1. *Background*

No comment

1. *Cubbington Neighbourhood Development Plan Key Issues, Vision and Objectives*

No comment

1. *Cubbington Neighbourhood Area*

**Comment** re: *Figure 4.* – The aerial photograph used in Figure 4 of the submission plan is out of date and does not show the impact of the construction of the High Speed Two (HS2) railway line to the east of the Neighbourhood Plan Area. The new railway cuts through a significant proportion of the Neighbourhood Plan Area including ‘South Cubbington Wood’ and farmland to the east of Cubbington. This is a key feature in the landscape of ‘the area today’ and should therefore be visible within the photograph used in Figure 4 in order to provide context.

**Comment** re: *History and Development of Cubbington* – the context of the development of the HS2 line to the east of the Neighbourhood Plan Area is not included within this section. This development has had a significant impact of the village and is referred to in later sections of the plan. Context should be provided here in respect of this development which has had a significant impact on the landscape to the east of Cubbington; cutting through ‘South Cubbington Wood’ and the farmland to the east of Cubbington and permanently redirecting public rights of way.

1. *Planning Context*

**Comment** re: Emerging Planning Policy – on the 22nd November 2024, Warwick District Council (WDC) and Stratford on Avon District Council (SoADC) published the Regulation 18 ‘Preferred Options Consultation’ paper of the South Warwickshire Local Plan, as part of the Agenda for the Joint Cabinet Committee meeting scheduled for 6pm on 12th December 2024. The decision of the Joint Cabinet Committee will take place after this Neighbourhood Plan consultation period has closed. The Planning Context within the Neighbourhood Plan should be updated to take account of the emerging Local Plan process. Most notably for Cubbington as follows:

* + The chosen Spatial Growth Strategy of; ‘Sustainable Travel and Economy’
  + The identification of the ‘Strategic Growth Location; East of Lillington Group’ which is within the Neighbourhood Plan Area.
  + The Part 1 Green Belt review which identifies the following land parcels around Cubbington as follows:

|  |  |
| --- | --- |
| Location Parcel Ref: | Overall Assessment to Green Belt |
| LSP 6 | ‘Moderate Contribution’ |
| LSP7 | ‘Weak Contribution’ |
| CUB1 | ‘Moderate Contribution’ |
| CUB2 | ‘Moderate Contribution’ |
| CUB3 | ‘Moderate Contribution’ |

* + The ‘East of Lillington Group’ identified as the ‘emerging best performing’ Strategic Growth Location against the Sustainability Appraisal framework.

1. *Neighbourhood Plan Policies*

**Comment** re: *Policy CNDP1 – Protecting Local Green Space*

The following areas as shown on the Policies Map are within the Green Belt and are therefore already provided strong planning protection. It should be questioned whether any ‘additional local benefit’ is gained by further designating them as ‘Local Green Space’:

* + CNDP 1/2 – Austen Court play area
  + CNDP 1/3 – North Cubbington Wood
  + CNDP 1/4 – South Cubbington Wood
  + CNDP 1/5 – The Runghills

**Comment** re: para *5.7 -* Open spaces are defined in the Town and Country Planning Act 1990 as; ‘any land laid out as public garden, or used for the purposes of public recreation, or land which is a disused burial ground.’ It is questionable whether the sites identified in ‘Table 2’ are within this definition (see further detail below).

**Comment** re: *Policy CNDP2 – Protecting Other Green Spaces*

The policy refers to ‘other green spaces,’ there is no clear definition of what this encompasses. There appears to be confusion between the definition of ‘green space’ and ‘open space.’ Item ‘b’ within the draft policy refers to ‘open space’ in relation to local environment, amenity and active public recreation use. This is a narrower definition than seems to be implied by the use of the term ‘other green space.’

**Comment** re: para *5.8* The majority of land around Cubbington is within the Green Belt and therefore already has significant planning protection. It is therefore questioned whether draft policy CNDP2 has any real function.

**Comment** re: para *5.9* this paragraph refers to ‘in addition to protecting the two spaces identified under Policy CNDP 1.’ There are five areas identified in draft policy CNDP1. This appears to be an error.

**Comment** re: *Table 2. Local Green Space Assessment*

**Comment** re: ‘*HS2 Route’* – The land between Cubbington Woods and the village is not ‘open space’ as defined in the Town and Country Planning Act 1990. The land is private farmland in

arable crop production. The land is crossed by three public right of way footpaths. All three footpaths have been disrupted and redirected by the construction of HS2. This land, which extends to over 130 acres, is described in Table 2 as ‘to be maintained as open green space.’ The land is not currently designated as ‘open green space’ and it is inappropriate to therefore suggest that it should be maintained as such. The reference to site ref: 202 indicates that there is a desire to preclude this land from the emerging Local Plan process which would be inappropriate particularly given the status of Cubbington as a ‘Growth Village’. The reference to site 202 in this section of the plan should be removed. All of this land is protected by Green Belt policy and therefore it is not necessary for the Neighbourhood Plan to try and provide further restriction, particularly via Policy CNDP2, which is poorly defined.

**Comment** re: *‘Site 97 South Warwickshire local plan’* – The land between Lillington and Cubbington is described as ‘open land’ in Table 2. It is not clear what the definition of ‘open land’ is? This land is private farmland in arable crop production. The land is crossed by two public rights of way footpaths. This land does not meet the definition of ‘open space’ as defined in the Town and Country Planning Act 1990. In total this land extends to over 130 acres. All of this land is protected by Green Belt policy and therefore it is not necessary for the Neighbourhood Plan to try to provide further restriction, particularly via Policy CNDP2, which is poorly defined.

**Comment** re: *Policy CNDP2* – it is not clear what areas of land this draft policy refers to. The areas identified in Table 2 are large and comprise a large proportion of the Neighbourhood Plan area. The majority of these areas are protected by Green Belt policy and therefore it does not seem necessary for Policy CNDP2 to be included within the Plan. Policy CNDP2 should be removed from the plan.

*Policy CNDP3 – Sustainable Design and Construction*

No Comment

**Comment** re: *Policy CNDP4 – Conserving and Enhancing the Landscape*

It is noted that the enhancement of the landscape is likely to be delivered through new development. The degradation of the landscape by HS2 provides opportunity for repair and enhancement if funds can be achieved via new development within the village.

**Comment** re: *Figure 18* – Landscape Sensitivity to Housing Development was published in 2013 and is therefore out of date. In particular, the construction of HS2 has changed the landscape to the east of village. HS2 now provides a clear ‘defensible boundary’ for development rather than the ‘open countryside’ referred to in the Inspector’s report. The emerging evidence of the South Warwickshire Local Plan should be considered and it is likely that developers will commission suitable evidence to accompany planning applications for consideration against Policy CNDP 4 at the appropriate time. Figure 18 should be deleted.

*Policy CNDP 5 – Cubbington Conservation Area*

No Comment

*Policy CNDP 6 – Protection and Enhancement of Community Facilities*

**Comment** re: para 5.36 the desire to protect, enhance and renew community facilities is noted. The delivery of new development will generate planning gain by way of Section 106 contributions and Community Infrastructure Levy (CIL). WDC are a CIL charging authority. The delivery of development will generate capital in order to deliver on policy CNDP 6.

**Comment** re: *Policy CNDP7 – Community Infrastructure*

Both land and capital can be provided via the delivery of new development on a site within the village. By working with applicants, the Parish can meet the aspirations of the Neighbourhood Plan. It is likely that some new development within Cubbington will be delivered via emerging local and national planning policies and the Neighbourhood Plan should ensure the necessary infrastructure is delivered to meet the needs of the current residents as well as those of new residents.