

Appendix A - Decision Statement: Berkswell Parish Neighbourhood Development Plan

Examiner's Recommendations and Local Authority's Response (Regulation 18 of the Neighbourhood Planning (General) Regulations 2012)

This Appendix provides a detailed assessment of the Examiner's recommended modifications to the Berkswell Parish Neighbourhood Development Plan. The table below sets out the Examiner's recommended modifications and his reasons for these modifications. In accordance with Regulation 18 of The Neighbourhood Planning (General) Regulations 2012, the Local Planning Authority must decide what action to take in response to each of the Examiner's recommendations. The table also sets out the Council's draft decision and the reasons for its decision, along with the changes that are required to the Berkswell Parish Neighbourhood Development Plan.

In most cases the changes made to the Berkswell Parish Neighbourhood Development Plan will be those as recommended by the Examiner. However, for one recommendation, additional minor wording modifications are proposed by the LPA in order meet the basic conditions.

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Front cover	Recommendation 1: Remove the "Submission Plan Autumn 2018" label on the front cover.	For clarity.	Examiner's comments noted and recommended modification agreed.	Plan to be modified as recommended by the Examiner.
Page 2 Contents	Recommendation 2: Review the "Contents" pages once the text has been amended to accommodate the recommendations from this Report.	For clarity and accuracy.	Examiner's comments noted and recommended modification agreed.	Plan to be modified as recommended by the Examiner.
Pages 3 and 4 Section 1 What is a Neighbourhood Development Plan	Recommendation 3: Remove the section "What is a Neighbourhood Development Plan?" on page 3 and renumber subsequent sections accordingly.	For clarity.	Examiner's comments noted and recommended modification agreed.	Plan to be modified as recommended by the Examiner.
Page 8 paragraph	Recommendation 4:	For clarity.	Examiner's comments noted and	Plan to be modified as

¹ These changes will be incorporated in the Referendum Version of the Plan.

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3.8	Add a footnote reference for the "NDP website" mentioned in paragraph 3.8.		recommended modification agreed.	recommended by the Examiner.
Page 11 NDP Objectives	Recommendation 5: Add after the statement of Objectives on page 11: 'Not all of these Objectives will be pursued through the land-use Neighbourhood Plan and an Appendix addresses other actions for the Parish Council'.	For clarity.	Examiner's comments noted and recommended modification agreed.	Plan to be modified as recommended by the Examiner.
Pages 12 to 14 Section 5 Housing in Balsall Common	Recommendation 6: Under the sub-heading "5.Housing in Balsall Common": 6.1 In paragraph 5.1 delete the last sentence: "See Maps in Appendix 2." 6.2 In the last sentence of paragraph 5.16 delete "minimum".	For clarity and correction.	Examiner's comments noted and recommended modifications agreed.	Plan to be modified as recommended by the Examiner.
Page 15 Policy B1: New Housing – General Principles	Recommendation 7.1: Amend Policy B1: New Housing – General Principles as follows: 7.1 Reword criterion 1 as: 'The reuse of brownfield sites will be preferred to the loss of greenfield land'.	For clarity and correction and to meet Basic Conditions 1 & 3	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.
Pages 15 to 16 Policy B1: New Housing – General Principles	Recommendation 7.2 – 7.5: Amend Policy B1: New Housing – General Principles as follows: 7.2 Combine criteria 2b, 2c & 2d and reword as	For clarity and correction and to meet Basic Conditions 1 & 3	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.

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	<p>follows: 'Layouts should be designed to help facilitate social cohesion and community security. In the Berkswell Neighbourhood Area context this suggests that larger developments should have character areas of around 250 dwellings and all developments should aim for clusters of around 20 dwellings. Good legibility⁷ is required but the security and amenity of the development should not be compromised by excessive through route permeability'; renumber subsequent criteria accordingly.</p> <p>7.3 In criterion 2e replace the wording after "pavements" with 'and tree planting wherever possible' (picked up from Policy B3).</p> <p>7.4 In criterion 2f add 'attractive and' before accessible.</p> <p>7.5 Combine criteria 2g, 2i and 2j to read: 'Quality public open and children's play space should be provided in accordance with the Solihull Green Space Strategy Review⁸ or the successor document. New open and play spaces should normally be located between new and existing housing to serve the whole community; play spaces should benefit from natural surveillance. Where this location of the open space is not feasible, to help the transition the distance between new and existing dwellings should be toward the upper end of the range in the Solihull Housing Development Guidelines SPG6 or</p>			

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	successor document ie around 30m'; renumber criterion 2k accordingly.			
Pages 16 to 17 Policy B1: New Housing – General Principles	<p>Recommendation 7.6 – 7.10: Amend Policy B1: New Housing – General Principles as follows:</p> <p>7.6 Simplify criterion 3a as: 'A site specific survey should identify which mature trees and hedgerows make the most significant contribution to local landscape character and biodiversity and should therefore be retained and protected. New planting to replace losses or enhancing existing planting should use characteristic native species.'</p> <p>7.7 Within criterion 3b put the full name of the Natural Environment and Rural Communities Act 2006 alongside the acronym and provide a footnote source reference; in the second sentence add 'may' between "habitats" and "include".</p> <p>7.8 At the request of the Environment Agency add an additional criterion (as c with subsequent numbers amended accordingly) as follows: 'All new development should be located within Flood Zone 1 and where this is not viable, development must be steered to land at the lowest flood risk, following the application of the Sequential Test'.</p> <p>7.9 Within criterion 3c add a footnote source reference for the SuDS hierarchy.</p>	For clarity and correction and to meet Basic Conditions 1 & 3	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.

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	7.10 Within criterion 3d replace "landscape buffer zones" with 'narrow corridors' and delete the second sentence (section 2 having addressed this matter).			
Pages 17 Policy B1: New Housing – General Principles	<p>Recommendation 7.11 – 7.14: Amend Policy B1: New Housing – General Principles as follows:</p> <p>7.11 For clarity, simplify criterion 4a by removing "overlook, existing 2 storey properties and their position and design enhances the development. Such development should not".</p> <p>7.12 Reword criterion 4c as: 'Provision should be made per dwelling for electric vehicle charging'.</p> <p>7.13 Within criterion 4d delete "and grouped together to create design compatibility".</p> <p>7.14 Reword criterion 4e as: 'Suitable provision should be made within curtilages for secure storage and refuse/recycling bin enclosures'.</p>	For clarity and correction and to meet Basic Conditions 1 & 3	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.
Pages 17 to 18 Policy B1: New Housing – General Principles	<p>Recommendation 7.15 – 7.16: Amend Policy B1: New Housing – General Principles as follows:</p> <p>7.15 Within criterion 5a replace ". The mix should include but not be limited to" with 'such as'.</p> <p>7.16 Delete criterion 5c (as it duplicates an item within 5a).</p>	For clarity and correction and to meet Basic Conditions 1 & 3	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.
Page 18 Policy B1: New	<p>Recommendation 7.17: Amend Policy B1: New Housing – General</p>	For clarity and correction and to meet Basic Conditions 1 & 3	Examiner's comments noted and recommended modifications	Plan to be modified as recommended by the

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Housing – General Principles	Principles as follows: 7.17 Delete the last sentence of the Policy beginning "Where developers consider..."		agreed in order to meet the basic conditions.	Examiner.
Page 19 Section 6 Housing in the Rural Area	Recommendation 8: Replace the footnote presently on page 19 with a reference to the NPPF 2019 Glossary.	For clarity and correction.	Examiner's comments noted and recommended modifications agreed.	Plan to be modified as recommended by the Examiner.
Page 20 Policy B2: Rural Exception Local Needs Housing in Berkswell Village	Recommendation 9: Within Policy B2: 9.1 Number the paragraphs. 9.2 In the first line make "development" plural and add 'around' between "of" and "1".	For clarity.	Examiner's comments noted and recommended modifications agreed.	Plan to be modified as recommended by the Examiner.
Pages 21 to 25 Section 7 Protecting Rural Area and Local Landscape Character	Recommendation 10: Under the heading "Protecting [the] Rural Area and Local Landscape Character": 10.1 Delete paragraph 7.5 and renumber subsequent paragraphs accordingly. 10.2 Within the first bullet point of paragraph 7.10 add '(sic)' after the word "boarded". 10.3 Add footnotes to reference the HER and the Preliminary Ecological Report in paragraphs 7.14 and 7.19 respectively.	For clarity and to meet Basic Condition 1.	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by Examiner.
Page 32 Policy B3: Protecting Local Landscape and	Recommendation 11: Under the headings "Policy B3: Protecting Local Landscape and Built Character" and "Landscape Character":	For clarity and to meet Basic Condition 1.	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.

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<u>Built Character Landscape Character</u>	<p>11.1 Within criterion 1 between "character" and "as" add 'within the Neighbourhood Area'; add a footnote reference for the Solihull Borough Landscape Character Assessment.</p> <p>11.2 Combine criteria 2 & 3 and reword as follows: 'Landscape features of heritage or wildlife value (as identified in the Historic Environment Summary Report* and the Preliminary Ecological Report*) should be conserved according to their significance. Where mitigation measures are appropriate the evidence based proposals should include for locally-appropriate features such as tree-planting, hedges and ponds.' [* indicates footnote required]</p>			
Page 32 Policy B3: Protecting Local Landscape and Built Character <u>Built Character</u>	<p>Recommendation 12: Under the headings "Policy B3: Protecting Local Landscape and Built Character" and "Built Character": 12.1 Swap criteria 2 & 3. 12.2 Within the renumbered criterion 3 delete the wording after "roofs".</p>	For clarity and to meet Basic Condition 1.	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.
Page 32 to 33 Policy B3: Protecting Local Landscape and Built Character <u>Heritage Assets</u>	<p>Recommendation 13: Under the headings "Policy B3: Protecting Local Landscape and Built Character" and "Heritage Assets": 13.1 For clarity in criterion 1 replace "between" with 'with' and delete "and any aspect of the</p>	For clarity and correction and to meet Basic Conditions 1 & 3.	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.

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	<p>proposal".</p> <p>13.2 Within criterion 2:</p> <p>13.2.1 Replace the first sentence with: 'The Parish's heritage assets should be conserved in a manner appropriate to their significance;</p> <p>13.2.2 Delete the second sentence (as it repeats criterion 1);</p> <p>13.2.3 Within the third sentence replace the words "whether it has been" with 'as appropriate it should be'.</p> <p>13.3 Delete criterion 5.</p>			
<p>Page 33 Policy B3: Protecting Local Landscape and Built Character <u>Large Agricultural Buildings in the Open Countryside</u></p>	<p>Recommendation 14:</p> <p>Under the headings "Policy B3: Protecting Local Landscape and Built Character" and "Large Agricultural Buildings in the Open Countryside", in the latter heading replace "Agricultural" with 'Non-residential'.</p>	<p>For clarity and correction and to meet Basic Condition 1.</p>	<p>Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.</p>	<p>Plan to be modified as recommended by the Examiner.</p>
<p>Pages 34 to 37 Local Green Spaces</p>	<p>Recommendation 15:</p> <p>Under the heading "Local Green Spaces":</p> <p>15.1 Reword paragraph 7.28 as: 'One site is proposed as a Local Green Space for protection in Policy B4. This is the triangle of land off Lavender Hill; Lane which includes the football ground – see Map 4.</p> <p>15.2 Delete paragraphs 7.29 & 7.30 and renumber 7.31 as 7.29.</p> <p>15.3 In paragraph 7.31 delete "second".</p>	<p>For clarity and correction and to meet Basic Condition 1.</p>	<p>Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.</p>	<p>Plan to be modified as recommended by the Examiner.</p>

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	15.4 Delete pages 35 – 37; on page 38 delete "Table 2" from the heading; on page 40 amend "Map 4b" to 'Map 4'.			
Page 41 Policy B4: Local Green Spaces	Recommendation 16: Reword Policy B4 as: 'The following green area as shown on Map 4 is designated as a Local Green Space: The Football Ground on Lavender Hall Lane, Balsall Common.'	For clarity and correction and to meet Basic Condition 1.	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.
Page 45 Policy B5: Berkswell Conservation Area New Buildings	Recommendation 17: Under the headings "Policy B5: Berkswell Conservation Area" and "New Buildings" within criterion 5 delete "usually traditional ones".	For clarity and to meet Basic Condition 1.	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.
Page 45 Policy B5: Berkswell Conservation Area Extensions	Recommendation 18: Under the headings "Policy B5: Berkswell Conservation Area" and "Extensions" within criterion 2 replace "fully justifiable" with 'fully justified'.	For clarity and correction.	Examiner's comments noted and recommended modifications agreed.	Plan to be modified as recommended by the Examiner.
Page 45 to 46 Policy B5: Berkswell Conservation Area Conversions	Recommendation 19: Under the headings "Policy B5: Berkswell Conservation Area" and "Conversions": 19.1 Replace the heading "Conversions" with 'Conversion or Sub-Division of Non-Residential Properties'. 19.2 Replace the opening sentence with:	For clarity and correction and to meet Basic Conditions 1 & 3.	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.

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	<p>'Proposals for conversion or sub-division will be supported where the existing building can accommodate such alteration without substantial or complete rebuilding, and where the alterations do not detract from the character of the original building, the character and appearance of the Conservation Area, or the special interest and setting of any relevant listed buildings.'</p>			
<p>Page 46 Policy B5: Berkswell Conservation Area <u>Views and Open Spaces</u></p>	<p>Recommendation 20: Under the headings "Policy B5: Berkswell Conservation Area" and "Views and Open Spaces" in criterion 2 replace "maintained" with 'conserved'.</p>	<p>For clarity and to meet Basic Condition 1.</p>	<p>Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.</p>	<p>Plan to be modified as recommended by the Examiner.</p>
<p>Page 47 to 48 Policy B6: Conversions of Former Agricultural Buildings</p>	<p>Recommendation 21: Under the heading "Policy B6: Conversions of Former Agricultural Buildings": 21.1 Add to the title 'in the Open Countryside'. 21.2 Add paragraph numbering. 21.3 Within the first criterion replace "sensitive to the existing character and form" with 'sensitive to the existing character, form and any special designation'. 21.4 Within the fourth criterion delete the first and last sentences and add 'or if necessary made suitable' between "suitable" and "and".</p>	<p>For clarity and correction and to meet Basic Conditions 1 & 3.</p>	<p>Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.</p>	<p>Plan to be modified as recommended by the Examiner.</p>
<p>Pages 50 to 51</p>	<p>Recommendation 22:</p>	<p>For clarity and to meet Basic</p>	<p>Examiner's comments noted and</p>	<p>Plan to be modified as</p>

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Policy B7: Improving Car Parking Facilities at Berkswell Station	Within Policy B7 at the end of the first sentence add 'provided these do not fall within Flood Zone 3'.	Conditions 1 & 3.	recommended modifications agreed in order to meet the basic conditions.	recommended by the Examiner.
Pages 51 to 54 Section 10 and Policy B8: Car Parking and Cycle Storage	<p>Recommendation 23:</p> <p>23.1 Delete paragraph 10.13 except for the sections 4 & 5 within that (which add information to that in paragraphs 10.11 & 10.12) which should be given their own paragraph numbers and paragraph 10.14 renumbered accordingly.</p> <p>23.2 Reword Policy B8 as follows: 'Development proposals must have appropriate regard for the higher levels of car ownership evident within the Berkswell Neighbourhood Area. Whilst suitable parking provision must be integral to the design of schemes, the number of off-street parking spaces for residents and visitors should be justified and provided on the basis of an assessment of:</p> <ul style="list-style-type: none"> a) the accessibility of the development; b) the type, mix and use of development; c) the availability of and opportunities for public transport; d) local car ownership levels; and e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. <p>As far as is practical, the guidance provided</p>	For clarity and correction and to meet Basic Conditions 1 & 3.	Examiner's comments noted and recommended modifications agreed in part. However, the Examiner recommends the deletion of text in the introductory paragraph 10.13 to the policy, which explains the justification for the policy. This sought to prevent parking on pavements thereby causing obstruction of mobility scooters, wheelchairs, prams and buggies and indirectly discriminating on the basis of age and disability, contrary to the Equality Act, 2010. Amendments to the Examiner's recommended wording are therefore proposed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner. The only exception to this is the text of the introductory paragraphs to the policy. The LPA has included an additional sentence at the end of paragraph 10.12 to read as follows: 'This is potentially discriminatory on the basis of age and disability and contrary to the duty on public authorities to prevent such discrimination under the Equality Act, 2010.'

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	within the Manual for Streets ¹⁷ and Secured by Design should inform the location and design of vehicle and cycle parking provision.			
Page 56 Policy B9: Improving Accessibility for All	Recommendation 24: In Policy B9 add "where applicable" to paragraph 1 between "should" and "include".	For clarity and correction and to meet Basic Condition 1.	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.
Pages 59 to 60 Policy B10: Supporting Local Businesses	Recommendation 25: Within the first paragraph of Policy B10: 25.1 Move the "and" from the end of criterion 2 to the end of criterion 1. 25.2 Alter criterion 3 to become a second paragraph for the Policy and reword as: 'Where proposals are for the reuse or conversion of former agricultural buildings, workshops or previously used brownfield sites they should demonstrate appropriate regard for Policy B6.'	For clarity and correction and to meet Basic Condition 1.	Examiner's comments noted and recommended modifications agreed in order to meet the basic conditions.	Plan to be modified as recommended by the Examiner.
Page 61 Section 12 Next Steps	Recommendation 26: Replace the content under and the heading "12. Next Steps" with a new heading 'Review' and new content: 'The Qualifying Body will monitor the impact of the Plan and undertake a review of the Plan no later than 3 years after the adoption of the new Local Plan.'	For clarity	Examiner's comments noted and recommended modifications agreed.	Plan to be modified as recommended by the Examiner.
Pages 62 to 70 Appendices	Recommendation 27:	For clarity and to meet Basic Condition 1.	Examiner's comments noted and recommended modifications	Plan to be modified as recommended by the

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	27.1 Delete Appendices 1 & 2. 27.2 Bring together Appendices 3, 4 & 5 as an Annex for non-planning content.		agreed in order to meet the basic conditions.	Examiner.