Examiner's Report recommends a range of modifications to the Policies, as well as some of the supporting text and figures, in the Plan. Modifications have been recommended to effect corrections, to ensure clarity and in order to ensure that the basic conditions are met. Whilst I have proposed a significant number of modifications, the Plan itself remains fundamentally unchanged in the role and direction set for it by the Qualifying Body, the Parish Council. Where deletions have been recommended because of inappropriate repetition of Local Plan content, the policy requirements within the Solihull Development Plan will still be effective.

I therefore conclude that, subject to the modifications recommended, the Hampton-in-Arden Neighbourhood Plan:

- 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 of the development plan for the area;
- is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

**On that basis I *recommend* to the Solihull Metropolitan Borough Council that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Hampton-in-Arden Neighbourhood Plan to proceed to referendum.**

### Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Solihull Metropolitan Borough Council on 24<sup>th</sup> June 2013.

**Recommendations:** (this is a listing of the recommendations exactly as they are included in the Report)

**Recommendation 1:**

*Add to the Basic Conditions Statement a brief paragraph setting out the ways in which the Plan contributes to the achievement of sustainable development.*

**Recommendation 2:**

*Update the start date for the Plan and remove 'Submission Draft February 2016'; amend the document footer accordingly.*

**Recommendation 3:**

*Delete the Foreword and amend the Contents page accordingly. The Contents page should also be completely reviewed in the light of the other Recommendations as to content set out below.*

**Recommendation 4:**

*Delete the Executive Summary and amend the Contents page accordingly. Add back into the Contents page the (final) listing of Policies, by reference and title, under the relevant topic headings.*

**Recommendation 5:**

*In Figure 1.1 remove all boundaries other than the Neighbourhood Area and retitle the Figure and section 1.1 as 'The Neighbourhood Area'.*

**Recommendation 6:**

*Correct para 1.1.8 to read: 'In the 2011 Census the Parish was shown to have 803 dwellings and a population of 1,834'.*

**Recommendation 7:**

*Amend para 1.2.1 to say: 'In June 2013 Solihull Metropolitan Borough Council (hereafter referred to as Solihull MBC) designated the Parish of Hampton-in-Arden as a Neighbourhood Area<sup>8</sup>. This enabled the Parish Council to proceed to prepare a Neighbourhood Development Plan. The Parish has chosen to extend the Plan document to include Key Actions which, since they do not relate to land use matters, cannot be used for formal Development Plan purposes but rather they outline important issues that the Parish Council will seek to progress over the period of the Plan in line with the Plan vision and objectives. The two types of content are distinguished by the use of two colours: Development Plan policies are clearly identified by blue text boxes whereas the Key Actions solely for the Parish Council are identified by green text boxes.'*

**Recommendation 8:**

*Amend para 1.2.3 in line with the revised para 1.2.1 ie omit the last two sentences that duplicate the reference to Key Actions.*

**Recommendation 9:**

*Amend para 1.2.4 (and its related footnote) to refer to the submitted Plan document and to reference all the accompanying documents.*

**Recommendation 10:**

*Amend para 1.3.2 to include the actual wording from the NPPF and note that further detail is included in the Basic Conditions Statement accompanying the Plan:  
"the Plan must:*

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area.”

**Recommendation 11:**

Replace the general reference in para 1.3.1 that seeks to explain the ‘presumption in favour of sustainable development’ with the more neighbourhood plan specific explanation from the NPPF (para 16): “neighbourhoods should:

- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;
- plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.”

**Recommendation 12:**

Amend para 1.3.6 to open with: ‘The Neighbourhood Plan is written to be in general conformity with the strategic policies of the Solihull Development Plan....’

**Recommendation 13:**

Devise a more explanatory approach for the content of para 1.3.8 better setting out the relationship for the Plan Area between the Local Plan and the priorities for the neighbourhood plan.

**Recommendation 14:**

In para 1.4 remove ‘the accountable body’ and replace with ‘the Qualifying Body’.

**Recommendation 15:**

In para 1.4.5 remove ‘Following confirmation of ‘relevant body’ status in 2013’ and so the paragraph will start with ‘Extensive consultation has been.....’

**Recommendation 16:**

Amend the reference in para 1.4.8 to omit reference to ‘Submission Draft’.

**Recommendation 17:**

Delete paras 1.4.13 to 1.4.15.

**Recommendation 18:**

In para 2.1.1 correct the span of years covered by the Plan.

**Recommendation 19:**

Delete the final sentence of para 2.2.1.

**Recommendation 20:**

Reduce para 2.2.2 to a simple sentence noting the nature of concerns as actually expressed during the consultations, with updated timescale details, rather than assertions which are not factually based.

**Recommendation 21:**

Reduce para 2.2.3 to a simple sentence noting the nature of concerns as actually expressed during the consultations, with any updated timescale details, rather than assertions which are not factually based.

**Recommendation 22:**

Reduce para 2.2.4 to a simple sentence noting the nature of concerns as actually expressed during the consultations rather than assertions which are not factually based.

**Recommendation 23:**

Reduce paras 2.2.5 & 2.2.6 to a simple sentence noting the concerns as actually expressed during the consultations rather than assertions which are not factually based.

**Recommendation 24:**

Add after the first sentence of para 2.2.8 a bracketed reference or footnote indicating that the detail for the housing site identified is: (Solihull Local Plan 2013 p87 Site 24).

**Recommendation 25:**

Delete para 2.2.9 and replace with the first two sentences from para 3.1.1 (but with a single source referencing).

**Recommendation 26:**

Remove from para 2.2.12 extraneous, duplicate or unsubstantiated references and matters which are not about the 'Historic and Natural Environment'.

**Recommendation 27:**

Omit the words 'the provision of' from Objective one at para 2.3.1.

**Recommendation 28:**

Add the words 'within the Parish' in place of the undefined detail "(including the Meriden Gap)" in para 2.3.1.

**Recommendation 29:**

Add at the commencement of Section 3: 'The Key Actions included here (clearly identified in Green text boxes) cannot be used for formal Development Plan purposes since they do not relate to land use matters; rather they outline important issues that the Parish Council will seek to progress over the period of the Plan in line with the Plan vision and objectives'.

**Recommendation 30:**

Redraft paras 3.1.1 & 3.1.2 along these lines:

'3.1.1 The housing situation in Hampton-in-Arden and Catherine-de-Barnes broadly reflects that in the Borough and the Solihull Development Plan sets out proposals for meeting housing needs (Policy P4 Meeting Housing Needs & Policy P5 Provision of Land for Housing). In particular (and as noted earlier) the Development Plan allocates a site within the Parish for 110 houses (Solihull Local Plan 2013 p87 Site 24). In the Meeting Housing Needs Supplementary Planning Document (SPD)<sup>21</sup> the Parish is identified as one of the Rural Housing Market Areas where "there is a strong mismatch between the local housing demand of newly forming households...and the housing supply. The Council will [generally] seek 40% of all new market dwellings to be 1 or 2 bedrooms in size" (para 9.7). The SPD also includes a Rural Exceptions Policy in order to "increase the supply of affordable housing in rural areas and to enable these Parishes and Neighbourhoods to meet their own local housing needs".

3.1.2 In view of the existing Local Plan commitment of land for 110 houses, this Plan does not include for any additional land allocation for housing. Instead the Plan provides policy guidance supportive of particular types of proposals for housing that address identified local needs.'

**Recommendation 31:**

In para 3.1.3 provide the source and the basis (local or national) for the averaging of the proportion of family homes.

**Recommendation 32:**

Correct the title for Figure 3.1 to 'The Green Belt Area within the Parish'.

**Recommendations 33:**

In Policy HOU1: amend the first sentence to replace 'encouraged' with 'supported'; delete the last bullet point beginning 'development proposals within the Conservation Area...'

**Recommendation 34:**

Edit Policy HOU2 to read: 'All new developments must have regard to the Hampton-in-Arden Village Design Statement and, where appropriate, the Conservation Area Appraisal.'

**Recommendation 35:**

Amend the Key Action HOU1 box along these lines: 'A site of 2.79ha off Meriden Road for an estimated 110 dwellings is identified in the Solihull Development Plan for release in 2023. However, changes in circumstances or policy could result in an earlier release. It is intended that the site will only be released conditionally on the reclaiming of the Arden Wood Shavings site for open space. In the event that this site is unavailable an alternative solution for delivering the additional open space will be needed. The Parish Council will publicise proposals and work with residents to identify favoured options.'

**Recommendation 36:**

Delete the second paragraph of the Policy ECN1 and recast this as Key Action ECN3.

**Recommendation 37:**

Rephrase Policy ECN2 as:

'The creation of small scale business accommodation on brownfield sites or other suitable sites within the built-up area will be supported provided:

- there is a sufficient and acceptable loading, delivery and despatch arrangement including staff and visitor parking,
- it can be demonstrated that the impact on any neighbouring residences has been considered and is acceptably small, and
- it can be demonstrated that the impact on the environment and visual amenity has been considered and is acceptably small.

Proposals that require a planning consent and would result in the loss of existing business premises will not be supported unless they are an appropriate part of a wider scheme that will deliver business benefits or it is evidenced that the business is no longer viable.'

**Recommendation 38:**

Recast Policies TRA1 to TRA4 as Key Actions and renumber the subsequent TRA Key Actions accordingly. Update and edit the narrative content where appropriate.

**Recommendation 39:**

Reduce para 3.3.13 to a simple sentence noting the general nature of concerns rather than assertions which are not evidenced as factually based.

**Recommendation 40:**

In para 3.4.3 change the noted landscape description from that for 'Arden Pastures' to that for 'Arden Parklands' and amend footnote 31 to reference page 17 [not page 13].

**Recommendation 41:**

Reorder the content of paras 3.4.10 to 3.4.12 to ensure that they fully address each and every one of the NPPF criteria in turn.

**Recommendation 42:**

Amend the last sentence of para 3.4.13 to read: 'The Blythe Valley also provides a wildlife migration corridor within the Parish.'

**Recommendation 43:**

Add a photo illustration of View 2 adjacent to para 3.4.17, cross reference both photos to the map that is Figure 3.4 and include a note: 'These illustrative photographs can only provide a limited representation of the views being protected.'

**Recommendation 44:**

Delete Policy ENV1 and adjust the numbering of subsequent policies accordingly.

**Recommendation 45:**

Re-edit Policy ENV2 as:

'All development proposals should include a landscaping scheme that:

- wherever possible retains existing mature and established trees;
- provides for additional tree planting to enhance, soften and screen the development;
- utilises tree species that reflect the existing pattern of tree cover in the Parish; and
- wherever possible includes for some semi-mature trees to aid the early maturity of the landscaping.'

**Recommendation 46:**

Reword Policy ENV4 as:

'The areas scheduled below (and identified in the related Figure 3.3) are designated and protected as Local Green Spaces (as defined in the National Planning Policy Framework).'  
[add in a schedule of the sites, the land around the Spinney could be a single entry]

**Recommendation 47:**

Delete Policy ENV4 and adjust the numbering of subsequent policies accordingly.

**Recommendation 48:**

Delete Policy ENV5 and adjust the numbering of subsequent policies accordingly.

**Recommendation 49:**

Re-edit Policy ENV6 as:

'Two views of importance to the setting of Hampton-in-Arden and its Conservation Area will be protected; the views are scheduled below (and identified in the related Figure 3.4). Development proposals affecting these open vistas must consider, address and minimise their impact.'

[add in a schedule of the two views but describe each as 'view' rather than 'those']

**Recommendation 50:**

Under the Historic Environment heading, replace each reference to 'Scheduled Ancient Monument' or variants with the current term 'Scheduled Monument'.

**Recommendation 51:**

Amend Policy ENV7 as:

'All the Parish heritage assets, whether designated or not, and their settings are valued and all development proposals that may affect an asset must sensitively consider and address their potential impact. Appropriate regard should always be demonstrated for the Hampton-in-Arden Village Design Statement.'

**Recommendation 52:**

Delete from para 3.5.1 the sentences: “However, the viability of the school is threatened by the construction of HS2” and “The churchyard has a cemetery which requires extension or a site elsewhere”.

**Recommendations 53:**

Rewrite the Policy COMM1 as:

*‘Proposals that ensure the retention and improvement of key local facilities will be supported. Any redevelopment for an alternative purpose will only be supported if the facility affected is replaced by an equivalent or better provision in an equally suitable and accessible location or where it is evidenced that the facility is no longer viable. These facilities (as at 2017) are scheduled here (and identified on the related Figure 3.5).’ [add in a schedule and cross reference this to a map added as Figure 3.5]*

**Recommendation 54:**

Rewrite the pre-amble within Policy COMM2 as:

*‘Funds made available to the Parish through the Community Infrastructure Levy<sup>42</sup> will make contributions toward appropriate community infrastructure, which may include:...’  
[add in the schedule as shown]*

**Recommendation 55:**

Delete Section 4.1 and renumber section 4.2 accordingly.

**Recommendation 56:**

Delete Section 5 and recheck that all the footnotes are complete and the references are current and accurate.