

## Responses to Representations made on the Pre-submission Draft Stratford Neighbourhood Development Plan

### Policy H4

Representations: Total received 42

Number in Support: 23

### Summary of Representations:

Substantial support from residents for the principle of brownfield first, but concern from SDC and developers that the presumption test is too onerous. A number of representations relate to matters that are not to do with the Stratford Neighbourhood Area.

### Summary of Response:

It is acknowledged that the presumption test is unduly onerous.

### Modification Proposed:

The Policy wording and the explanation will be modified to be consistent with the NPPF, whilst providing encouragement for development to take place on previously developed land first where possible.

### Individual Representations and Steering Group Responses

Code Number	Full Name	Organisation represented (where applicable)	Policy H4	Neighbourhood Plan Steering Group Response

### Statutory Consultees' Comments

1001	Stratford District Council	Statutory Consultee	Policy H4 states that there is a “general presumption against the loss of greenfield land” and introduces the very high test of needing to demonstrate “exceptional circumstances”. Whilst such a test is	It is accepted that this test is unduly onerous. The suggested amendment will be adopted.
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			<p>rightly applied in the Green Belt, it would appear unduly onerous and contrary to both the Core Strategy and the NPPF to seek to apply it to greenfield land in general. Such an approach also appears to contradict the aims of Policy H5 which permits the development of garden land, which is designated as greenfield land. A cross reference to Policy BE8 would also be appropriate. Suggest it is replaced with something along the lines of "...must clearly demonstrate specific and relevant circumstances to justify development."</p> <p>This Policy could potentially prejudice the delivery of the proposed Extra Care Housing scheme on land off Corelli Close, Bishopton, presently being promoted by Housing and Care 21 and Warwickshire County Council, even though that site is located within the proposed Built-up Area Boundary for Stratford-upon-Avon. At best, the requirement to demonstrate "exceptional circumstances" introduces a significant and unwelcome element of uncertainty in respect of this proposal and sits uncomfortably with the delivery of the underlying objectives of Policy H8. For the above reasons it is recommended that consideration be given to the inclusion within the Plan of a specific allocation to provide a positive framework within which the proposed scheme can be considered. See proposed new Policy SSB1A in comments relating to Section 12 of the Plan.</p> <p>Clause (c) seems to set a higher bar than Clause (a). Does this present a conflict?</p>	<p>The policy will be renamed "Use of Brownfield Land" and the final paragraph deleted. We do not need to allocate every last proposal in the town. By changing the title and deleting the last paragraph then sites such as Corelli Close would not conflict with the policy.</p> <p>It is not considered there is a conflict between a) and c) as land</p>
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			<p><b>Explanation</b> In second paragraph neither a presumption against the loss of greenfield land nor the presence of exceptional circumstances (for land outside the Green Belt) is consistent with the NPPF.</p>	<p>use and design are separate.</p> <p>Agreed. The 2<sup>nd</sup> sentence of last para in Policy will be altered.</p>
1006	Highways England	Policy H4 Statutory Consultee	Support your proposal that ideally new housing should be located in brownfield areas where developments are best placed to make use of existing sustainable transport infrastructure	Supportive

<b>Agents and Developers' Comments</b>				
505	Boyer Planning re: Hallam Land Management	Policy H4	<ul style="list-style-type: none"> <li>• General terms concur with emphasis on brownfield development but strongly object to approach of greenfield development which is not consistent with NPPF or CS and is unsound and should be deleted</li> <li>• NPPF encourages effective use of land but does not exclude use of greenfield land</li> <li>• Introduction of a sequential test excluding or delaying greenfield land until brownfield land is used is not consistent with the NPPF or the CS</li> <li>• Deleting the final 2 sentences of the policy would still support the use of brownfield land</li> </ul>	<ul style="list-style-type: none"> <li>• The fact that the presumption against development on greenfield land is not referenced in the NPPF or the CS does not mean that it is in conflict with the strategic vision of the NPPF or the CS. Providing the NDP has met its housing requirements in the CS there is a responsibility of the NDP to maintain a level of protection of the countryside and to promote sustainable forms of development. To allow the development of greenfield land over and</li> </ul>

				<p>above those identified to meet the requirement of the town would be contrary to the strategic objectives of the NPPF and the CS and represents unsustainable development by its very nature. This policy seeks to positively encourage the reuse of brownfield land which is a Core Planning Principle of the NPPF</p> <ul style="list-style-type: none"> <li>• Deleting the final 2 sentences would render the policy toothless and would not achieve the desired outcome</li> </ul>
507	JLL re: Gateway One	Developer's Agent	<p>This policy is supported in principle as it seeks to prioritise the use of brown field land. This approach should encourage the renewal of previously developed sites in the town over greenfield land in line with the National Planning Policy framework (NPPF). The Gateway opportunity site is previously developed land and hence its redevelopment will be in line with and hence will support this policy.</p>	Supportive
508	Pegasus Group re: Gallagher Estates	Policy H4	<ul style="list-style-type: none"> <li>• This policy is not in conformity with the Core Planning Principles in the NPPF</li> <li>• There is no presumption in favour of previously developed land in the NPPF</li> </ul>	<ul style="list-style-type: none"> <li>• The NDP team do not consider that H4 conflicts with the Core Planning Principles. It seeks to actively encourage the promotion of previously developed land is a more positive way than the NPPF</li> </ul>

				<ul style="list-style-type: none"> <li>The NDP is entitled to introduce a presumption as per H4</li> </ul>
512	RPS re Taylor Wimpey and Miller Homes		<p>The thrust of this policy seeks to support the effective re-use of land, an approach generally supported through the National Planning Policy Framework (“NPPF”). Within the body of the text, the policy cites the presumption against the development of greenfield land, which would be resisted unless exceptional circumstances are presented. This principle is not supported through the NPPF or the Core Strategy. The Courts have held<sup>1</sup> that the NPPF does not contain a sequential approach favouring brownfield land.</p> <p>It is considered that the NDP has taken an overly restrictive approach to sites on greenfield land, one which is not consistent with the principles of the NPPF. Paragraph 14 of the NPPF refers to the presumption in favour of sustainable development, the golden thread running through the document. In determining sustainable development weight should be given to social, economic and environmental considerations and policies should be framed in this context. The existing land use of sites, be they greenfield or brownfield, will be one of many considerations in determining the sustainability of sites and sites on undeveloped land should not be penalised on this point alone.</p> <p>In order to be consistent with the NPPF, it is recommended that the final sentence of policy H4 is removed, deleting reference to a presumption against development. This is not representative of the positive planning required and is inconsistent the</p>	<p>The fact that the presumption against development on greenfield land is not referenced in the NPPF or the CS does not mean that it is in conflict with the strategic vision of the NPPF or the CS. Providing the NDP has met its housing requirements in the CS there is a responsibility of the NDP to maintain a level of protection of the countryside and to promote sustainable forms of development. To allow the development of greenfield land over and above those identified to meet the requirement of the town would be contrary to the strategic objectives of the NPPF and the CS and represents unsustainable development by its very nature.</p> <p>However the policy is proposed to be modified in accordance with the response to Rep 1001 above.</p>

			NPPF based on the points made above. It is also reflective of the emerging Core Strategy which acknowledges the need for greenfield land to deliver its development requirements.	
513	Stansgate planning re Mr C Swan		<p>The policy states there is a general presumption against the development of greenfield land. This is at odds with the aims and objectives of the NPPF that there is a presumption in favour of sustainable development. Sustainable development can be on greenfield land as well as previously developed (brownfield) land. Whilst the Core Planning Principles encourage effective use of land as stated in the NP, they also encourage use of land lesser environmental value; to actively manage patterns of growth to make fullest use of public transport, walking and cycling; and to focus significant development in sustainable locations. Some greenfield locations may meet this criteria equally as well or be more sustainable than previously developed sites. It follows that the emphasis in the NP should be for sustainable sites rather than previously developed.</p> <p>Furthermore, there is not enough previously developed land available in Alveston to meet needs.</p> <p>Notwithstanding this objection, use of the term 'exceptional circumstances' should be deleted and a criteria based approach used.</p>	See comments to Rep 512 above. The unnecessary and unjustified release of greenfield land is inherently unsustainable therefore the presumption should apply.
514	Stansgate Planning re Town Trust		The policy states there is a general presumption against the development of greenfield land. This is at odds with the aims and objectives of the NPPF that there is a presumption in favour of sustainable development. Sustainable development can be on	See comments to Reps 512 and 513 above.

		<p>greenfield land as Core Planning Principles encourage effective use of land as stated in the NP, they also encourage use of land with lesser environmental value; to actively manage patterns of growth to make fullest use of public transport, walking and cycling; and to focus significant development in sustainable locations. Some greenfield locations may meet this criteria equally as well or be more sustainable than previously developed sites so it follows that the emphasis in the NP should be on sustainable sites rather than previously developed.</p> <p>Furthermore, there is not enough previously developed land available to meet needs.</p> <p>Notwithstanding this objection, use of the term 'exceptional circumstances' should be deleted and a criteria based approach used.</p>	
516	Framptons re ROSCONN Group	<p>Policy H4 is not consistent with national planning policy (NPPF). There is no 'general presumption against the development of greenfield land'. The Framework does not impose a test of 'exceptional circumstances' to be advanced by an applicant for the development of greenfield. Policy H4 illustrates the intent of the NP to undermine the strategic policies of the emerging Core Strategy to meet the development needs of the District.</p> <p>The preparation of a Neighbourhood Plan should not be seized upon by a local community to introduce a set of restrictively worded policies which are inconsistent with the Framework. There is no evidence that the Neighbourhood Plan has embraced the presumption in favour of sustainable</p>	See comments to Reps 512 and 513 above.

			development as set out at paragraph 49 of the Framework. The provisions of paragraph 49 of the Framework are applicable to a draft development plan, including a draft neighbourhood plan. Paragraph 49 does not simply apply to a plan forming part of the statutory development plan (Woodcock Holdings Ltd v SoS DCLG 2015).	
519	Daniel O'Donnell		The presumption against development of Greenfield Land is not in accordance with the NPPF.	See comments to Reps 512 and 513 above.
520	Charles Vickery		Having a presumption against development of Greenfield Land does not accord with the NPPF.	See comments to Reps 512 and 513 above.

#### Residents' Comments

013	Rosanna Dymoke-Grainger		Important that contamination aspects considered. We bought our house a year ago and the assessment for contamination of land and prior use was a very important factor.	Not a planning policy matter, but one controlled by other legislation.
018	Stephen Wreford		The existing brownfield sites within Tiddington should be released immediately by SDC for development i.e. the gravel pit. It is shameful that large developments are proposed in Tiddington when land exists within the BUAB which could be used in preference - but sadly SDC is actively resisting and release. Please refer to Tony Perks for further details of this site. Another site is owned by Orbit i.e. the garages and these are expected to come up for disposal soon.	Supportive. NP already covers the support for such development within the BUAB. The NP cannot, however, force landowners to develop such land.
025	Jane Dodge		A very sensible solution.	Supportive
038	Amanda Waters		Strongly support. There can be no argument and this should go a long way to meeting housing needs.	Supportive



048	David Bowie		Protection of greenfield land is very important, so I strongly support this policy. I have concerns over the ability to enforce it, given the clever arguments put forward by developers. 'Exceptional circumstances' need to be defined better, e.g. what would NOT qualify as 'exceptional'	Supportive – but Policy needs to accord with the NPPF – mods resulting from the SDC comments will apply.
056	Martyn Luscombe	Stratford Voice	Strongly support	Supportive
057	Trevor Honychurch		Strongly agree. We must use all brown field sites especially around the canal before any further greenfield. If necessary and if owners refuse to release them, empty warehouses should be subject to compulsory purchase at undeveloped prices.	Supportive
067	Richard Edward Hooper		There should be a requirement for new developments to be on brownfield sites before greenfield sites are even considered	Supportive
074	Roger & Lesley Read		Agree	Supportive
077	Anne Parker		I would definitely support 20 mph zones in all residential streets - be bold!	Not relevant to this Policy. Respond under INF/TC section.

086	Jenny Fradgley		Strongly support. Keen to see positive work with landowners and partners in the town to enable brown field sites to come forward throughout the planning period	Supportive
092	Suzanne Helen Bower		The strategy of choosing brownfield over greenfield would not only preserve our green spaces but regenerate empty unused homes & buildings which are an eyesore around the town. I fully endorse this.	Supportive
095	Eric Ward		Too weak: should read "Proposals for development on greenfield land will be resisted as long as brownfield land is available"	Supportive – but Policy needs to accord with the NPPF – mods resulting from the SDC comments will apply.
116	Thelma Bates		More housing on Birmingham Road will only add to the traffic problems. I do not agree with this.	Not particularly relevant to this Policy.
125	Mandy Last		There should be no building on green belt at all ! I am worried that building on brownfield sites will increase the likelihood of flooding. The more we build on or concrete over or build roads on such places the less places the rainwater has to drain through the land. The pipes and drains struggle to cope as it is now. It is however preferable to building on greenfield sites.	Supportive – but Policy needs to accord with the NPPF – mods resulting from the SDC comments will apply. Drainage and flooding are matters that are dealt with at planning application stage. NP cannot go further than the Environment Agency's flood risk maps, and WCC advice on flooding.
135	Kate Bates		Strongly support the use of brownfield sites over greenfield	Supportive

139	Renny Wodynska		I would be extremely concerned if Wellesbourne Airfield was deemed brownfield site that can be developed on. Firstly it is an incredibly historical site for its connections to WW2. Secondly the local area would be horrendously and adversely devastated - from a quiet rural area to busy town - it is NOT what local people want and it is inappropriate to build a new town there.	Outside the scope of this NDP
140	Alan George		I would be appalled if Wellesbourne Airfield was deemed to be a brownfield site that can be developed on. This is a very historical site due to its connections with WW2 and has visitors from round the country to see the Vulcan and to see shows there. Secondly the whole area would be utterly decimated if a housing development of any proportion, hundreds or thousands, was allowed there. It is in the middle of the country and NOT suitable.	Outside the scope of this NDP
143	Chris Strangwood		I agree that you should first consider all brownfield sites as a priority.	Supportive
174	Sarah Eglin		any development along the canal must involve a better commitment to keep the canal clean	A management matter which it is not clear how it can be imposed.
180	Evelyn CONN		Brownfield development should be the 1st, 2nd, 3rd and 4th priority before any possible consideration given to permanently remove any more green space. Single agenda developers and the out of touch, greedy Stratford Town Trust should be fought for not just my younger generation but those of the 22ndC. Secondly, the Brownfield space by the old cattle market must please be turned into environmentally	Policy needs to accord with the NPPF – mods resulting from the SDC comments will apply.  Cattle market site has planning permission and will be developed by ORBIT – NP cannot now influence.

			sensitive housing for the younger community and old with single bedroom units forming the majority of the plan. These should not be just social housing but aspirational units that youngsters can start to buy/rent from sympathetic developers/owners. Mine and other Universities manage this why not the Town/District Council ?	
181	Carl CONN		Brownfield development should be able to meet our local housing needs on a pro rata basis. Of course the rapacious developers will want the Council and District to meet the whole of the long term plan in the very shortest time but this should be resisted and development allowed only on a pro rata basis. I also feel that the Town Council needs to work very quickly with local retailers and introduce the European norm of having residential units above retail units. This is especially effective in creating one bedroom housing that the youngsters in the town so desperately need.	Policy needs to accord with the NPPF – mods resulting from the SDC comments will apply.  Housing above shops is included in Pol TC9
182	David White		I strongly believe that there is slack of desire and imagination in this area. There are many small parcels and larger areas of brownfield land which could provide homes, but a reluctance to use them. It took ages for the developments on Evesham Place (Old Town Mews) and Chestnut Walk (former surgery) to be built. Better work must be done in this area.	Supportive
201	Graham John Nicholson	The Inland Waterways Assoc. (Warks branch)	Fully agree with proposal to utilise brown sites fully before other sites	Supportive

202	Mr Mark Rowlands		There should be a much stronger emphasis on the use of brownfield sites ahead of ANY greenfield developments. The Council should maintain a register of potential sites and ALL developers should be forced to exhaust these before submitting proposal for swallowing up greenfield sites for bigger profits.	Supportive – but Policy needs to accord with the NPPF – mods resulting from the SDC comments will apply.
210	Rachel Syson		Agree	Supportive
212	David Tucker		In strongly supporting the use of brownfield sites, how does the District propose to deal with Wellesbourne Airfield in the light of new Government Guidelines? The close proximity of this site to Alveston renders its sympathetic development a matter of considerable concern, giving the chance of a low cost Eastern Bypass to link from the Banbury Road to the Wellesbourne/Barford Bypass and the M40/A46 and a mixed use development of housing and commercial property.	Outside the scope of this NDP
215	Portia Hazel Conn		Please continue to pursue Brown field and garden infill as a way to for fill our quota of government decreed housing.	Supportive
228	John Campton		Brownfield v Greenfield definitely good policy although do not trust government as will promote housing at the expense of anything and everything . Government will ditch Localism as it suits them.	Supportive
253	Daniel O'Donnell		The presumption against development of Greenfield Land is not in accordance with the NPPF.	This plan does not preclude development on Greenfield land. Policy needs to accord with the NPPF – mods resulting from the SDC comments will apply.
278	Joan Graham		I think redevelopment of brownfield land - so that green field land is left undeveloped - is very sensible.	Supportiv