

To: The Deputy Leader and Members of the Planning and Development Board

For the information of other Members of the Council

For general enquiries please contact the Democratic Services Team on 01827 719237 via e-mail – democraticservices@northwarks.gov.uk

For enquiries about specific reports please contact the officer named in the reports.

The agenda and reports are available in large print and electronic accessible formats if requested.

PLANNING AND DEVELOPMENT BOARD AGENDA

22 MAY 2023

The Planning and Development Board will meet on Monday, 22 May 2023 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The meeting can also be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

AGENDA

- 1 **Evacuation Procedure.**
- 2 **Apologies for Absence / Members away on official Council business.**
- 3 **Disclosable Pecuniary and Non-Pecuniary Interests**

REGISTERING TO SPEAK AT THE MEETING

Anyone wishing to speak at the meeting, in respect of a Planning Application, must register their intention to do so by 1pm on the day of the meeting, either by email to democraticservices@northwarks.gov.uk or by telephoning 01827 719237 / 719221 / 719226.

Once registered to speak, the person asking the question has the option to either:

- (a) attend the meeting in person at the Council Chamber; or
- (b) attend remotely via Teams.

If attending in person, precautions will be in place in the Council Chamber to protect those who are present however this will limit the number of people who can be accommodated so it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should join the meeting via Teams or dial the telephone number (provided on their invitation) when joining the meeting and whilst waiting they will be able to hear what is being said at the meeting. They will also be able to view the meeting using the YouTube link provided (if so, they may need to mute the sound on YouTube when they speak on the phone to prevent feedback). The Chairman of the Board will invite a registered speaker to begin once the application they are registered for is being considered.

- 4 **Minutes of the meeting of the Board held on 3 April 2023** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 5 **Government Consultation – Infrastructure Levy** - Report of the Head of Development Control

Summary

The report is brought for information only and describes the Government's proposals for replacement of the Community Infrastructure Levy and the use of Section 106 Agreements, with a mandatory Infrastructure Levy in order to assist in the delivery of new infrastructure related to new development.

The Contact Officers for this report are Jeff Brown (719310) and Dorothy Barratt (719250).

6 **Government Consultation - Environmental Outcomes Report -**
Report of the Head of Development Control

Summary

The report is for information only and describes the Government's proposals for replacement of the current way in which the Environmental Effects of new development are to be assessed and monitored.

The Contact Officers for this report are Jeff Brown (719310) and Dorothy Barratt (719250).

7 **Submission of Nether Whitacre Neighbourhood Plan for Public Consultation -** Report of the Chief Executive

Summary

This report informs Members of the submission of the Nether Whitacre Neighbourhood Plan and seeks approval to go out for a formal consultation in accordance with regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

The Contact Officer for this report is Sue Wilson (719499).

8 **Planning Applications -** Report of the Head of Development Control

Summary

Town and Country Planning Act 1990 – applications presented for determination.

8a Application No: PAP/2023/0071 - Land 800 Metres South Of Park House Farm, Meriden Road, Fillongley

Construction of a temporary Solar Farm providing 47.7 MW output, to include the installation of ground-mounted solar panels together with associated works, equipment and necessary infrastructure

8b Application No: PAP/2020/0164 - Peel House, 79 Witherley Road, Atherstone, CV9 1NA

Erection of detached garage

8c Application No: PAP/2023/0108 - Dafferns Wood, St Michaels Close, New Arley, Warwickshire

Works to trees covered by a Tree Preservation Order for Woodland management

8d Application No: PAP/2023/0133 - Hartshill Hayes Country Park, Oldbury Road, Hartshill

Construction of a permanent memorial at Hartshill Hayes Country Park for victims and families of road traffic victims

8e Application No: PAP/2023/0058 - 25, Wood Street, Wood End, Tamworth, CV9 2QJ

Single storey rear extension

8f Application No: PAP/2022/0544 - Land 550 Metres East Of Vauls Farm, Astley Lane, Astley

Proposed construction of renewable energy generating solar farm together with transformers, inverters, control building, DNO substation, store room, mast, security measures, associated infrastructure and works, landscaping and biodiversity enhancements

8g Application No: PAP/2022/0350 - 164, Long Street, Dordon, Tamworth, B78 1QA

Outline planning permission for development of land for six dwellings with landscaping, parking and access. Details of access submitted for approval in full, all other matters reserved

The Contact Officer for this report is Jeff Brown (719310).

9 Tree Preservation Order Land East of Water Orton - Report of the Head of Development Control

Summary

This report informs Members of the action taken in respect of the making of an Emergency Tree Preservation Order, following the receipt of authority to serve under delegated powers, and seeks further confirmation of the action taken.

The Contact Officer for this report is Erica Levy (719294).

10 Tree Preservation Order 81 Austrey Road, Warton - Report of the Head of Development Control

Summary

The report seeks confirmation of action taken by the Chief Executive in respect of the making of a Tree Preservation Order for a London Plan tree at this address.

The Contact Officer for this report is Jeff Brown (719310).

- 11 **Proposed New Use Class** - Report of the Head of Development Control

Summary

The report describes a consultation initiated by the Government to introduce a new Use Class for the “Short Term Lets” of residential property.

The Contact Officer for this report is Jeff Brown (719310).

- 12 **Appeal Update** - Report of the Head of Development Control

Summary

The report updates Members on recent appeal decisions.

The Contact Officer for this report is Jeff Brown (719310).

- 13 **Exclusion of the Public and Press**

To consider, in accordance with Section 100A(4) of the Local Government Act 1972, whether it is in the public interest that the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

- 14 **Confidential Extract of the minutes of the Planning and Development Board held on 3 April 2023 – copy herewith to be approved as a correct record and signed by the Chairman.**

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

3 April 2023

Present: Councillor Simpson in the Chair

Councillors Bell, D Clews, Dirveiks, Gosling, Hayfield
D Humphreys, M Humphreys, Jarvis, Jordan, Parsons, H Phillips
and Reilly

Apologies for absence were received from Councillors T Clews
(Substitute D Clews), Hancocks (Substitute M Humphreys), Jarvis,
Morson, Moss and Rose.

91 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Parsons declared an interest in Minute No (PAP/2021/0238 - Polesworth Working Men's Club, High Street, Polesworth, B78 1DX), as he had been involved in the consultation process but had expressed no opinions during that process.

92 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 6 March 2023, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

93 **Confirmation of Immediate Effect Article 4 Direction**

The Chief Executive sought the Board's confirmation of the Article 4 Direction made on 11 January 2023, following Member approval at Planning and Development Board on 9 January 2023.

Resolved:

That the confirmation of the Article 4 Direction, set out in Appendix B to the report of the Chief Executive, which would be updated to come into effect from 11 July 2023 thus continuing protection indefinitely, be approved.

94 **Government Consultation Permitted Development Rights**

The Head of Development Control sought the Board's comments on a recent Government consultation on new permitted development rights.

Resolved:

That the Board responds to the Consultation Paper as follows;

- a The duration of the temporary camping proposal should only extend to the periods already covered by other temporary uses – 14 days; and
- b There is an objection to the extension of all the solar equipment proposals in Conservation Areas. These should all be the subject of planning applications.

95 **Government Consultation Planning Fees**

The Head of Development Control reported on a government consultation for a proposed increase in planning fees, changes to performance measures and to resourcing in Planning Departments.

Resolved:

That the recommended changes to planning fees are welcomed but that the recommended changes to performance measures are not supported for the reasons set out in the report of the Head of Development Control.

Recommended:

It is recommended to Full Council that the additional funding is ring-fenced for the Planning Service.

96 **Scheme of Delegation – Enforcement**

The Head of Development Control sought the Board's approval of an Appendix to the Scheme of Delegation for Determination of Planning Applications which was to be recommended to Council following the Board's approval of the new Enforcement Plan.

Recommended:

- a **That Council adopts the Appendix to the adopted Scheme of Delegation in respect of the Determination of Planning Applications, referring to planning enforcement actions and the Constitution be amended accordingly; and**
- b **That Council amends the post titles in the existing scheme to match the current Council structure.**

97 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board.

Resolved:

- a **That Application No PAP/2023/0030 (105 Mill Crescent, Kingsbury, Tamworth, Warwickshire, B787 2NW) be granted, subject to the conditions set out in the report of the Head of Development Control;
[Speaker: Margaret Moss]**

- b **That Application No PAP/2023/0046 (Dafferns Wood, St Michaels Close, New Arley, Warwickshire) be granted, subject to the receipt of an amended plan and schedule together with the conditions set out in the report of the Head of Development Control;**

- c **That in respect of Application No PAP/2022/0544 (Land 550 Metres East of Vauls Farm, Astley Lane, Astley), determination be deferred in order that the applicant could provide further information on the landscaping, noise and wildlife impacts as well as on the need for the proposal vis-à-vis the cumulative impacts when taken together with recent permissions in the area.
[Speaker: Ben Perkins]**

- d **That in respect of Application No CON/2023/0005 (Land to the East of Amington Hall Farm, B79 0ED) Tamworth Borough Council be informed that the Council lodges a holding objection as it has significant concerns about the visual impact given the scale of the proposal and the potential impact of the proposal on the nature conservation assets at Alvecote, as set out in the report of the Head of Development Control; and**

- e **That in respect of Application No PAP/2021/0238 (Polesworth Working Men’s Club, High Street, Polesworth, B78 1DX) be refused for the following reason:

“The application site is located within the Polesworth Conservation Area and in close proximity to several Listed Buildings. It is not considered that the proposals recognise the importance of this historic environment as they do little to conserve or enhance the character and appearance of the Area or the setting of the Listed Buildings. The proposals therefore do not fully accord with Policy LP15 of the North Warwickshire Local Plan 2021 as supplemented by Section 16 of the National Planning Policy Framework.”
[Speaker: Karen Stevens]**

Exclusion of the Public and Press

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

99 Failure to Comply with Breach of Conditions Notice

The Head of Legal Services sought authorisation to begin prosecution proceedings for failing to comply with a breach of condition notice as set out in his report.

Resolved:

That delegated authority be given to the Head of Legal Services to pursue prosecution for failing to comply with a breach of conditions notice as set out in his report.

100 Request for Temporary Stop Notice

The Head of Legal Services sought authorisation to serve a Temporary Stop Notice for an enforcement investigation, as set out in his report.

Resolved:

That delegated authority be given to the Head of Legal Services to issue a temporary stop notice as set out in his report.

101 Tree Preservation Order Corley Moor

The Head of Development Control sought authority for the emergency protection of an oak tree as set out in his report.

Resolved:

That a Tree Preservation Order be made for the protection of an Oak Tree, as set out in the report of the Head of Development Control.

102 **Woodland Preservation Order Atherstone**

The Head of Development Control sought authority to make a Tree Preservation Order on woodland as set out in his report.

Resolved:

That a Tree Preservation Order be made for the protection of a woodland as set out in the report of the Head of Development Control.

M Simpson
Chairman

Agenda Item No 5

Planning and Development Board

22 May 2023

Report of Head of Development Control

**Government Consultation –
Infrastructure Levy**

1 Summary

- 1.1 The report is brought for information only and describes the Government's proposals for replacement of the Community Infrastructure Levy and the use of Section 106 Agreements, with a mandatory Infrastructure Levy in order to assist in the delivery of new infrastructure related to new development.

Recommendation to the Board

That the Report be noted and that further reports are brought to the Board so that the implications of the change can be considered and to detail any further Government announcements.

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Background

- 3.1 As part of the Government's planning reforms, a number of substantial consultation papers have been published. Officers have already reported on proposed changes to the NPPF, proposed planning fee increases and changes to performance indicators. In the words of the Government, this new current consultation deals with a "major systems change" that will be "really challenging" for Local Planning Authorities.
- 3.2 Members are aware that presently, the delivery of infrastructure connected to new development in the Borough is partly dealt with through financial contributions processed through Section 106 Agreements. These Agreements can be with the Borough and/or the County Council depending on which Authority delivers the infrastructure. This is because the Borough Council is not a Charging Authority for the Community Infrastructure Levy (CIL) – effectively a "development" tax paid to a Local Authority, which is then spent by that Authority on new infrastructure. Around half of Local Authorities in the country are Charging Authorities.

- 3.3 The Government has acknowledged through consultation with Local Authorities, the development industry and infrastructure agencies, that the current system is not delivering sufficient infrastructure in a timely and effective way. In short, the 106 route is uncertain because it is negotiable. Those negotiations are usually wholly a result of disagreement about the viability of development and thus what can realistically be “funded” through the Agreement. This, apart from anything else leads to delay. It also, more than often, results in financial contributions being phased over the lifetime of a development, with no opportunity for later uplift as the value of the development appreciates. The issues with CIL charging are that it is inflexible as the charge is agreed by an Authority at one point in time. It covers some development types, but not all - for instance it excludes warehousing – and significantly, it is collected as a generic charge per square metre at one moment in time, thus also not collecting the “value” of the development.
- 3.4 The proposals are to replace CIL with a new mandatory Infrastructure Levy (IL) to be charged and collected by all Local Planning Authorities. Section 106 Agreements can still be agreed where they might be more appropriate. The key difference with the IL, is that it would be charged on the final value of the completed development, thus capturing the uplift as a consequence of the development.

4 The Proposals

- 4.1 The recommendation is that IL would be charged for new development involving new floor space, and the charge would be a Levy of so much per square metre. Conversions would be included in the IL regime if they involve the creation of a new use on the original floorspace. This means that development not involving new floor space would need to be the subject of the Section 106 regime, but only if mitigation is appropriate.
- 4.2 Infrastructure would fall into one of two categories – Integral and Levy Funded. The former is that infrastructure delivered by the developer on site in order to make the development function – e.g. the roads, the provision of utilities, SUDS features and green spaces. The second category would include infrastructure that is to be delivered by Local Authorities and other Agencies – schools and health facilities for instance.
- 4.3 Apart from the example above, Section 106 Agreements can still be used for example for very large and complex sites where a “bespoke” delivery of infrastructure is needed, that must be delivered on time, pre-development or in a series of appropriate phases. The contributions still must be negotiated, but the total value would have to be at least equivalent to the total amount of the IL if that was the route to be taken. If less, then a “top-up” Levy would be needed.
- 4.4 There would be a minimum threshold below which IL would not be charged. This would involve some developments that would be exempted by national definition - expected to include household extensions, residential annexes, development by Charities and for self-build dwellings for example. There will

be further consultation on what might constitute a “small site” where IL would also not be charged, or whether there should be a reduced rate for such sites – currently affordable housing provision or contributions cannot be sought on sites of nine units or less. Other exemptions may be permissible and defined locally, but the minimum charge and schedule of charges would be set locally by each Local Authority. The most significant change from CIL is that the charge would be defined as a % of the Gross Development Value (GDV) of the development when complete. This is intended to capture total build costs, land values and final valuation rather than just being a flat rate defined by the Authority at any one point in time. So, it would be “bespoke” to the actual development project itself, rather than being a uniform charge per square metre of new residential floor area. The scope of developments to be included would be for each Authority to decide. The Charging Schedule would need to be based on local evidence, “tested” and be subject to scrutiny at an Examination in Public.

- 4.5 The developments included in the IL and the infrastructure that would be provided have to be made explicit. This would be through an Infrastructure Delivery Statement (IDS) prepared by the Authority to sit alongside and be “tested” with the Charging Schedule. In effect this would replace the current Infrastructure Delivery Plan that accompanies the Local Plan.
- 4.6 This inevitably will involve the engagement of the infrastructure providers in the drawing up of that Statement. It too would have to resolve when and how payments are to be made, as the charge itself is calculated on the value of the completed development. Three phases are recommended – an initial payment, a second part way through a development when the Levy may need to be re-calculated and a final payment. The consultation recommends that the first payment can be used for initial infrastructure as may be required in the IDS and that the value of the full Levy can be used by an Authority to borrow against. The consultation asks about the principle of re-calculation throughout the lifetime of a development and, also, it does recommend “penalties” for late payments.
- 4.7 The IL will also deal with the provision of affordable housing. At present nationally, around half of the financial contributions covered in Section 106 Agreements goes toward the delivery of affordable housing in one form or other. The Consultation paper therefore has had to address this substantial commitment under the IL umbrella. At present as Members will be aware there is a Policy requirement for this provision – for example in our case 40% provision on a green field site. This % level is usually the subject of protracted negotiation through viability appraisals and discussion on the range of tenures for the provision. The paper recommends a new “Right to Require” approach to affordable housing provision. The Local Authority will set out what proportion of the IL it wants as affordable homes and what proportion it wants delivered in cash. On-site provision will thus be an “in-kind” payment of the Levy delivered by developers, protecting it from other spending requirements. These requirements will be non-negotiable as they will be in the Levy. However, they will be the subject to scrutiny though, as they would be set out in the Charging Schedule which will be Examined by a Planning Inspector.

- 4.8 The paper includes an example. If the anticipated Levy liability from a residential development is £800k, and the Local Authority has set its “right to require” as 60%, then £480k of that would be delivered in-kind as affordable housing (either on site or in cash). Whatever the % requirement is, the £800k will remain the same. The paper also illustrates how the £480k might be used on site.
- 4.9 As liabilities are linked to GDV, the paper points out that if the overall liability of a scheme falls then the discounted value of an affordable home will thus reduce from its market price, but the same proportion and type will be preserved on site. If the GDV is greater than expected then the increase will go to the Authority as cash, with the % requirement for affordable housing remaining the same.
- ... 4.10 The paper provides a flow-chart to illustrate the Right to Require – Appendix A.
- 4.11 The current CIL regime enables a share of the Levy collected to be directed towards parish and town councils as a neighbourhood share. This approach will be retained under the new IL. It is proposed that up to 25% of receipts could be allocated to “parished” areas with a Neighbourhood Plan in place. Further work is being undertaken to provide more detail on this. The paper says that it is up to each Local Planning Authority to set this % level.
- 4.12 Within the CIL regime, 5% of total receipts can be used by the charging authority to handle the administration of the charge. The Draft Bill enables administrative expenses to also be met under the new IL and the paper recommends a similar figure. It is suggested however that this % could be greater in the earlier years as the new IL is embedded. The Government is to keep this under review as the new system is cascaded out.
- 4.13 Enforcement of the Levy payment will be crucial. The paper says that it will be listed as a Local Land Charge. In order to strengthen the system by the introduction of sanctions, the paper is looking at promoting Stop Notices to prevent development commencing; restrictions on occupation if the Levy is not paid and additional financial penalties.
- 4.14 The introduction of the new IL is to be “lengthy” – up to ten years. As indicated at the start of this report the Government recognises that the IL is a significant change and a substantive challenge. The proposal is thus to introduce the IL over an extended period of time through a “test and learn” approach. The Levy would thus be introduced in a representative minority of Authorities prior to nationwide roll out. The experiences from these “pilots” as evidenced from Authorities, the development industry and the infrastructure Delivery Agencies would thus feed into the progression to the nationwide introduction. The Paper includes an illustrative flow-chart which is copied at Appendix B.
- ... 4.15 Given this “progressive” approach, there may be the need for transitional arrangements as both CIL and Section 106 monies will still be collected. The

paper highlights two matters in this regard. The first will be where works on a large development site have already commenced, CIL and/or 106 contributions have been agreed and partially paid, and where infrastructure is however phased for well into the future – probably after the Authority has become an IL Charging Authority. The second is the matter of alignment between the IDS, the Charging Schedule, the decision to become an IL Charging Authority and the preparation of a Local Plan. The paper does say that upon introduction of IL, an Authority will clearly have to have its IDS and Charging Schedule agreed and in-place, but that Authorities will not be required to undertake a Local Plan review for its IL to be adopted. The expectation is that these will align over time.

5 Observations

- 5.1 It is not proposed to provide a formal response on the consultation. The Levy is to be introduced in any event and it is considered perhaps more important to understand the implications. Some preliminary observations are made below.
- 5.2 The Council is not a CIL Charging Authority and thus reliant on Section 106 contributions for infrastructure delivery related to new development. However not being a Unitary Authority, it has very little control over major infrastructure delivery. As reported in recent Infrastructure Delivery Statements, the contributions sought are almost wholly focussed on the provision of affordable housing and recreation and amenity facilities. Under the IL however, the Borough Council would become the Authority setting the Levy, collecting it, ensuring that it is passed onto the Delivery Agencies - such as health and education – and auditing and monitoring progress. In order to assist with this process, the Borough Council would be allowed to charge an administration fee.
- 5.4 Areas with a made (adopted) Neighbourhood Plan will be able to have a share of the IL. At the moment if the Borough Council were a CIL charging authority, this would be 20% of collected CIL in that area. It is expected that IL would continue this transfer of funding, but provide some flexibility as to the percentage.
- 5.5 The Borough Council did not introduce CIL as it was concerned at the exclusion of employment land and the large strategic housing sites. Although Section 106's would still probably be the route for most strategic housing sites, employment sites, which create an uplift in land value, could potentially now provide the opportunity for IL to be charged.
- 5.6 With the introduction of IL expected to take many years it will probably sit alongside the review of the Local Plan.
- 5.7 There may also be benefits in taking the opportunity to take part in the pilots referred to the report, but this will require further exploration.

6 Report Implications

6.1 Financial and Value for Money Implications

- 6.1.1 This is unknown at present but it is anticipated that the receipts will be significant. The value of the Section 106 contributions we receive at present is based on formulae and these mostly reflect the anticipated number of people and children who will occupy a house. That will change as the Levy will be based on the final value of a development. Additionally, the Levy is now likely to include warehousing and other commercial property.
- 6.1.2 The Levy would provide more certainty. At present Section 106 Agreements are negotiable and affordable housing provision can differ between sites. The Levy will have an explicit payment that is to be made and the Right to Require affordable housing should achieve greater on-site provision.
- 6.1.3 However the Council will become the Charging Authority and that will be for all Infrastructure Delivery. The administration associated with the Levy will be significant as a consequence, even with the projected administration share of the Levy coming to the Council.
- 6.1.4 The Council is not a Unitary Authority and how the Levy collected is then distributed to other delivery agencies is uncertain, particularly as the Levy will be a total sum of money related to the value of the development and not made up of individual contributions from delivery Agencies.
- 6.1.5 There will be a significant amount of work involved in understanding the implications of the Levy.
- 6.1.6 The introduction of the Levy and transitional arrangements may extend over many years.

6.2 Environment, Sustainability and Health

- 6.2.1 It is anticipated that the Levy would be a benefit in terms of enabling associated infrastructure but this will largely depend on agencies outside of the Council.

6.3 Legal, Human Rights and Equalities Implications

- 6.3.1 Section 106 Agreements currently have a legal resource implication. That would continue in some instances albeit that certain modifications to how this works in practice are currently proposed in the Bill. The Council can, in certain cases, recover a contribution towards its legal costs in doing so. There may be further implications with the Levy particularly on the enforcement side. There should be limited implications for Human Rights and Equalities in the setting and collecting of the Levy, but the distribution of the Levy for infrastructure will have to have to regard to these matters. An impact assessment will be carried out at the appropriate time to determine the extent of this.

6.4 Risk Assessment Implications

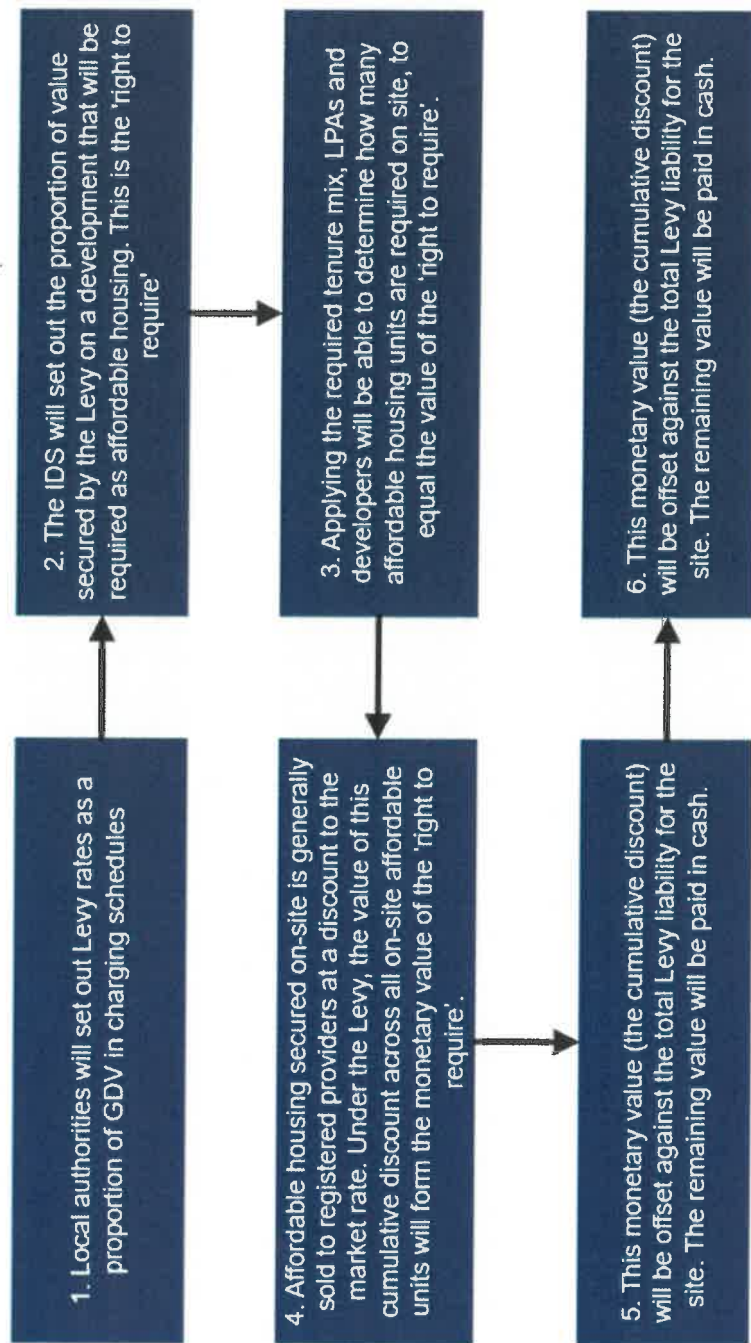
- 6.4.1 There is a new significant implication in ensuring that the Levy meets infrastructure requirements, that it is fully collected and then that infrastructure is provided. Auditing and monitoring will be significant given the potential values involved as will be ensuring that sanctions are invoked where necessary.

6.4 Human Resource Implications

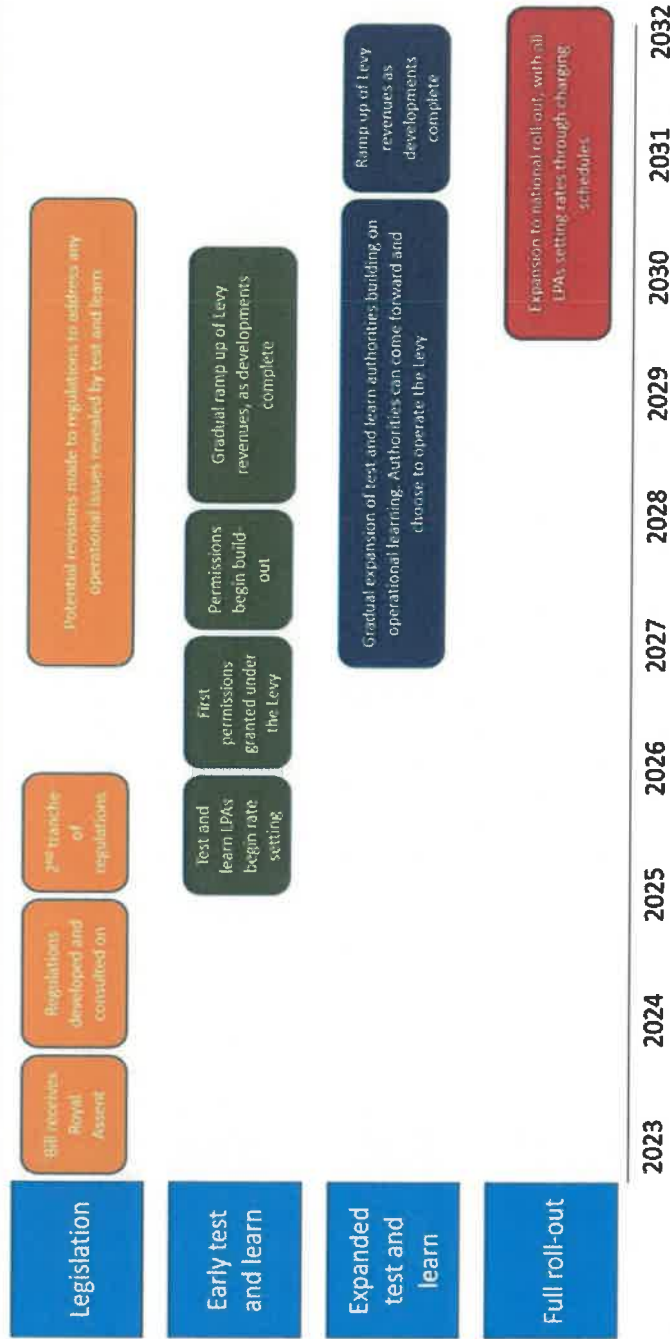
- 6.4.1 It is likely that there will be resourcing implications not only for the planning service but also in order to provide the evidence to set the Levy charge, to examine the viability of new development and to review valuations throughout the implementation of a development. There would also be the administration, auditing and monitoring of the Levy to consider.

The Contact Officers for this report are Jeff Brown (719310) and Dorothy Barratt (719250).

Figure 1: The operation of the 'right to require'



1. Local authorities will produce charging schedules. These will set out Levy rates and minimum thresholds.
2. LPAs will also produce an IDS. Included will be what proportion of value secured by the Levy will be required in-kind as affordable housing - the 'right to require'.



Legislation

- Bill receives royal assent
- Regulations developed and consulted on
- 2nd tranche of regulations
- Potential revisions made to regulations to address any operational issues revealed by test and learn

Early test and learn

Agenda Item No 6

Planning and Development Board

22 May 2023

Report of the Head of Development Control

Government Consultation - Environmental Outcomes Report

1 Summary

- 1.1 The report is for information only and describes the Government's proposals for replacement of the current way in which the Environmental Effects of new development are to be assessed and monitored.

Recommendation to the Board

That the Report be noted and that further reports are brought to the Board so that the implications of the change can be considered and to detail any further Government announcements.

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Background

- 3.1 As part of the Government's planning reforms, a number of substantial consultation papers have been published. Officers have already reported on proposed changes to the NPPF, proposed planning fee increases and changes to performance indicators. This report now deals with a further consultation, introducing a substantial change as a direct result of Brexit and the break with the link to European Environmental legislation. Through the new Levelling Up and Regeneration Bill, the Government is seeking to secure the necessary powers to bring forward a new domestic framework for all of the current environmental assessment regimes, so as to replace those which originated from EU Environmental Directives.
- 3.2 Environmental Assessment aims to ensure that the environmental effects of plan-making and application decision-making are factored into the process. There are two main Assessment regimes. Firstly, those Members that were heavily involved with the progress of the Local Plan through to adoption, will be familiar with the Sustainability Appraisal (SA) which incorporated the Strategic Environmental Assessment (SEA). This informed the plan making

process and aided the identification of Issues and Options and was submitted to and tested at the Examination as part of the evidence base for the Local Plan. It thus heavily influenced its proposed strategic spatial planning policies. The second are Environmental Impact Assessments which accompany major development planning applications. Although these are not common in North Warwickshire, Members will have seen reference to them in some application reports and noticed the Non-Technical Summaries appended to these reports.

3.3 These Assessments typically consist of:

- “screening” – is an assessment required?
- “scoping” – what it should cover and how that is to be measured?
- “assessment” – identifying the effects, reasonable alternatives and identifying options and mitigation measures
- “reporting” – outlining the findings of the assessment and
- “monitoring” – checking to see if mitigation is working and taking remedial action if not.

3.4 The Government has undertaken a critical appraisal of the use of these Assessments through consultation with Local Planning Authorities, developers, statutory bodies and environmental specialists.

3.5 A number of consistent themes emerged:

- There is a lack of technical expertise in Local Planning Authorities to thoroughly interrogate the content of the Assessments,
- A whole “industry” has burgeoned to actually prepare them, with consultants often running the agenda
- They are not read or understood by decision makers
- There is very little in the way of monitoring of the environmental effects identified in the Assessments and thus little in the way of adapting, amending or enforcing

3.6 Finally, they are a substantial source for mounting legal challenges and thus Local Planning Authorities tend to be over-cautious.

4 **Proposals**

4.1 The Government’s aim in this proposal is to focus on the “outcomes” – in other words to ensure that proposed environmental benefits are actually being achieved. The Secretary of State will thus set outcomes against which a Plan or a Decision will have to report. These would be contained in secondary legislation. As a guide, such outcomes could cover “targets” or “requirements” on biodiversity, air quality, landscape, noise, water and waste. As an example, one is already in place – the 10% nett gain in bio-diversity over the existing levels of an application site. In the case of planning applications, the applicant

would need to submit a report indicating how he would meet these outcomes. Additionally, there would need to be a monitoring and verification procedure submitted and agreed, together with the means of adapting or amending mitigation measures if the approved ones have not met the targets or agreed outcomes. In the case of plan preparation, the Appraisals would concentrate on the environmental impacts of the preferred spatial strategy as well a range of reasonable alternatives.

- 4.2 In this way the paper says that the decision-maker would be able to see if the required outcomes are achievable and have a procedure for verifying them. The reports would also have to show that the applicant has assessed alternative ways of achieving the required outcome – through alternative ways of delivering the development or through site identification - and have to look at a range of mitigation measures. Importantly, the mitigation measures finally agreed would become statutory undertakings. The Verification procedures would thus need to be identified and enforced with a mechanism for adapting or changing them, if they were not achieving the required outcome.
- 4.3 The consultation paper also indicates that this reporting and verification procedure would not apply to all planning applications. The current 2017 Environment Assessment Regulations define the categories of development where Environmental Statements are mandatory and those where a closer assessment is to be taken. The same principles would apply to the proposed new reporting requirements. The current lists would therefore be reviewed. At present, the current categorisation is based on site size and the scale of the proposal. It is anticipated that the new categories will be focussed far more on potential environmental impacts. For example, proximity to a sensitive site – such as a designated ecological site - regardless of the size of the development or its description.
- 4.4 The paper emphasises that the mitigation measures will be set in legislation and thus they become subject to the planning enforcement regime. However, the measures will need to be verified and monitored to establish if they are actually achieving the anticipated outcome. This is therefore not necessarily a planning judgement. If they are not, the paper recommends that they will need to be adapted or changed in order to do so. Hence the verification and enforcement regime is considerably widened in its scope and extended over time. The paper also asks for comments on what happens where there is ineffective mitigation and thus what enforcement powers might be needed including post-decision costs and liabilities.

5 **Observations**

- 5.1 The change from SEA/SA to Environmental Outcome Reports would seem to make the system simpler and easier to understand. From the Local Plan perspective, the existing SA process looks at environmental, social and economic issues and assesses policy choices in each of these matters. The

new system will concentrate on the environmental side. Monitoring is seen as an important part of the process and it is likely that the AMR (Annual Monitoring Report) would need to cover monitoring of this work in some way. The costs therefore saved at the start of the process in preparing the former Appraisals, may thus now be incurred once the Local Plan is in place and monitoring of the outcomes takes place – often over extended time periods. It is highly likely that specialist advisers would be required.

- 5.2 It is hoped that this new way of working would make it easier to engage the community. The current system is not user-friendly and local communities have not really engaged with the current system. As indicated above it has been mainly consultants, advisers or developers.
- 5.3 In terms of planning applications, the extensive Environmental Statements would be replaced with a much more focussed reporting mechanism. However, that change in focus would have a significant resourcing implication. Mitigation measures need to be agreed and this will involve skills normally outside the remit of a planning officer – for instance would nett bio-diversity gain be achieved, or the target for improvement to air quality satisfied? Once in place, those measures will also need to be monitored and that exercise will need verification. If the measures are falling short, then amended measures will need to be identified, agreed and further monitoring undertaken. Monitoring may also be required over many years – eg. tree growth in landscaping schemes. Whilst the change in emphasis is thus welcome, there will be significant implications on the operation of the planning service.

6 Report Implications

6.1 Financial and Value for Money Implications

- 6.1.1 There will be some saving in officer time in not having to consider significant documentation but, that will be offset by the monitoring and verification measures needed to ensure that the approved environmental benefits are delivered in full. That will involve expertise not available in the planning service and over time.
- 6.1.2 The Government argues that the proposed increase in planning fees would assist in resourcing issues
- 6.1.3 At present, there would be scope through Section 106 arrangements for developers to pay for monitoring of mitigation measures and potentially then commissioning a third party to undertake verification. The implications of the new Infrastructure Levy on such arrangements will need to be considered.
- 6.1.4 Liabilities would need to be identified and procedures put in place should a developer go out of business, leaving mitigation unfinished or not monitored.

6.2 Environment, Sustainability and Health Implications

6.2.1 The focus on environmental outcomes agreed against defined targets is welcomed and should have a significant benefit.

6.3 Legal, Human Rights and Equalities Implications

6.3.1 As indicated, the current regime has been the source of much litigation. The implications arising from the new regime are unknown and may well result in there being less opportunity to challenge, but the identification of liability is likely to become a major issue. Further advice will be given once the changes to legislation are finalised and, once in force, on a case by case basis.

6.4 Risk Assessment Implications

6.4.1 If monitoring and verification of mitigation measures are to become mandatory, the risk of not responding to these actions will need to be assessed.

6.4 Human Resource Implications

6.4.1 Although unknown at present, there are likely to be calls on skills not presently available in the Council.

The Contact Officers for this report are Jeff Brown (719310) and Dorothy Barratt (719250).

Agenda Item No 7

Planning and Development Board

22 May 2023

Report of the Chief Executive

**Submission of Nether Whitacre
Neighbourhood Plan for Public
Consultation**

1 Summary

- 1.1 This report informs Members of the submission of the Nether Whitacre Neighbourhood Plan and seeks approval to go out for a formal consultation in accordance with regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

Recommendation to the Board

That the Nether Whitacre Neighbourhood Plan be publicised for a six-week public consultation.

2 Consultation

- 2.1 Councillors Simpson, Smith and Phillips have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

3 Background

- 3.1 The Localism Act 2011 introduced a mechanism for local communities to produce neighbourhood plans. Once a neighbourhood plan is 'made' (adopted) it becomes part of the statutory development plan for that area and will be used, alongside local and national planning policy and guidance, to determine planning applications.
- 3.2 The Nether Whitacre Neighbourhood Plan is brought to this Board as it is considered that it generally conforms to the development plan for the Borough. The final adoption of the Plan will be considered by Executive Board and Full Council in due course.

4 Submission

- 4.1 Nether Whitacre is the ninth Neighbourhood Plan to be formally submitted to North Warwickshire Borough Council. A copy of the Neighbourhood Plan is attached as Appendix A. The Parish Council must also supply other associated documents to this Council, and these are attached as Appendices B and C. Appendix B is the Basic Conditions Statement which sets out how the

... Neighbourhood Plan has met a series of conditions to ensure the Plan meets a minimum standard. Appendix C is the Consultation Statement setting out how the Parish Council, with its Neighbourhood Plan Group, have carried out consultation from their initial draft documents to the version now being submitted.

- 4.2 At this stage it is only the responsibility of the Council to make sure that the submitted Neighbourhood Plan meets the legal requirements which are:
- whether the Parish Council is authorised to act
 - whether the proposal and accompanying documents:
 - a. comply with the rules for submission to the Council;
 - b. meet the 'definition of a Neighbourhood Plan'; and
 - c. meet the 'scope of Neighbourhood Plan provisions'
 - whether the Parish Council has undertaken the correct procedures in relation to consultation and publicity

- 4.3 It is considered that the submitted plan accords with the legal requirements and so the Council should now publicise the plan in accordance with Regulation 16 of The Neighbourhood Planning (General) Regulations 2012.

5 **Nether Whitacre**

- 5.1 Nether Whitacre Parish Council applied to North Warwickshire Borough Council for designation of a Neighbourhood Plan Area and the designation was approved on 30 September 2015.

- 5.2 Since that time, the Neighbourhood Plan Steering Group under the direction of the Parish Council (as the Qualifying Body as set out in section 38A (12) of the 2004 Act) has been working toward the production of a draft Neighbourhood Plan. A number of meetings with officers have taken place to assist with the progression of the Plan.

- 5.3 Prior to formal submission of the Neighbourhood Plan to the Borough Council the Qualifying Body (Nether Whitacre Parish Council) must first publicise it, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area; consult any consultation body referred to in paragraph 1 of Schedule of The Neighbourhood Planning (General) Regulations 2012 (as amended) whose interests may be affected by the proposals for a neighbourhood plan; and send a copy to the Local Planning Authority. As well as the details of the proposals for the Neighbourhood Plan it should include details of how and when to make representations on the Neighbourhood Plan.

- 5.4 As set out in Appendix C, the Parish Council undertook a Regulation 14 consultation for a minimum 6 week period on their draft Neighbourhood Plan up to 24 January 2022. They have now formally submitted the Plan to the Borough Council for its consideration and progression to Examination.

6 Next Steps

6.1 The following sets out the next steps in the production of the Neighbourhood Plan:

1. Receiving of details of those who responded to the Borough Council in the recent Regulation 14 consultation.
2. Following approval of this report officers will organise a consultation for a period of 6 weeks.
3. Any representations made during this period will be considered by an external examiner appointed by the Borough Council in consultation with Nether Whitacre Parish Council.
4. Examiner's Report be completed.
5. Any recommendations in Examiner's Report to be considered by the Parish Council.
6. When recommendations have been incorporated into the Neighbourhood Plan the Borough Council will consider moving the Neighbourhood Plan forward to Referendum.
7. Referendum then to be held as soon as practicable.
8. If more than 50% vote "yes" the Neighbourhood Plan can then be formally made (adopted) by the Borough Council.

7 Report Implications

7.1 Finance and Value for Money Implications

7.1.1 The Borough Council can claim for up to £20,000 for each Neighbourhood Plan. This recognises the amount of officer time supporting and advising the community in taking forward a Neighbourhood Plan as well as paying for the examiner and referendum. It may also be used for other costs such as digitising the final made Neighbourhood Plan. The payment of £20,000 is claimed when the date for referendum has been set.

7.2 Legal and Human Rights Implications

7.2.1 As stated in the body of the report, the process must follow the legal requirements in regulations relating to Neighbourhood Plans. Once a Plan has been submitted to the Council together with all the required documentation, the Council must publish the Plan for consultation in accordance with those regulations and take the other steps referred to at paragraph 6.1.

7.3 Human Resources Implications

7.3.1 Staff time is provided by the Borough Council to support and advise the Parish Council and community in taking forward a Neighbourhood Development Plan. However, the amount of staff time will be limited, essentially to an advisory role, due to the other work priorities of the Forward Planning Team and that this role must be provided to the other Parishes who are also considering undertaking Neighbourhood Plans.

7.4 Environmental and Sustainability Implications

- 7.4.1 Each Neighbour Plan will need to consider the effects of the Plan's contents in terms of environmental and sustainability issues in accordance with the relevant regulations. Planning with People (Helen Metcalfe) submitted on behalf of Nether Whitacre Parish Council to the Borough Council the Nether Whitacre Neighbourhood Development Plan Screening for Strategic Environmental Assessment (SEA). In accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), a SEA Screening Document was prepared to determine whether the Nether Whitacre Neighbourhood Development Plan should be subject to a Strategic Environmental Assessment (SEA). The Screening Document explored the potential effects of the proposed Nether Whitacre Neighbourhood Plan and concluded that on the basis of the SEA Screening Assessment, the Nether Whitacre Neighbourhood Plan would not result in significant environmental effects in relation to criteria set out in the SEA Regulations or the Habitats and Species Regulations.
- 7.4.2 The screening document was subsequently submitted to the statutory environmental bodies of Historic England, Environment Agency and Natural England for comment, in accordance with the SEA Regulations. Out of the three consultees, only Natural England responded, agreeing with the conclusions of the Screening Document that the preparation of a SEA was not required. A letter was sent on 18th January 2022 to the Borough Council confirming that it was not considered that in this instance a SEA was required.

7.5 Links to Council's Priorities

- 7.5.1 The designation of the Neighbourhood Plan Designation Area will have links to the following priorities;
1. Enhancing community involvement and access to services
 2. Protecting and improving our environment
 3. Defending and improving our countryside and rural heritage

The Contact Officer for this report is Sue Wilson (719499).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

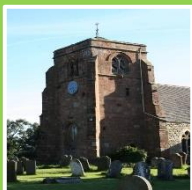
Background Paper No	Author	Nature of Background Paper	Date
1	Nether Whitacre PC Neighbourhood Plan Team	Nether Whitacre Neighbourhood Plan	November 2022
2	Nether Whitacre PC Neighbourhood Plan Team	Basic Conditions Statement	November 2022
3	Nether Whitacre PC Neighbourhood Plan Team	Consultation Statement	November 2022
4	Nether Whitacre PC Neighbourhood Plan Team	Screening Assessment	July 2022



Nether Whitacre Neighbourhood Plan

2023 – 2038

Shaping the future of Nether Whitacre Parish



April 2023

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- 14 Appendix 4. Sites of special interest
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1. Foreword

This is a Neighbourhood Plan (the 'Plan') as defined by the 2011 Localism Act and the Neighbourhood Planning Regulations 2012. It provides planning and development guidelines for the Parish of NETHER WHITACRE (the 'Parish'), the boundary of which is detailed in the Parish boundary map contained herein. The Plan has been produced by the Nether Whitacre Parish Council as the official qualifying body, together with a Steering Group comprising representatives from different parts of the local community. It draws evidence from the views and aspirations of those living in the Parish through a consultation process. It is prepared within the framework of the requirements of the National Planning Policy Framework (NPPF) (2021) and of the North Warwickshire Borough Councils' (NWBC) Local Plan September 2021. It reflects the opinions of the people of Nether Whitacre Parish and sets out policies to safeguard the future and sustainable development of our Parish.

Nether Whitacre Parish has a history which stretches back to Domesday. It is predominantly green fields, open spaces and farmland. Today it comprises some 460 dwellings and around 947 residents. It does not have many facilities, simply a number of public houses, churches, village halls, one shop, a limited bus service and a small industrial site at the edge of the Parish. Private transport is the predominant means of travel.

There are no formal requirements on the Parish by the NWBC for development and as such we are defined as washed over Green Belt and we wish to maintain the protection of it from unwanted and unwarranted development. There is a development boundary within the Parish however and subject to the policies of this Plan and the Borough planning process, windfall sites may be considered.

This Plan covers a period of fifteen years (2023-2038) however it is expected that it will be reviewed every five years to ensure continuing alignment with the changing requirements of the village and of North Warwickshire.

2. Vision of the Parish

To promote and steadily grow a thriving rural community whilst preserving its style, feel and character as the Parish develops into the future.

3. Why a Neighbourhood Plan?

A Neighbourhood Plan is a new type of plan introduced in the 2012 Localism Act which gives direct power to the community to develop a shared vision for the neighborhood and shape the development and growth of the Parish. The Neighbourhood Plan would then form part of the development plan for North Warwickshire.

During 2015, Nether Whitacre Parish Council decided to embark on producing such a Neighbourhood Plan.

The Parish Council established a Neighbourhood Plan Committee, comprising of Parish Councilors and members of the community to drive the Plan forward.

The main objective is to protect the heritage of the Parish and conserve the rural environment for the benefit of residents both present and future.

The Plan also recognizes that for the Parish to flourish, the Parish needs to develop and grow in the future but at the same time the Plan needs to:

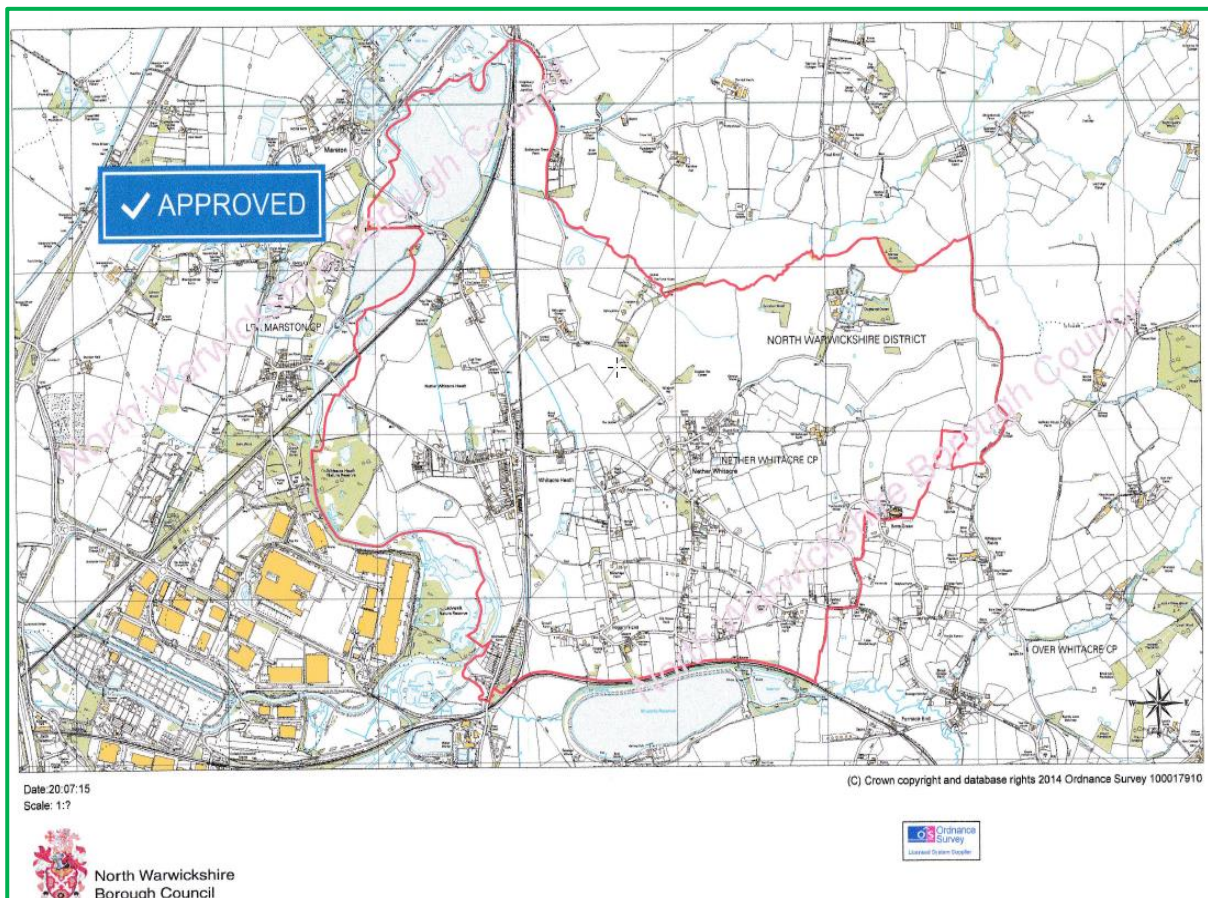
- Protect it from inappropriate development and to ensure any new development is of a high standard.
- Defend the Green Belt to maintain the rural character of the Parish
- Encourage the development of a strong and vibrant community
- Maintain and develop community assets and facilities.

The Plan that follows has been produced following consultation with local residents, local business' and land owners and with direct support from North Warwickshire Borough Council.

Following the Regulation 14 Consultation carried out by the Parish Council the Plan has been modified due to consultation responses and the next steps are

- The Neighbourhood Plan will be submitted to North Warwickshire Borough Council so that they can check that the Plan conforms to all statutory requirements.
- North Warwickshire Borough Council will publicise the draft Plan for at least 6 weeks. The Council will appoint an independent Examiner (with the agreement of the Parish Council).
- North Warwickshire Borough Council will send the Plan to the Independent Examiner who will test if the Plan meets the basic conditions. The Examiner will consider all written representations received.
- The Examiner has 3 options:
 - that the Plan may proceed to referendum
 - suggest that the Plan is modified to meet basic conditions and then it can proceed to referendum
 - decide that the Plan should be refused.
- The Examiner will issue a report to North Warwickshire Borough Council and the Parish Council.
- North Warwickshire Borough Council considers the report, reaches a view and decides whether to send the Plan to referendum. Changes of the document may be required at this point.

Nether Whitacre Parish Boundary



4. Steering Group.

Following the designation of Nether Whitacre as a Neighbourhood Plan Area in 2015, a Neighbourhood Plan Steering Group was set up – Nether Whitacre Neighbourhood Plan Steering Group (NWNPSG).

This Steering Group has been responsible for the development of the Neighbourhood Plan and all associated activities and comprises of the following:

- Chairperson – Mr J Thompson
- Secretary – Mrs B Woolaston
- Members – Mrs L Gamble. Mrs E Waters. Mr A Osborne. Mr A Hughes. Mrs C Taylor.
- Mr S Powell. Mrs C McNulty
- Elected Representatives - Mrs V Wright. Mrs D Starkey. Mr R Hemphill. Mr K Woodward.

5. Development Boundary.

Development may take place within this defined area providing such development is in accord with this plan and the approved local plan.



Nether Whitacre parish development boundary.

6. Housing Policies:

See Appendix 1 & 2 for supportive data.

This section of the Neighbourhood Plan will focus on the provision, if required, of new dwellings within the Nether Whitacre Parish Boundary.

The North Warwickshire Borough Council Local Plan does not allocate new dwellings within Nether Whitacre.

It is accepted that there will be windfall development over the Plan period but this will only be considered in accordance with the policies stated below. Such sites intend to ensure the continued but sustainable growth of the Parish for the life of the Neighbourhood Plan.

Development should provide the opportunity for local people to remain within the Parish. Development proposals will be subject to Town and Country Planning Act 1990 regulations and general conformity with the NWBC Local Plan and subject to review by the Parish Council and NWBC.

These policies are formed as a result of the data collected from our Parish Surveys and other sources identified herein.

Housing Policy 1 (HP1):-

This policy will support the development of new dwellings over the Plan period in conjunction with the Local Plan.

- Development should predominantly take place within the defined development boundary.
- New dwellings should consist of units of 1 -3 bedroom houses.
- Developments should consider the inclusion of sustainable drainage systems.
- Site specific development may be instigated by the Parish Council under a Community Right to Build Order**

** A Community Right to Build Order is put together by local people (supported by the Parish Council) who can decide on the type, quantity and design of buildings they want and in the appropriate locations.

Housing Policy 2 (HP2):

The support of this policy should ensure that the Parish can grow in a sustainable way without the added pressure of new development to the area. To allow:-

- The change of use of agricultural buildings to residential units in line with the NPPF and the local plan.
- The conversion of existing properties into apartments
- The use of brownfield sites.

Housing Policy 3 (HP3):

- To define parking allocation at a minimum of 2 and where space allows to new dwellings at 1 space per bedroom, excluding garages in line with paragraphs 108 and 112 (c). NPPF 2021.

7. Transport Policy:

See Appendix 1 for supportive data.

This section will focus on local transport and highways issues highlighted in the Neighbourhood Plan questionnaire. This policy is formed as a result of the data collected from the Surveys and other sources. Transport, traffic and parking facilities featured highly as required improvements for the area. Any new development that may take place within the Parish Boundary should not impact current parking provision (e.g. The Village Hall) and where feasible should enhance current provision or add appropriate parking facilities. On-kerb parking is not acceptable. The following policy will enhance and protect the Parish and its local residents. It is appreciated that further studies in association with WCC Highways and others will be required to support this policy.

Transport Policy 1 (TP1):

To work with the Warwickshire County Council in order to ensure that there is no reduction in the current on and off-street parking facilities within the Parish Boundary including the Village Hall.

8. Local Economy Policies:

See Appendix 1 for supportive data.

This section focuses on supporting and improving the local economy within the defined Parish Boundary in order to facilitate current and future business opportunities.

Additional visitor accommodation would support the local economy and would complement LEP1 and the tourism proposals put forward by NWBC for the Borough. Sites that could accommodate such uses would include elements of screening. These sites would be subject to review by the Parish Council and NWBC.

Local Economic Policy 1 (LEP1):

- To support the provision of new accommodation for arts / creative space/care services within the development boundary.
- Where appropriate buildings are identified that could accommodate space, this use would be supported provided that the current infrastructure is suitable and / or provided.

Local Economic Policy 2 (LEP2):

- Support for accommodation such as B&B's, small touring caravan sites (maximum 5 caravans) and other similar accommodation where planning consent is require, subject to compliance with the Local Plan and the NPPF.

9. Environment Policies:

See Appendix 1 for supportive data.

The green and open spaces are some of the most valuable assets in the Parish. They provide valuable leisure and recreational space for the local community and visitors. They also act as natural boundaries and should be protected and were possible enhanced.

A lack of access was highlighted by the local community as a major concern and an issue to be tackled which gives rise to the following Policies

Environment Policy 1 (EP1):

- To retain, protect and where possible enhance the existing green open spaces within the Parish, noting and promoting the benefits of open space as flood risk management to retain water.

Environment Policy 2 (EP2):

- To seek suitable and safe access to existing and future Green Open Spaces.

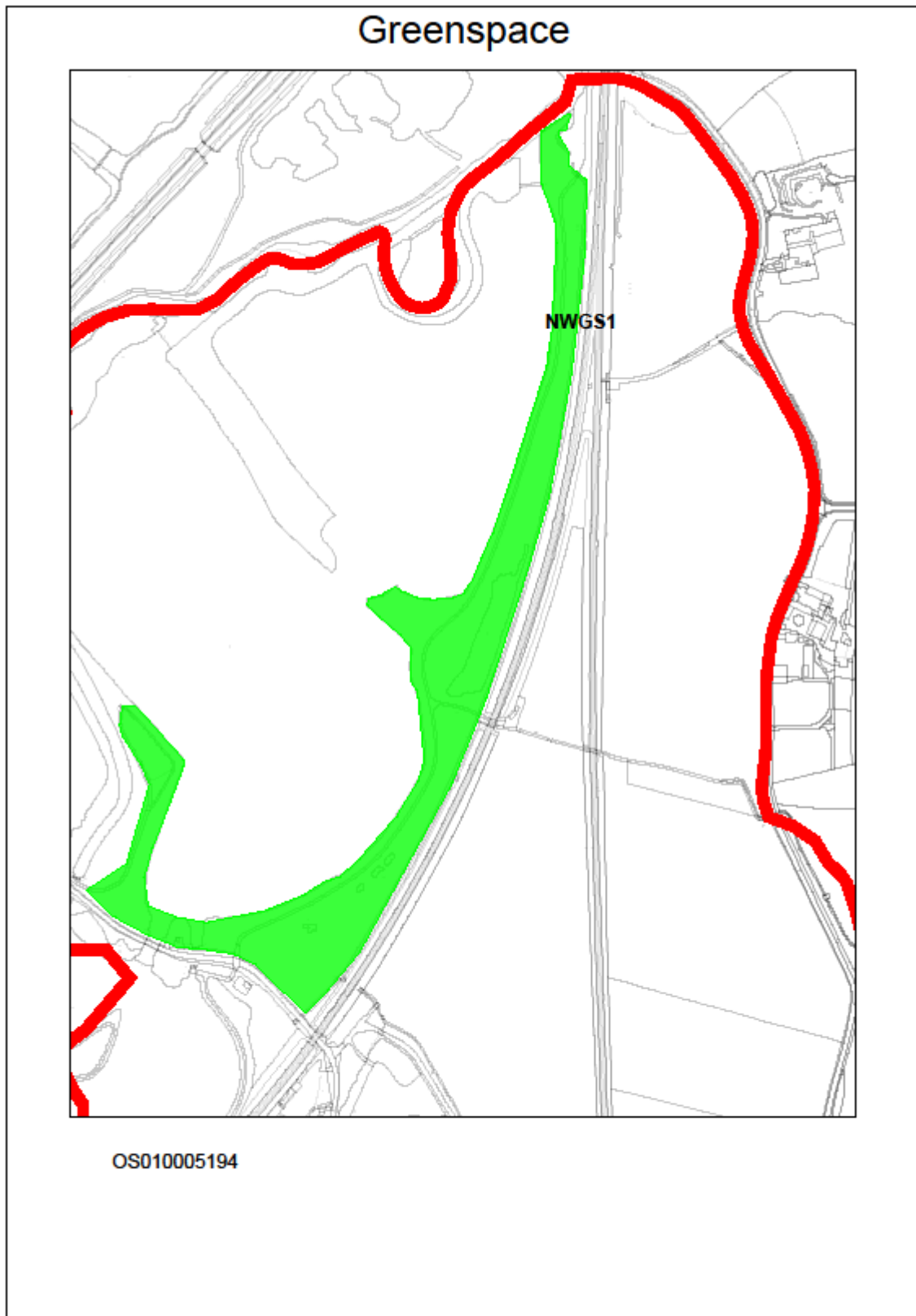
Environment Policy 3 (EP3):

- To seek, support and encourage the maintenance and improvement of the flood defences of the Parish in conjunction with the Environmental Agency.

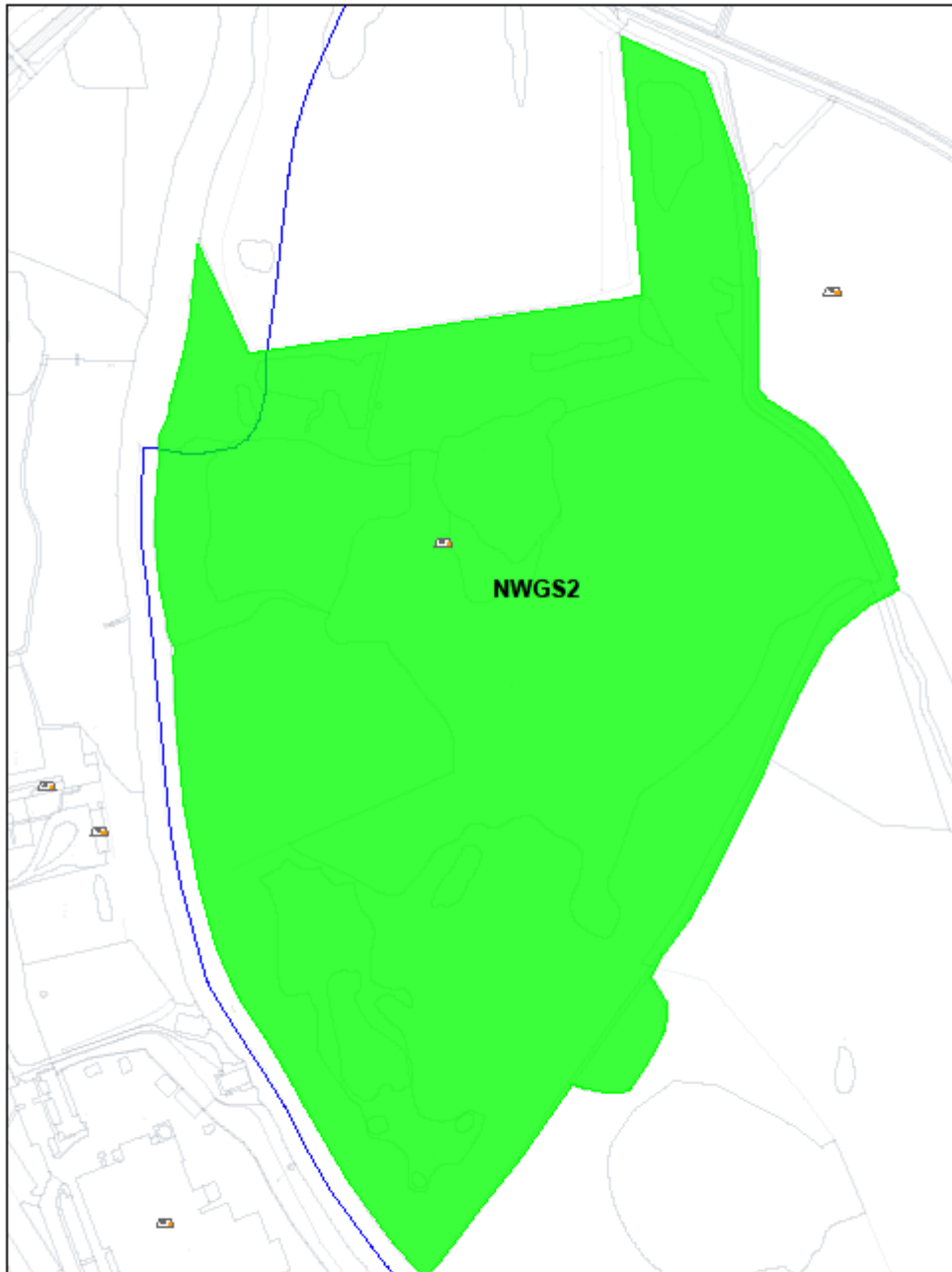
Development of flood resilience schemes within the local green spaces will be supported provided such schemes do not adversely impact the primary impact of the green space.

Nether Whitacre green spaces.

These are considered 'Green spaces' however some are covered individually with other designations. Nether Whitacre is considered to be 'washed over' green belt.

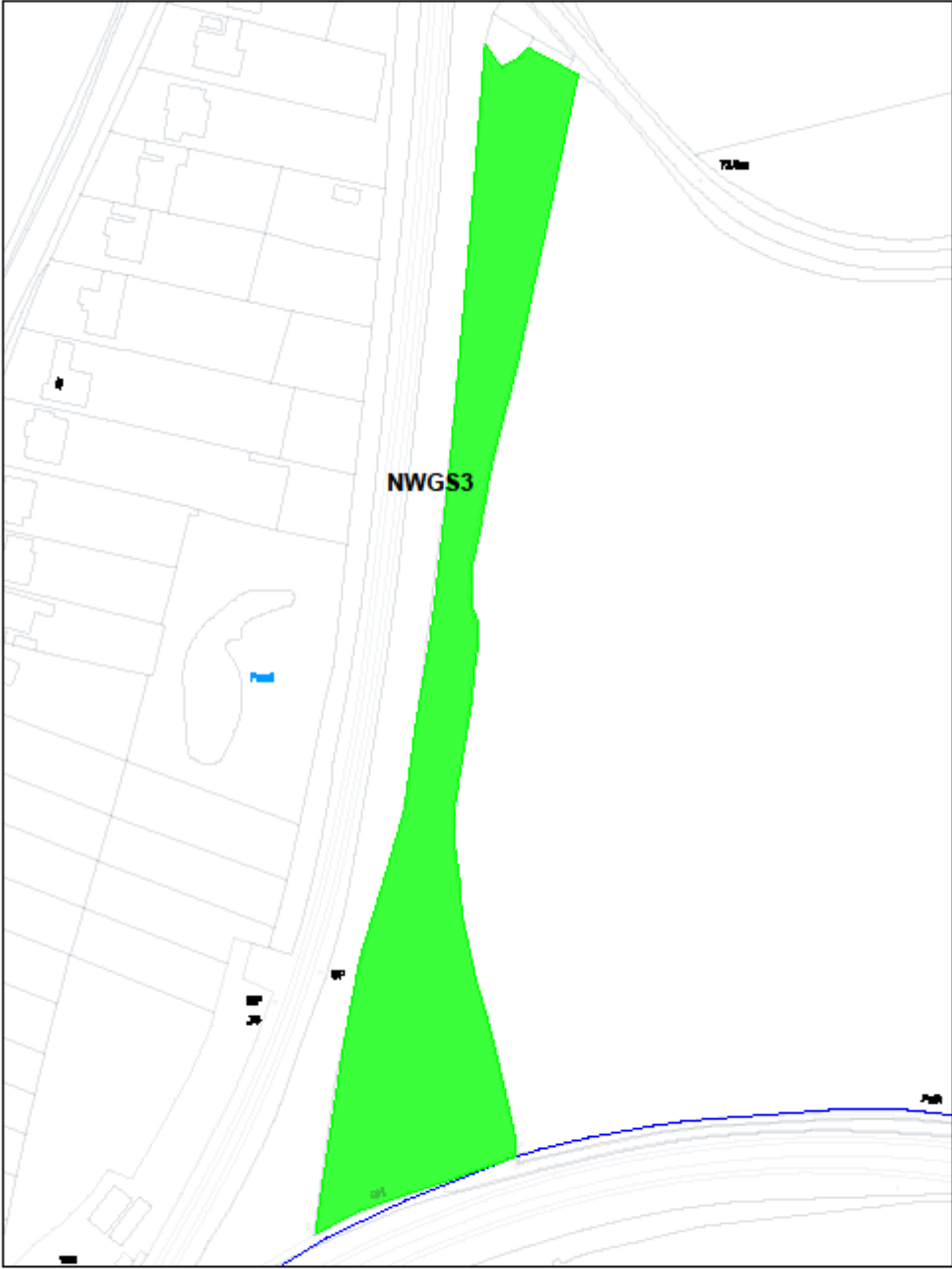


Green space



OS010005194

Green space



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Green Space



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Green Space



OS010005194

- NWGS1 – Land to the east of Coton Lakes, Coton Road
- NWGS2 – Whitacre Heath Nature Reserve (SSSI), Birmingham Road
- NWGS3 – Colin Teall Wood, Hoggrills End Lane
- NWGS4 – Nether Whitacre Parish Council Playing Field, Birmingham Road/Cottage Lane
- NWGS5 – Dingle Lane Cricket Club, Dingle Lane
- NWGS6 – Nether Whitacre Cricket Club, Coton Road
- NWGS7 – Land corner of Station Road/Birmingham Road

10. Community Policies.

These Community Policies are important to the community and will play a key part in the implementation of this Plan. Whilst they are not part of the development plan, they will contribute to the delivery of the vision and objectives of the Neighbourhood Plan.

- Maintain existing and further develop footpath, bridleway and cycle path amenities.
- To control traffic flow through the Parish.
- To promote the safe reduction of traffic volume, speed and size of vehicles.
- To develop further locations for and extend the use of, speed watch within the Parish.
- To provide (when the Parish lobbies for and it is deemed practically possible) a (public) vehicle parking area(s).
- Support local development of visitor accommodation.
- Support digital infrastructure provision such as mobile phone and broadband
- Provide further seating along footpaths, observation points and information points.
- When unauthorised development is detected, it will be reported to the Borough Council with the intent that relevant enforcement action is to be carried out.

11. Appendix 1. Data collection.

Initially, a detailed questionnaire was hand delivered to all properties within the Nether Whitacre Parish. This questionnaire was created from our drop in session activities which are highlighted in our consultation statement.

Of the (450) recipients of the questionnaire, (218) replied.

With particular reference to HP3 below, a second questionnaire was again, hand delivered to all properties within the Parish in our Connecting Four magazine, June 2020. Of the (450) recipients, (188) replied.

These results form the basis of our Plan.

Survey data.

- Ref HP1.	
-	
- Is there a need for new homes in Parish?	99 No
- Is there a need for affordable housing to meet local need?	92 No
- What Type of new Dwelling is required?	
- 1 or 2 bed	116 Yes
- 3 beds	70 Yes
- Retirement	84 Yes
- Housing for rent	62 Yes
- Flats for rent	24 Yes
- Care homes	44 Yes
- Flats for purchase	36 Yes
-	
- What scale of development do you think is appropriate to accommodate new homes?	
-	
- One or two dwellings-filling gaps	122 Yes
- Small scale development	88 Yes
- All developments on one site	28 Yes
- Combination	22 Yes
- Larger developments	16 Yes
-	
- Ref HP2.	
- How and where should any building sites be located?	
- Brown field sites.	139 Yes
- Within the development boundary.	64 Yes
- Green field sites outside the development boundary.	38 Yes

- Conversion of existing properties into apartments.	70 Yes
- In gardens of existing properties.	44 Yes
-	
- Ref HP3.	
- Should parking allocation to new dwellings be	
- at 1 space per bedroom plus 1, excluding garages.	168 yes, 16 No.
-	
- Survey data	
- Ref TP1 and TP2	
- Is there need for off street parking?	140 yes
- Is speed through the village a concern?	187 yes
-	
- Survey data.	
- Ref LEP1.	
- Support the establishment or development of new business opportunities.	
- (these need specific Designation sites when available)	
-	
- Care services	140 Yes
- Small scale horticulture	124 Yes
- Arts/creative	122 Yes
- Agriculture	116 Yes
- Childcare	110 Yes
- Garden services	110 Yes
- Shops	108 Yes
- Taxi	98 Yes
- Offices	16 Yes
- Other	4 Yes
-	
- LEP 2.	
- Support for additional visitor accommodation within the Parish.	
-	
- B&B	113 Yes
- Camping/caravan sites	48 Yes
- Holiday lets within existing buildings	38 Yes
- Hostel within existing buildings	35 Yes
- New Holiday lets	22 Yes
- New Hostel	15 Yes
-	
- Aspirations.	
- Improved Mobile communications	180 Yes
- Faster broadband	162 Yes
- Info points	154 Yes
- Benches/seating	139 Yes
- Observation points	129 Yes
- Litter bins	119 Yes
-	
- Survey data	
- EP1, 2, 3	
- Should Green spaces be protected from development?	212 Yes

- Should green belt/green spaces have other uses e.g. Flood mitigation? 182 Yes
- Are flood defences a weakness? 42 Yes

12. Appendix 2. Further research supporting HP3

Parking on the pavement is more than just an inconvenience. It can intimidate some people, particularly visually impaired pedestrians, wheelchair users or people with prams making them anxious about leaving their homes, and potentially needing to step onto and walk along busy roads.

Pavements are not designed to bear the weight of vehicles and over time the surface can become uneven or cracked, causing trip hazards. For example, Local authorities spent around £1bn between 2006 and 2012 on pavement repairs.

When you park on the pavement, you're blocking part of the footway. As a result, all pedestrians, including children, might have no choice but to walk round your car via the road – putting them at risk. If the footway is blocked then this is an offence.

Stephen Edwards, director of policy and communications at [Living Streets](#), said:

“We’re regularly contacted by disabled and older people who feel trapped in their homes because there isn’t enough room on the pavement for wheelchairs or mobility scooters. “This has impacted more people during the pandemic, with blocked pavements affecting everyone’s ability to physically distance”.

Local authorities can restrict pavement parking on individual streets (or by area) by making a traffic regulation order (TRO). The drawback is that this can shift the problem elsewhere. Making a TRO is also a time consuming and expensive process - it takes up to two years and requires extensive public consultation. However, once parking on pavements is banned on particular street, civil enforcement officers are able to enforce it by issuing a parking control notice – code 62. In April 2017 the government committed to undertake a review of traffic regulation orders. If the process of making traffic regulation orders was less onerous it would make banning pavement parking easier.

Too many drivers are parking on pavements and it’s putting pedestrians at risk. A YouGov survey (2018) commissioned by Guide Dogs, found that 65% of drivers had previously parked on pavements and 43% of drivers had parked on pavements in the last six months. Living Streets FOI request (2018) found that 93% of local authorities in England and 87% of local authorities in Wales have received complaints from members of the public about pavement parking, but the existing laws are clearly not working.

[Public health Warwickshire](#) recommend that any new developments take account of the needs of all of the people in the community, including those with disabilities, special needs, including the elderly and young people for example.

[Driving on the pavement is illegal](#) – so too is causing an obstruction – but our police forces don’t have enough ‘bobbies on the beat’ to enforce the law and respond the scale of the problem. If they did, we wouldn’t have MPs proposing action or progressive transport bills in Scotland, and we and all

our partners, including Guide Dogs, Sustrans, RNIB, British Cycling, Scope and Civic Voice (among many others), would not be leading a pavement parking campaign.

Government is currently considering the issue on kerb parking for the rest of the UK. It is Illegal in London to park on the Kerb.

The Police initiative, Operation Snap, where you upload footage, has been modified to allow stationery vehicle traffic offences, like parking on kerbs.

NPPF paragraph 108 states that maximum parking standards for residential and non-residential development should only be set where there is clear and compelling justification that they are necessary for managing the local road network and improving the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

The 2021 census data as provided by the Business Intelligence unit, Warwickshire County Council, shows that the proportion of households with no cars has gone down as has that with one car. However, a higher proportion of households have 2 or 3 or more cars so the number of cars per household has increased.

Nether Whitacre Parish is a rural community. Space is not necessarily a premium. We have a physical example of what we believe is poor site planning and development. That is Tame View, Whitacre Heath. Nine in number of four and five bedroomed homes with insufficient parking attributed to them. Pavement parking is the norm in the cul de sac and overspill is now on Station road otherwise service vehicles would not gain access.

When Tame view was built and occupied, the Parish council was subsequently inundated with complaints of insufficient parking, when this is clearly down to agreement with the Developer and Borough planning.

Much is being said today on this parking issue. In the NPPF, flexibility is provided for planning bodies to accommodate better parking availability in developments. If adjustment to housing density is required on specific developments then surely that is something to consider and equally the way to go. We cannot continue to force home owners onto new developments to park on the street or the kerb when planning and design are quite able to accommodate off street parking more often than not.

Our Housing Policy HP1 here, is for properties of 1 to 3 bedrooms. So we are simply suggesting that a 3 bed home has at least 3 vehicle spaces excluding the garage in order to ease the burden of on street parking and or on kerbs.

If Planning Departments continue to apply Maximum parking standards in all cases and ignore the flexibility available within the NPPF then they will continue to perpetuate poor parking standards and inevitably individuals breaking the law.

Author. J.Thompson. Cllr. Nether Whitacre Parish Council. Jan 2023.

<https://www.warwickshire.gov.uk/parkitright>

<https://www.confused.com/on-the-road/safety/is-it-illegal-to-park-on-the-pavement>

<https://www.livingstreets.org.uk>

13. Appendix 3.

History and character attractions in the Parish.

The Parish is not isolated. The following are areas which must be taken into consideration when development is being considered.

These following topics affect the Parish greatly. Others come to and travel through the Parish because of these interests and in doing so influence the needs such as housing, parking, transport, B&B, walking, cycling, green spaces, speeding and traffic calming and as such these are included in this Plan.

Nether Whitacre is a small, rural parish in North Warwickshire.

It includes Whitacre Heath and the hamlets of Hoggrills End and Botts Green.

The village appears in Domesday where it is noted as already being held by Wulfric in the Saxon period. By 1086, it comprised eight households and its lord of the manor was Edwin who held under Thorkil of Warwick, its overlord, a relatively unusual name being strongly Norse rather than a hybrid or Norman. It had an additional listing of one household, held under Robert of Vessey, **Whitacre** was in the early medieval period recorded as '**Witecore**', which still means 'white acre' thus 'white field'.

Whitacre Hall, the moated manor house, perches on the north western slopes of the Parish and is a double moated hall. The present structure dates from the Tudor period. At the height of the Industrial Revolution this was the home of the Jennens family, who were some of the early Ironmasters. John Jennens supplied Birmingham blacksmiths with iron bars and then sold their products.

The Parish Church is St Giles's Church. It is early English. It contains some 14th century glass and a 16th-century West Tower but most of the church is of 1870s restoration. The Parish Register dates from 1439, making it one of the earliest in the area. Within the Church is a large monument to Charles Jennens, Handel's librettist, who wrote the words to the Messiah. Next to the church is the original **Village school** (now residential) which was built in 1783 and endowed by Charles Jennens to educate the children of the Parish.

At the turn of the century **Halloughton Grange** was a cheese making school for Warwickshire.

The Rectory was held with its advowson (right to name a priest) at least until 1545. In 1580, however, Sir John Throckmorton died. It passed to the Crown on the attainder of his Catholic son, Sir Francis Throckmorton, in 1584, thereafter for a few years held by John Cowper and William Kente. On 15 November 1589 the Queen granted the rectory to Sir Edward Stanley, but in 1594 it was conveyed by Ambrose and John Cowper to Edward Brabazon. By 1631 it had reunited with the advowson in the Earl of Meath's possession who in 1631 sold it and the manor to Sir John and Sir Robert King.

The Parish has within it about half a dozen stone built buildings of the 17th and 18th centuries, such as Church House Farm, the Old House and the Malt House in Hoggrills End.

In 1836 the **Stonebridge Railway** was built to link the Derby line to the London line at Hampton in Arden. There was a railway station and the Railway Hotel in the centre of the village. It was the first railway to have one line made redundant in 1839.

Nether Whitacre has a **cricket club** which was established officially in 1887 and continues to remain popular however records indicate that matches were played at Nether Whitacre as early as July 1880. The club moved on to its current ground in 1907. The club nickname is "The Ducks"

after the similarity of the Swan and also an incident in the clubs history when it became one of the first ever instances of a team being dismissed for 0 all out with 10 separate batsmen being dismissed for a duck.

The Parish boasts a total of four public houses. Tucked away in Dog Lane, is **The Dog Inn**, a true country pub. Sitting opposite is the Grade II listed Church End Farm and a short walk up from the pub you arrive at St Giles' Church and the Old School House.

Through the churchyard and a little further beyond you will arrive at **The Gate**. This is a pub where diners tend to favour the conservatory, while drinkers gravitate to the dog-friendly bar with its log fires. There is also a small pool room to one side.

Whitacre Heath, the centre of the Parish, is built on the heath which was a mixture of common land and waste land, partially used for agriculture with the most fertile and well-drained land being in the village itself.

Nearby you will find both the **Railway**, a traditional country pub and the **Swan Inn**, a 16th century former coaching inn, well located in the rural village of Whitacre Heath.

Close by is a small **Methodist church** (built in 1819, later replaced in 1901) and is still used for services and village facilities.

There is also **Nether Whitacre Village Hall** and **Nether Whitacre Church Hall** providing venues for social activities. The Parish also benefits from a small grocery store.

The New **Village Hall** in Whitacre was built with money raised from donation. One of the inside walls has a large mural depicting the rural life in the Parish of Nether Whitacre.

There is a play area with swings, roundabout, wobble plank, outdoor adult fitness equipment and a large green area for ball games.

The Gate Riding Club is a popular feature and is situated close to the centre of the village and has regular horse shows at weekends.

Within the Parish is **Botts Green** which consists of a hall and a few cottages. Half of Botts Green is in Nether Whitacre Parish and half is in Over Whitacre Parish.

The hall itself in this Parish is Grade II* listed for its architecture, which has its date of main construction inscribed and recorded of 1593 (in the reign of Elizabeth I).

Also within the Parish, on the south western part of the village is **Hoggrills End**. It comprises of a cluster of farms and cottages, four of which are c.1800 and listed. Beyond this there is a railway junction before a small linear development by the River Tame along Station road to the **Station Stores**, a general store. This stretch overlooks the Ladywalk Nature reserve on the opposite bank of the Tame.

Just outside the village of Whitacre Heath you will find Whitacre Heath Nature Reserve, an SSSI site.

Nether Whitacre Footpaths

The Parish has numerous footpaths, providing amenities for ramblers, dog walkers and cyclists, all linking all of the elements mentioned within and forming the basis of the Plan.

The Heart of England Way cuts straight through the Parish and onwards. All these features of the community and landscape have an influence on the way the Parish develops.

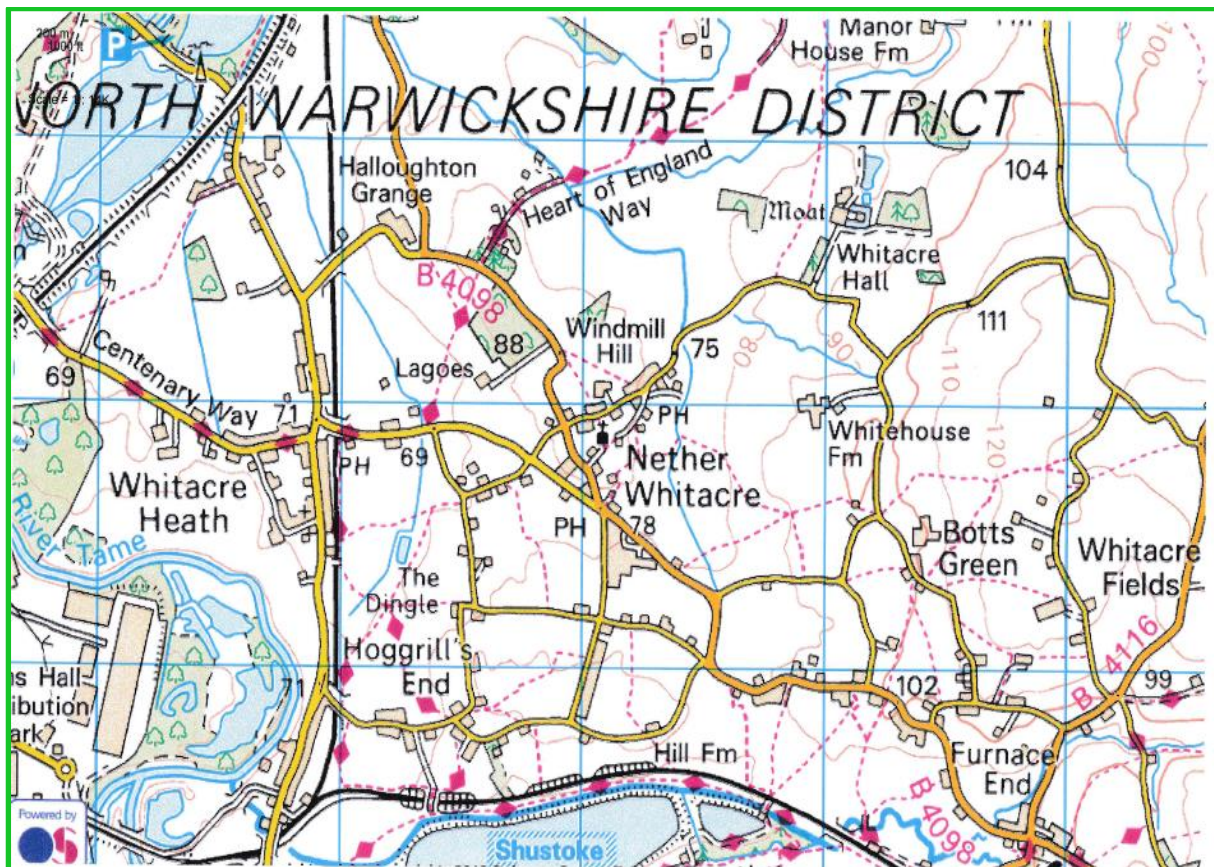
Nether Whitacre Walking Group meets at St Giles' Church.

The Rogation walk takes place annually on the first Bank Holiday in May and attracts many in the community and visitors who walk between the five churches, taking in the pubs.

The North Arden Heritage Trail project worked with local communities to establish a circular heritage trail in North Warwickshire passing through the parishes of Atherstone, Mancetter, Hartshill, Ansley, Arley, Astley, Fillongley, Maxstoke, Shustoke, Nether Whitacre, Kingsbury, Baddesley Ensor and Merevele.

The trail's foundation is the historic network of ancient tracks, farmers' walks for driving livestock and delivering local produce or timber to market, and miners' walk between their home, work, friends, family and place of worship. Historically the parishes had strong connections with its neighbours via trading, supply labour and materials. The trail particularly concentrates on the heritage from the 16th Century to the present day.

There is no particular start or finish to the 25 mile trail route, but starting in Atherstone (former centre for the hatting industry) the trail follows the Coventry canal (with its unique style of sign writing) in a clockwise direction towards Mancetter (a site of Roman pottery industry), onto Hartshill Hayes (where manganese was discovered), Ansley (renowned for ribbon making), Arley (whose coal was reputedly supplied to Victorian Royal family), Fillongley (home of the silk weavers), Shustoke (with its pumping house), Nether Whitacre (home of the Jennen's Family), Hurley (with its mineral railway line), Baddesley, Merevale and finally Atherstone.



14. Appendix 4. Sites of special interest

Lea Marston Lakes



As a result of the River Tame improvement scheme which took place in the mid 1970's the river was re-routed from a single channel to cross Coton Road at three points via large precipitation lakes most of which lie within the Whitacre Parish boundary. The course of the river resumes at Kingsbury. Originally these were dredged to remove the settled debris but this was discontinued several years ago.

The area has become naturally diverse and huge improvements in the Tame water quality has resulted in a proliferation of fish species and a haven for wildlife. There is also a considerable winter wildfowl population and the lakes attract migrant birds. The northern lakes have several walks and the Environment Agency have provided a bird hide.

Whitacre Nature Reserve (SSSI) and Colin Teall Wood.



This SSSI site has over 40 hectares of wetland and woodland areas, lies to the south of Birmingham Road and is owned and maintained by the Warwickshire Wildlife Trust.

The reserve was identified in 1989 as an SSSI (Site of Special Scientific Interest) by Natural England mainly for its attraction to wetland birds. It is also recognised for its importance to an overwintering bird population and to breeding birds and passage migrants. It forms part of the Tame Valley - the largest group of interconnected wetlands in the Midlands. The site is a significant LBAP (Local Biodiversity Action Plan) habitat for species such as snipe and otters.

A bequest to the Parish Council in 1995 this woodland area runs parallel to Station Road. Local volunteers have put considerable effort into establishing pathways and woodland walks and providing nest sites and habitat for indigenous birds and insects. The area has been replanted with native species and active woodland management is underway. It links to the Heart of England Way and Centenary Way and is popular with walkers

Stonebridge Railway.

Originally running from Whitacre Junction to Hampton in Arden the Stonebridge Railway passed under the A446 (immediately before the Stonebridge Island). Opening in 1839 there was a mid-point station at Maxstoke (formally known as Coleshill station) that was renamed in 1923. This was situated near Maxstoke Lane. The line is said to have been closed to passengers as a wartime measure in 1917. Although freight transport continued to the early 1930's it was used between Whitacre and Maxstoke until 1939 when it was completely closed. The bridges over the remains of the line at Watery Lane and the B4114 Coleshill Road are a reminder of its route.



Maxstoke Station.



Whitacre Railway station



Whitacre Junction

15. Appendix 5. Areas of influence connected to the Parish

Whitacre Water Works.



Dominating the skyline approaching Whitacre Heath on Station Road and built in 1872, the works were originally intended to pump water from Shustoke reservoir to supply Birmingham using the then available steam power- there was originally a rail link to the main building for coal supply. Operations continued until 1904 when the Birmingham water supply from the Elan valley started to come on line and the site became a standby facility. Two of the original steam units were Watt Compound Beam engines and were reported to be among the most elaborate and ornate ever built. Following replacement in the late 1930's one was preserved in the Birmingham Science Museum. The original steam boilers have been long since removed and the chimney demolished. The pumping

facility was replaced with a modern building and installation in 1977 and the original site is largely abandoned.

Parts of the building carry a Grade II listing based on intactness, architectural quality and historic interest as an example of 'Civic Gospel' and as a contributor to the quality of life of Birmingham residents.

Regrettably in 2018 it was put into Historic England's Heritage at Risk register due to its increasing deterioration.

Kingsbury Water Park lies on the River Tame. It has 15 lakes and is situated in 600 acres. It is renowned for its walks, bridleways, birdlife and water sports. There is also a miniature railway manned by enthusiastic volunteers.

Middleton Lakes was formed out of gravel pits; it was created in 2011 and is run by the RSPB. It has four established walking trails and a public bridleway. The reserve lies to the rear of Middleton Hall.

Middleton Hall is a Grade II listed building dating back to medieval times. Since 1980 it has been restored by a charitable trust. It is surrounded by 40 acres of land which includes two walled gardens, woodland and Middleton Lakes.

Shustoke Reservoir was built in the 1880's to supply clean drinking water to Birmingham; it took ten years to build. Today, however, it supplies Shustoke, Coventry, Nuneaton, Bedworth and Atherstone. It is open to the public and has a variety of walks through our Parish and there are opportunities for bird watching, fishing and sailing.

Ash End House Children's Farm is a family owned farm with lots of farm animals to pet and feed. It has an indoor play barn and lots of outdoor play areas. It is situated off the A4091, Middleton Lane.

Drayton Manor Theme Park the park covers 280 acres and has seven theme zones, Thomas Land, Action Park, Aerial Park, Fisherman's Wharf, Pirate Cove, The Zoo and Farmer McColl's. It is the fourth largest amusement park in the UK and has a daily capacity of 15,000 guests.

Roman settlements of Coleshill, Atherstone and Tamworth are important towns which are close to Nether Whitacre.

Basic Conditions Statement and Strategic Environmental assessment.



Contents

1 Introduction

2 Meeting the legal requirements

3 Having regard to national policies and advice

4 Achieving sustainable development

5 Conformity with the strategic policies of the development plan for the area

6 EU obligations and human rights

1 Introduction

This statement has been prepared by the Nether Whitacre Neighbourhood Plan Steering Group at the request and approval of the Nether Whitacre Parish Council. This statement will accompany the submission to the Local Planning Authority (North Warwickshire Borough Council) of the Nether Whitacre Neighbourhood Plan (“the Neighbourhood Plan”), under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”)

The Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) (excluding 2b, c, 3 to 5 as required by 38 (C)) sets out that Neighbourhood Development Plans must meet the following Basic Conditions:-

Have regard to national policies and advice contained in guidance
 Contribute to the achievement of sustainable development
 Be in general conformity with the strategic policies of the development plan for the area
 Meet EU obligations and Human Rights Legislation.

The policies described in the Neighbourhood Plan relate only to the development and use of land in the designated Neighbourhood Plan area.

The Plan period is 2023 – 2038.

It does not contain policies related to ‘excluded’ development.

The way in which the Plan meets the Regulations and the Basic Conditions is set out below.

2 Meeting the Legal Requirements

2.1 The Plan is being submitted by a qualifying body.
The Qualifying Body Is Nether Whitacre Parish Council.

2.2 The Neighbourhood Plan contains policies relating to the development and use of land within the neighbourhood area and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

2.3 The Neighbourhood Plan states that the period which it relates to is from 2021 until 2036. This period has been chosen to align with that of the adopted North Warwickshire New Local Plan (2021 to 2033)

The policies do not relate to 'excluded' development.

Neighbourhood Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

2.4 The Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

The Parish Council applied for the whole parish of Nether Whitacre to be designated as a Neighbourhood Area. This request was approved by North Warwickshire Borough Council.

The Neighbourhood Plan relates only to the Parish of Nether Whitacre.

3 Having Regard to National Policies and Advice

3.1 The Neighbourhood Plan is positively prepared, reflecting the presumption in favour of sustainable development and all elements within the NPPF and Local Plan
It seeks to manage development pressures to ensure that, in addition to economic considerations, reasonable environmental and social considerations are taken into account.

Building a strong economy and supporting the rural economy (NPPF paragraphs 81 to 85)

3.2 The Neighbourhood Plan proactively supports sustainable economic growth through its policies for Business and Employment.

Promoting sustainable transport (NPF Paragraphs 104 to 113)

3.3 The Neighbourhood Plan policies promote accessibility.

Delivering a wide choice of high quality homes (NPPF Paragraph 124)

3.5 Policies HP1, 2 and 3 set out a positive framework for enabling small scale development on sites within the Parish, including measures to ensure that development reflects local market needs and local character.

Requiring good design (NPPF Paragraphs 127 to 129)

3.6 Good design is integral to the Neighbourhood Plan policies.

Promoting healthy communities (NPPF Paragraph 92)

3.7 A number of policies seek to ensure that Nether Whitacre is a healthy and inclusive community. Policy TP1/2 promotes a wider consideration of traffic generating development proposals. Policy EP1/2 seeks to protect and enhance existing open spaces and Local Green Spaces.

Meeting the challenge of climate change, flooding (NPPF Paragraphs 152 to 159)

3.8 Policy EP3 sets out general requirements for sustainable development objectives to be met including flood prevention and management.

Conserving and enhancing the natural environment (NPPF Paragraphs 174 to 178)

3.9 The Neighbourhood Plan is aimed at protecting valued landscapes and seeking to enhance biodiversity through requirements for nature conservation.

Conserving and enhancing the historic environment (NPPF Paragraphs 189 to 193)

3.10 The Neighbourhood Plan recognises character areas, protects the Conservation Area, designated and non-designated local heritage assets and archaeological features.

Plan making – Neighbourhood plans (NPPF Paragraphs 15 to 19)

3.11 The Neighbourhood Plan has been written within the context of the NPPF and the North Warwickshire Local Plan. The Local community were consulted during the preparation of the Plan and the Planning department of NW Borough Council were consulted during the development of the Plan to ensure compliance with the policies of the Local Plan and the NPPF. The evidence base and the policies all reflect the guidance and advice obtained. The Steering Group have also consulted with the relevant statutory stakeholders as advised by the NW Borough council.

4 Achieving sustainable development

4.1 There is no legal requirement for a neighbourhood plan to have a sustainability appraisal. However, the Nether Whitacre Neighbourhood Plan has been drafted to be in conformity with the adopted North Warwickshire Local Plan for which a full sustainability appraisal has been carried out to help deliver sustainable development in the Borough.

4.2 The NPPF (paragraphs 8a to 8c) sets out three dimensions to sustainable development:-

- An economic
- A social role

- An environmental role

4.3 The Neighbourhood Plan contributes by:-

- Contributing to a strong and competitive economy by enabling local employment development, recognising the importance of supporting the viability and vitality of small businesses in the village and around the Parish.
- Planning positively for new housing, to meet the needs of present and future generations and ensure development respects local character.
- Supporting infill development with a mix of housing types and sizes, with a focus on small units that can meet the needs of a wide range of people and promote a healthy and inclusive community.
- Promoting policies to protect the Green Belt and enhance green open spaces and biodiversity which contribute to the sense of community and quality of life in the area.
- Promoting policies which encourage the use of sustainable transport, especially walking and cycling to contribute to the health and well-being of the community.

5 Conformity with the strategic policies of the development plan for the area

The Neighbourhood Plan has been developed within the context of the North Warwickshire Local Plan and has been reviewed by council officers to ensure that it complies with the Local Plan and that there are no conflicting policies.

Nether Whitacre Parish is indirectly impacted to a degree by the proposed High speed rail development (HS2). HS2 is not dealt with within the Neighbourhood Plan since North Warwickshire Borough Council is involved in all discussions concerned. Elements of mitigation have and are being considered as this development evolves. However, development in particular for this Parish is not included in the Local Plan.

Criteria for determining the likely significance of effects (Annex II SEA Directive)	Will the NDP have significant environmental effects?	Will the NDP have significant environmental effects?
1a The degree to which the plan or program sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	None	A key aspect of the NP is the protection and, where possible, enhancement of the local environment for present and future local communities. The NP is considered to be in general conformity with both the NWBC local plan 2021 and the NPPF.

1b The degree to which the plan or program influences other plans and programs including those in a hierarchy.	None	It is the intention of the NP to respond to the development of future plans rather than influence their development. None of the policies in the NP have a direct impact of other plans.
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1c The relevance of the plan or program for the integration of environmental considerations in particular with a view to promoting sustainable development.	None	Development in particular for this Parish is not included in the Local Plan however the NP sets out and promotes, where possible, sustainable development within the NP area whilst balancing the required environmental, economic and social needs of the local community.
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1d Environmental problems relevant to the plan or program.	None	The NP will impact positively on the environment as a number of policies for protection and enhancement of the local environment are set out within the plan.
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1e The relevance of the plan or program for the implementation of Community legislation on the environment	None	The NP is in compliance with the NWBC local plan which has taken into account the existing national legislation framework for environmental protection.
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2a The probability, duration, frequency and reversibility of the effects.	None	The policies stated within the NP seek to ensure that any new development is developed in a sustainable way and enhances the local environment. It is the intention to review the NP informally at the annual Parish meeting and formally every five years. Therefore, should there be any negative impacts these can be addressed in the review process
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2b The cumulative nature of the effects.	None	It is considered that the policies stated in the NP will have no negative effects on the local environment in the NP area.
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2c The trans boundary nature of the effects	None	The NP will only impact the stated NP area and will not have any impact on neighboring areas.
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2d The risks to human health or the environment (for example accidents)	None	Proposals within the NP support a healthier lifestyle for current and future residents through protection of green and open spaces and enhancement to cycle and walking paths.
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2e The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	None	The NP relates to the area described in the NP with a population within approx 450 residences.
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2f The value and vulnerability of the area likely to be affected due to: (i) Special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) Intensive land-use.	None	The NP will not have any adverse impacts on the value and vulnerability of the area stated. The NP sets out a vision for the protection and where appropriate enhancement of all the village's cultural and historic assets. The Parish is not in a designated area for development as specified in the Local Plan.
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<p>2g The effects on areas or landscapes that have a recognized national, Community or international protection status.</p>	<p>None</p>	<p>The policies stated in the NP seek to preserve and enhance the areas of landscape within the NP area and thus will have no detrimental impact on landscapes that have a recognized national, community or international protection status.</p>
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As a result of this assessment, it is North Warwickshire Borough Council's opinion that there are no significant negative impacts on the environment as a result of the contents contained of the Nether Whitacre Parish Neighbourhood Plan. Therefore it is considered that a full SEA is not required.

6 EU Obligations

Strategic Environmental Assessment (SEA)

6.1 In some limited circumstances where a neighbourhood plan could have significant environmental effects, it may require a Strategic Environmental Assessment (SEA) under the relevant EU Directive, Government CLG) planning guidance suggests that, whether a neighbourhood plan requires a strategic environmental assessment and (if so) the level of detail needed, will depend on what is proposed in the neighbourhood plan. An SEA may be required where:

- A neighbourhood plan allocates sites for development
- The neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- The neighbourhood plan may have significant environmental effects that have not already been considered in a sustainability appraisal of the Local Plan.

6.2 In the case of the Nether Whitacre Neighbourhood Plan

- It does not allocate specific sites for development, relying instead on a settlement/development boundary approach.
- It does not contain sensitive natural or heritage assets that may be affected by the proposal in the Plan,
- It does not have significant environmental effects as defined by the criteria set out in Schedule 1 to the Environmental of Plans and Programmes Regulations 2004.
- It does not contain significant proposals beyond those which have already been the subject of a SEA within the Local Plan Sustainability Appraisal.

6.3 However, in accordance with recommended good practice, a screening of the Neighbourhood Plan has been undertaken by North Warwickshire Borough Council to determine whether a SEA is required. The Environment Agency, Natural England and Historic England were consulted on the draft Plan and on the SEA screening. On the basis of

this screening, the Borough Council concluded that the Plan does not require a SEA to be undertaken and it is not in breach of the relevant EU Directive.

Habitats Directive

6.4 The North Warwickshire Local Plan was required, under European Directive 92/43/EEC, to be subject to a Habitats Regulation Assessment (HRA). A HRA screening of the Local plan did not identify any significant effects arising within or adjoining the area of Neighbourhood Plan. The Parish Council therefore considers that the Neighbourhood Plan is not in breach of the EU Habitats Directive.

6.5 The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (3) (either alone or in combination with other plans or projects).

6.6 Natural England has been consulted during the drafting of the Neighbourhood Plan and confirmed that there are no internationally or nationally designated nature conservation sites within the Neighbourhood Plan Area.

Human Rights

6.7 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The main issues for planning are the right to family life and in preventing discrimination. The Plan makes positive contributions and the inclusive nature of the preparation of the Plan is a further benefit.

Nether Whitacre Parish Council, Consultation statement. April 2023.

It's been a long journey so far, from the very beginning when the idea was first formulated, to the Plan we have today. These are the steps which were taken to devise and deliver your Nether Whitacre Neighbourhood Plan (the "Plan" or the "Neighbourhood Plan").

- 2015 North Warwickshire Borough Council designated the Parish of Nether Whitacre as the Nether Whitacre Neighbourhood Plan Area. A Steering Committee was formed consisting of members of the Parish Council, volunteers from local groups and residents.
- May 2016 The first formal consultation was a drop-in session in Nether Whitacre Village Hall on 23rd May 2016 which was extensively advertised beforehand' including a notice hand delivered to all households and businesses (450 +) in the Parish of Nether Whitacre.
- Members of the Steering Committee were available to explain the aims of the Plan, the Plan-making process and to seek the views of residents and local businesses. The drop-in session was well attended. Names, email addresses and numbers were collected. All attendees were invited to give their ideas on a number of areas such as what is good/bad about the Parish, what needs to change/what protected and the need for additional housing, for example for certain sectors of the community.
- Attendees were able to give their responses either verbally to members of the Steering Committee present by putting a post-it note on a plan of the Parish, or afterwards in writing to the Committee. Regular updates on the preparation of the draft Neighbourhood Plan were provided to the Parish Council and to all residents via updates in the Connecting Four Magazine: this is delivered free to all households and invited comments, ideas and concerns to the Clerk to the Parish Council or any member of the Steering Committee. Other data gathering followed as the Plan developed.
- 2016 -17 An action plan was prepared by the Steering Committee to identify the key stages in the Plan-making process to keep things on track. An evidence base was prepared to inform the drafting of the Plan, using feedback from residents and local businesses. Meetings were held with North Warwickshire Borough Council who provided support and assistance with the development of the Plan.
- 2017 The Parish Council, as the qualifying (responsible) body, applied for funding to meet the cost of delivering the Plan. A qualified Planning Consultant was engaged to draft the initial Plan.
- 2017 Ideas from the drop-in session helped to form a detailed questionnaire which was the basis for the second formal consultation. This questionnaire with explanatory notes and a pre-paid envelope was hand delivered to all households and businesses affected (450 +), providing an update on the Plan preparation, inviting detailed feedback and capturing additional views.

Responses could either be made online via Survey Monkey or by returning the hard copy in the attached pre-paid envelope.

- 2018 The Plan began as a draft using the detailed evidence base which had been gathered.
- 2018 A further questionnaire with a pre-paid envelope was hand delivered to all households and businesses affected (450+) regarding the number of parking spaces that should apply to new builds in the Parish. Paragraph 108 and 112 (c) of the NPPF 2021 refers.
- 2019-2022 Significant delay due to Covid 19.
- Dec 2021 Regulation 14 consultation commences with responses due by 24 Jan 2022
- Jan 2023 Census Data became available.
- April 2023 Discussions continue with Forward Planning at NWBC.

Regulation 14 Consultees.

The residents of Nether Whitacre were contacted by email, facebook (Nether Whitacre Community) and the parish notice board.

Coal Authority – planningconsultation@coal.gov.uk
HCA - [REDACTED]@hca.gsx.gov.uk, [REDACTED]@hca.gsx.gov.uk
Natural England – consultations@naturalengland.org.uk
Environment Agency – enquiries@environment-agency.gov.uk
Historic England (formerly English Heritage) - e-wmids@HistoricEngland.org.uk
Network Rail - TownPlanningLNW@networkrail.co.uk
Highways Agency [REDACTED]@highways.gsi.gov.uk
Severn Trent - growth.development@severntrent.co.uk
WCC – [REDACTED]warwickshire.gov.uk
NWBC – planningpolicy@northwarks.gov.uk
HS2 Town Planning town.planning@hs2.org.uk
WCC Public Health [REDACTED]ickshire.gov.uk
WCC Public Health [REDACTED]@warwickshire.gov.uk
WCC Transport [REDACTED]ickshire.gov.uk
West Mercia Police [REDACTED]westmercia.pnn.police.uk
Woodlands Trust [REDACTED]@woodlandtrust.org.uk
Woodlands Trust GovAffairsTemp@woodlandtrust.org.uk
WWT enquiries@wkwat.org.uk
NHS [REDACTED]@nhs.net
WWC Councillor andyjenns@northwarks.gov.uk
Shustoke Parish Council <clerk@shustoke-parishcouncil.org.uk>
Over Whitacre Parish Council owpc@hotmail.com
Lea Marston Parish Council leamarstonpc@outlook.com
Kingsbury Parish Council clerk@kingsbury-pc.gov.uk
Borough Councillor [REDACTED]

NEIGHBOURHOOD PLAN RESPONDEES

WCC [REDACTED] [@warwickshire.gov.uk](mailto:[REDACTED]@warwickshire.gov.uk) - Infrastructure Planning Lead, Strategic Growth and Infrastructure, Communities, Warwickshire County Council, PO Box 43, Barrack Street, Warwick, CV34 4SX

I have received two detailed responses in respect of Flood Risk Management and Public Health. Colleagues in Transport Planning have indicated that they have no specific comments to make at this time.

Public Health – Advice mainly for new developments – take into account all of society and their wellbeing. NO NEW DEVELOPMENTS

Flood Risk Management - We note that there is not a dedicated section which addresses how flood risk will be managed in Nether Whitacre. The flood risk team have some historic records of flooding in the area and can see there are numerous main rivers/ordinary watercourses in close proximity to Nether Whitacre. A section detailing how development will be managed around watercourses and areas at high risk of surface water flooding would be welcomed WILL FORM PART OF THE PLANNING APPLICATION, however it is referred to in both EP1 and EP3

Natural England – consultations@naturalengland.org.uk - Sally Wintle, Adviser, Operations Delivery, Consultations Team, Natural England, County Hall, Spetchley Road, Worcester, WR5 2NP -does not have any specific comments on the draft Nether Whitacre Neighbourhood Plan.

[REDACTED] severntrent.co.uk – Severn Trent Centre, 2 St John's Street, Coventry, CV1 2LZ - ask for policies to be included with regard to flood risk WILL FORM PART OF THE PLANNING APPLICATION however it is referred to in both EP1 and EP3 and sustainable drainage in HP1

Planningconsultations@coal.gov.uk – 200 Lichfield Lane, Berry Hill, Mansfield, Nottingham NG18 4RG Having reviewed your document, I confirm that we have no specific comments to make on it.

Susanwilson@northwarks.gov.uk – North Warwickshire Borough Council – Many suggestions for changes to the plan Through discussion CHANGES AGREED. See Below.

Please find our comments below. It is not our intention to criticise or ‘pick holes’ in the Plan and we do appreciate the considerable amount of work which has gone into its preparation. The Council are seeking to assist in achieving a document that will assist the planners when they are making decisions on planning applications.

If you require anything further, please do not hesitate to contact us.

PAGE	Paragraph	NWBC RESPONSE
	General	Paragraph numbering would make it easier for people to make comments and also for the PC to respond too. <u>Noted</u>

	General	All plans need Nether Whitacre PC OS License Number on them. <u>completed</u>
	General	A list of policies on a contents page within the document is always useful for case officers. <u>Noted</u>
3	Foreword	Please delete reference to Core Strategy and add Local Plan 2021. <u>Done</u>
3	Why a NP	Delete “statutory development plan for the area” and replace with “development plan for North Warwickshire”. <u>Done</u>
4/5	Development Boundary	An explanation would be useful. Please replace the map – NWBC will provide. <u>Done</u>
6	Consultation Statement	Obviously, this will need to be removed and submitted as a separate document to NWBC. <u>Done</u>
7	Consultation Statement 2021	Amend the consultation dates. <u>Done</u>
7	Next Steps	Need to add that following consultation, any changes needed will be made before submitting to NWBC. <u>Done</u>
10	HP1	“New dwellings should consist of 1 – 2 units (2 -3-bedroom houses)” conflicts with LP2 which supports proportionate development of no more than 10 units. What evidence is there to back this up? Has a Housing Needs Study been done that clearly indicates 1 bedroom, 4 bedroom or more would be unacceptable? <u>Discussed with NWBC and HP1 edited for clarification. This is the result of our survey. No evidential room for 10 home developments within the development boundary.</u>
11	HP3	1 space per bedroom + 1 conflicts with NWBC’s parking standards. Fillongley tried to do the same and that requirement was removed at the request of the Neighbourhood Plan Examiner. Four spaces for a three-bed dwelling is not feasible in most situations – it will need exceptional evidence to justify this (check car ownership using census data and bus timetables to show lack of services as this may provide the evidence needed) <u>We are proposing 1-3 bedroomed homes (HP1) which means simply 1 extra space per home max, 2021 Census data used in evidence. Sparse bus services. Discussed. NPPF allows flexibility. Paragraph 108 and 112 (c) of the NPPF 2021 refers.</u> <u>See Appendix 2.</u>
11	HP4	Not a planning policy - Enforcement action is discretionary, and NWBC will not initiate enforcement action on all retrospective developments. Consider rewording and include as supportive text not Policy if this is to

		remain or consider deletion <u>Moved to Community Policies.</u>
11	TP1	TP1 doesn't detail in which circumstances the requirement for a public parking area will apply. Again, how feasible is this in practice? Clarity is required on second bullet point – on what you mean by current parking facilities – is it public or private? If private, this is outside control as permitted development rights may apply. If public, then you will need to identify these facilities. <u>TP1 re written</u>
11	TP2	This Policy isn't a Planning Policy but an aspirational one and should be placed in an Appendix with any other aspirational policies. <u>Moved to Community policies</u>
12	LEP1	Consider deleting the word "promote" and add the word "support" <u>Done</u>
12	LEP2	Consider additional text at the end of the Policy "subject to compliance with the Local Plan and NPPF" <u>Done</u>
12	Chapter 10	Consider adding a Policy for Climate Change which could include seeking a higher environmental performance and quality of design. <u>Noted. Our Plan is in general conformity to the NWBC Local Plan.</u>
12	EP1	Wording could be amended to "retain, protect and where possible enhance the existing Green Open Spaces within the parish". Suggest deletion of the words "promote" and "vigorous" <u>Agreed. Done</u>
12	EP2	provide and provision in the same sentence is a bit of a mouthful? Consider amending to "seek suitable and safe..." If you do not have control of the land, then you can't PROVIDE but only seek or require <u>Agreed. Done</u>
12	EP3	Consider the need for this policy as this is an Environment Agency Flood Management Policy and maintenance of flood defences is outside the remit of the PC. However, a Policy could seek and support or encourage the EA to do this. <u>Yes. Noted.</u>
13	Greenspace	The greenspace designations aren't that clear as you need a good knowledge of the village to know which is which. The designation number needs to be put on the plan at the very least. With the exception of the playing field which is a designated greenspace in the local plan all of the other greenspaces are in the greenbelt which means they are already protected under that designation. Is there any evidence to suggest there would be an additional local benefit by designating these sites? With the exception of the cricket pitch and playing field it is considered that the other greenspaces do not fit the

		criteria for designation as they are not “reasonably close proximity to the community it serves” <u>Greenspace agreed and included.</u>
15	Appendix 1	An explanation is needed about the figures and how they were worked out. How many people responded? The figures need to be broken down and an explanation for each question needs to be shown. <u>Amendments completed</u>
17	Basic Conditions	This to be removed and submitted to NWBC as a separate document. <u>Yes</u>
22	History	Not sure of the relevance of this as none of it seems to relate to any of the policies – consider deletion unless you are going to have a local listing policy for the properties listed here. <u>Discussed and retained. These elements define our parish, why people come here and hence its needs, housing, parking, transport</u>
25	Sites of Special Interest	Not sure of the relevance of this as none of it seems to relate to any of the policies – consider deletion. <u>Discussed and retained. These elements define our parish, why people come here and hence its needs housing, parking, transport</u>
28	Areas bordering the parish	No relevance to the plan and policies as this is all outside the designated area – recommend deletion. <u>Discussed and retained. These elements define our parish, why people come here and hence its needs housing, parking, transport</u>

NETHER WHITACRE RESPONDEES.

1. Mark Johnson. 

I have read through the Plan and wanted to let you know it all looks good and have nothing to add or comment on.

NOTED

2. Graham Thwaites. 

Housing Policy 3 (HP3):

- To define parking allocation where space allows to new dwellings at 1 space per bedroom plus 1, excluding garages in line with paragraphs 108 and 112 (c). NPPF 2021. This means a 4 bed house would need 5 parking spaces plus garage which seems a bit excessive to me.

NOTED (HP1. 1-3 beds, clarified)

2a. Should the Parish council consider updating the housing needs survey as it’s so old now?

NOTED THERE IS NO PROPOSED DEVELOPMENT IN THE PLAN. HOUSING NEEDS SURVEY UNNECESSARY AT THIS JUNCTURE.