

BAGINTON & BUBBENHALL NEIGHBOURHOOD DEVELOPMENT PLAN 2017 - 2029

**The Report of the Independent Examiner to Warwick District Council on the
Baginton & Bubbenhall Neighbourhood Development Plan**

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Summary

I was appointed by Warwick District Council, in agreement with the Baginton and Bubbenhall Parish Councils, in September 2017 to undertake the Independent Examination of the Baginton & Bubbenhall Neighbourhood Development Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 23rd October 2017.

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

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

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

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

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Introduction

This report sets out the findings of the Independent Examination of the Baginton & Bubbenhall Neighbourhood Development Plan 2017-2029. The Plan was submitted to Warwick District Council by the Baginton and Bubbenhall Parish Councils in their capacity as the 'Qualifying Body' responsible for preparing the Neighbourhood Development Plan.

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

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

The Role of the Independent Examiner

The Examiner's role is to ensure that any submitted Neighbourhood Development Plan meets the legislative and procedural requirements. I was appointed by Warwick District Council, in agreement with the Baginton & Bubbenhall Parish Councils, to conduct the examination of the Baginton & Bubbenhall Neighbourhood Development Plan and to report my findings. I am independent of both the Warwick District Council and the Baginton & Bubbenhall Parish Councils. I do not have any interest in any land that may be affected by the Plan.

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

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

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

As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. If recommending that the Neighbourhood Development Plan should go forward to referendum, I must then consider whether or not the referendum area should extend beyond the Baginton & Bubbenhall Neighbourhood Area to which the Plan relates.

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

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

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

In undertaking this examination I have considered the following documents:

- Baginton & Bubbenhall Neighbourhood Development Plan as submitted
- Baginton & Bubbenhall Neighbourhood Development Plan Basic Conditions Statement
- Baginton & Bubbenhall Neighbourhood Development Plan Consultation Statement (with Appendices)
- Baginton and Bubbenhall Regulation 14 Consultation Response Table
- Strategic Environmental Assessment Screening Opinion for the Baginton & Bubbenhall Neighbourhood Development Plan (October 2016)
- Baginton & Bubbenhall Planning Policy Assessment and Evidence Base Review Background Paper (June 2016)
- Content at www.baginton-village.org.uk/parish-council/80-neighbourhood-plan and www.bubbenhall.info/nplan.php
- Representations made to the Regulation 16 public consultation on the Baginton & Bubbenhall Neighbourhood Development Plan
- Warwick District Local Plan 2017 (and the superseded Local Plan 2005)
- National Planning Policy Framework (March 2012)
- Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance (March 2014 and subsequent updates)

I carried out an unaccompanied visit to the Plan area on 23rd October 2017. I looked at Baginton & Bubbenhall and their rural hinterland. I also viewed the character of the 2 Conservation Areas and all the various sites and locations identified in the Plan document.

The legislation establishes that, as a general rule, Neighbourhood Development Plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity, I was satisfied that the Baginton & Bubbenhall Neighbourhood Development Plan could be examined without the need for a public hearing and I advised Warwick District Council accordingly. In this instance I have not required any additional background material to meet my needs.

Baginton & Bubbenhall Neighbourhood Area

A map showing the boundary of the Baginton & Bubbenhall Neighbourhood Area is provided on page 5 of the Neighbourhood Development Plan. Further to an application made by Baginton & Bubbenhall Parish Councils, Warwick District Council approved the designation of Baginton & Bubbenhall Parishes as a Neighbourhood Area on 14th September 2016. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

Consultation

In accordance with the Neighbourhood Planning (General) Regulations 2012, the Qualifying Body has prepared a Consultation Statement to accompany the Plan. This records that a Neighbourhood Development Plan Steering Group was delegated by the Parish Councils to progress the plan-making. The Steering Group has reported back to the Qualifying Body at all decision-making points and that is shown in the records of the meetings of the Parish Councils.

It is clear that community involvement has been at the heart of the Plan's production and the decision that the Plan should cover the two Parishes together has benefitted the plan making. The Consultation Statement shows a varied and extensive approach to community engagement and a range of formal and informal approaches and media has been used to invite and obtain participation. I note in particular that during January and February 2015 a preliminary survey was sent to every household within the Parishes to identify key issues across the designated plan area as well as those that are specific to each Parish.

Throughout May and June 2015, based upon analysis of returns to the preliminary survey, a vision, objectives and key themes were developed by the Steering Group. In 2016 a leaflet explaining the content of the plan was delivered to all households and businesses and the leaflet contained a return slip which people could use to send their written comments or comments could also be made via email and through both Parish websites. The draft Neighbourhood Development Plan was published for formal consultation for 6 weeks from 24th October 2016 to 19th December 2016. In addition to written and email notifications of the consultation to a wide range of interested organisations and statutory consultees, public Drop In Events were held in each village and all were invited by leaflets delivered to each household. A Consultation Table (provided as a separate document) sets out the responses submitted to the Draft Neighbourhood Plan, together with information about how these responses have been considered by the Parish Councils, and how they have informed the amendments prior to the Submission Neighbourhood Plan.

My attention has been drawn to an instance where one Regulation 14 representation had not been considered, making the published Consultation Statement deficient in that respect and the Regulation 16 representation suggests "this amounts to a serious procedural breach on the part of the Parish Council". Since the matter of concern has been addressed through the updating of the Plan to accord with the adoption of the Warwick District Local Plan 2017 no harm has in fact arisen.

Overall, the degree of commitment by all participants illustrates the potential of Neighbourhood Planning to give "communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need" (para 183, National Planning Policy Framework). From all the evidence provided to me for the Examination, I can see that an inclusive and comprehensive approach has been taken to obtaining the input and opinions of all concerned throughout the process. Comments were pro-actively sought and those received were duly considered. I can see that there has been a documented record of the ways that consultation has benefitted the Baginton & Bubbenhall Neighbourhood Development Plan. I am therefore satisfied that the consultation process accords with the requirements of the Regulations.

Representations Received

Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 16, was undertaken by Warwick District Council from 9th June to 21st July 2017. I have been passed representations – 17 in total - received from the following:

- Coventry and Warwickshire Local Enterprise Partnership (LEP)

- Delta Planning on behalf of Deeley Group Ltd
- The Coal Authority
- Oxalis Planning Ltd on behalf of Coventry & Warwickshire Development Partners
- Barton Willmore on behalf of Coventry Airport Ltd
- Coventry City Council
- Natural England
- Severn Trent
- Sport England
- Sworders on behalf of landowners of land north of Rosswood Farm
- Warwickshire County Council
- Gladman Developments Ltd
- Highways England
- High Speed 2 (HS₂) Ltd
- Health & Safety Executive
- Baginton & Bubbenhall Parish Councils
- Warwick District Council

The Neighbourhood Development Plan

The Baginton & Bubbenhall Parish Councils are to be congratulated on their extensive efforts to produce a Neighbourhood Development Plan for their area that will guide development activity over the period to 2029. It is evident that the Parish Councils coming together to produce a Plan jointly has benefitted the ambition and purpose of the Plan. I can see that a sustained effort has been put into the dialogue with their communities to arrive at actions and policies that can help to ensure that, in the period to 2029, the Plan will “build upon the history and the existing high quality environment of the two villages and their surroundings and through structured, continual improvement provide increasingly sustainable, safe, healthy and enjoyable places for people to live, work and visit”. The Plan document is well presented with a combination of images and text that is engaging for the reader and, subject to the specific points that I make below, set out in appropriate and clearly themed sections. The Plan has generally been kept to a manageable length by not overextending the potential subject matter and the coverage of that; I will address at the appropriate points the issues arising from its relationship with Local Plan content.

The wording of content & Policies is not always as well-expressed as one might wish, but that is not uncommon in a community-prepared planning document and something that can readily be addressed. It is an expectation of Neighbourhood Development Plans that they should address the issues that are identified through community consultation, set within the context of higher level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of Policy, it is part of my role wherever possible to see that the community’s intent is sustained in an appropriately modified wording for the policy. It is evident that the community has made positive use of “direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area” (PPG paragraph: 001 Reference ID: 41-001-20140306). It is evident that the Qualifying Body understands and has addressed the requirement for sustainable development.

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

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

Basic Conditions

The Independent Examiner is required to consider whether a Neighbourhood Development Plan meets the “Basic Conditions”, as set out in law following the Localism Act 2011. In order to meet the Basic Conditions, the Plan must:

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

The submitted Basic Conditions Statement has very helpfully set out to address the issues in the same order as above and, where appropriate, has tabulated in Appendices the relationship between the policy content of the Plan and its higher tier equivalents.

A number of the representations expressed a concern that parts of the content of the Baginton & Bubbenhall Neighbourhood Development Plan were in conflict with the content of the (then) emerging Local Plan. As is acknowledged within the submitted Basic Conditions Statement, the Neighbourhood Development Plan is required to be in general conformity with the *current* strategic policies of the development plan for the area. The passage of time since submission has been such that the new Local Plan was adopted by Warwick DC on 20th September 2017, immediately before I started my Examination. Therefore, whilst the Neighbourhood Plan, quite correctly, was assessed by the Qualifying Body against the 2005 Local Plan content, the Basic Conditions' test is now against the 2017 Local Plan. Fortunately, in its preparation the Neighbourhood Development Plan had regard to emerging changes to strategic policies and their implications; accordingly that should help reduce the amount of amendment now needed and Plan wording may be simplified to refer solely to one set of policies.

A specific part of the Local Plan to which a number of representations have referred is the delivery of the sub-regional employment site to accommodate which the Local Plan has amended the boundary of the Green Belt. Typical of these concerns is the following: "The CWLEP [Coventry & Warwickshire Local Enterprise Partnership] wishes to object and register its concern about the conflict of the proposals in the Bubbenhall and Bagington Neighbourhood Plan (BBNP) with the policies and proposals in emerging and advanced Warwick Local Plan (notably policy DS16 of the Local Plan) and the recently granted planning consent for part of the Regional strategic employment development site known as the Coventry and Warwickshire Gateway development (The CW Gateway)". It is evident that the delivery of the sub-regional site is a strategic policy to which the Neighbourhood Plan must be "in general conformity". I have therefore been alert to and alerted by representations to Policy wording that might be in conflict with this Basic Condition and will consider each in detail.

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

The Plan in Detail

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

Front cover

A Neighbourhood Development Plan must specify the period during which it is to have effect. I note that there are clear references to the period 2017 – 2029 on the front cover and the inside pages.

Executive Summary

The Summary needs to be brought up to date once the revisions following my recommendations have been incorporated. The opening sentence needs to be slightly amended since it is confusing to say that the Plan applies to the Neighbourhood Area “and” the Parishes of Baginton & Bubbenhall. In the second paragraph you need to update the wording used to describe the relationship between the Neighbourhood Plan and the Local Plan.

Recommendations 1 & 2:

Revisit, update and revise the Executive Summary as necessary after incorporation of my recommendations is complete.

Amend the text of the Executive Summary as follows:

- *the opening sentence should say : ‘This Submission Neighbourhood Development Plan (NDP) for the Neighbourhood Area comprising the Parishes of Baginton and Bubbenhall has been prepared by a joint steering group on behalf of the two Parish Councils.’*
- *the opening sentence of paragraph 2 should say: ‘As required by Government guidance, the Plan was prepared in general conformity with the strategic policies of the adopted Warwick District Local Plan (1996-2011 as amended September 2007) but also utilised the evidence base underpinning the emerging, new Local Plan. However, as of 20th September 2017, the new Local Plan was adopted for Warwick District.’*

1.0 Introduction and background

Map 1, as required, shows the designated Neighbourhood Area and so it should be titled as such.

Recommendation 3:

Retitle Map 1 as (top) ‘Designated Neighbourhood Area’ and (bottom) ‘Neighbourhood Area boundary - Baginton & Bubbenhall’.

The tense used for para 1.2 is now wrong since the Plan has been prepared.

Recommendation 4:

Amend the first two sentences of para 1.2 to use the past tense.

Since the Plan has reached submission stage, the historical context in paragraphs 1.7 – 1.9 can be omitted and the earlier paragraphs amended/abbreviated accordingly.

Recommendations 5 & 6:

Revise paras 1.4 & 1.5 to say:

‘1.4 The Draft Plan was published for Regulation 14 Public Consultation from 24th October to 19th December 2016. Further information about the full community engagement and consultation process is provided in the accompanying Consultation Statement. The two Parish Councils have given careful consideration to all representations and the NDP amended for submission to Warwick District Council.

1.5 On receiving the submitted NDP and supporting documents, the local authority is responsible for checking that the submitted Neighbourhood Plan has followed the proper legal process, publishing the plan and inviting anyone interested to comment on it (over a 6 week period) before it is subjected to an examination and then referendum. If more than 50% of those voting in the referendum vote ‘yes’, then the local planning authority will bring the plan into force and it will be used to help determine planning applications alongside the Warwick Local Plan and NPPF.’

Delete paras 1.7 – 1.9.

2.0 Planning Policy Context

Warwick District Planning Policy Context

This section is problematic since its opening is an historical record and therefore inevitably liable to be overtaken by events before the Neighbourhood Plan is ready to be implemented. It also contains a number of views or opinions which are not relevant to and may undermine an authoritative, statutory planning document. Warwick DC particularly objected to paragraphs 2.8, 2.10 & 2.15 but several others raised their own concerns. A further problem is that the section headed ‘Housing’ in fact contains a more eclectic range of content, little of which relates to the *current* context for the Plan. To the extent that any of the content in paragraphs 2.3 – 2.22 is relevant, I suggest that the essential pieces are reintroduced in the pre-amble to the Plan policies (I will address that content at the appropriate policy point) and the section 2.3 – 2.22 is deleted.

Recommendation 7:

Delete paras 2.3 – 2.22 (including Map 2); amend the indexes as appropriate.

3.0 Vision and Objectives

Objectives

It is a puzzle to me that the objectives are set out in an entirely different order to the policies that follow in the next section. For clarity of read-across I suggest that the two sections should be brought into line with each other and to facilitate this it would be less disruptive to re-order and where necessary re-title the objectives. For consistency I will suggest later that the policies on ‘flood risk’ and ‘Local Green Spaces’ be repositioned under ‘Natural Environment’ and ‘Local Services, Assets & Amenities’ respectively.

A representation from the Coventry & Warwickshire Development Partnership expresses a concern that the Neighbourhood Plan area covers a larger area including significant countryside, the Airport, Middlemarch Business Park and the area proposed to be allocated as a sub-regional employment site whilst many policies and objectives clearly relate only to the 2 villages of Baginton and Bubbenhall and this should be made explicit in the Plan. Whilst there may be the need for some wording adjustments with the Policies I feel it is acceptable for the Objectives to be expressed in broad terms; it is the Policies that will give effect to them.

Recommendation 8:

Re-order and retitle the Objectives as: 1: Natural Environment, 2: Road Traffic, 3: Commercial/Industrial Development & Employment, 4: Housing, 5: Local Heritage; 6: Local Services, Assets and Amenities (two objectives).

Bring the NDP delivery Policy listings in line with the final version of sections 4 – 6.

Objective 1: Housing (as per the Submission Plan)

The final sentence of paragraph 2 needs an alteration to read correctly.

Recommendation 9:

Under Objective 1, correct the final sentence of paragraph 2 to read:

‘Nevertheless, the Parish Council supports sustainable development with a modest amount of new housing within the village.’

Paragraph 3 relating to Bubbenhall now needs to directly reference the position in the Local Plan 2017.

Recommendation 10:

Under Objective 1, amend the opening of the third paragraph to read:

'Bubbenhall, within the terms of the Local Plan 2017 (paras 4.7 & 4.8), is a Limited Infill Village within the Green Belt where the type and scale of development will be more limited than Baginton.'

Objective 3: Green Belt and Landscape Character and Natural Environment

A Neighbourhood Plan may only include policies that relate to "the development and use of land"; accordingly any matter relating to Parish boundaries is not appropriate and must be excluded from the Plan. Also, as you acknowledged earlier in the Plan document, the Green Belt is a strategic policy matter for Warwick DC. Further some content is now overtaken by events. Therefore Objective 3 needs to be amended and updated.

Recommendation 11:

Update and amend Objective 3 to read:

'Objective 3: Natural Environment

To retain, protect and enhance the rural character and the natural environment that provides the setting of the villages of Baginton and Bubbenhall.

The justification here is the real concern of the village communities that their distinct character and the natural environment will be diminished and urbanised, influenced by the growth of neighbouring towns.'

Objective 7: Commercial/Industrial Development & Employment

The representation from Warwick DC notes that the justification for this objective fails to acknowledge the employment contribution that will be made by the new sub-regional employment site. Now that the Local Plan is in place it would seem entirely appropriate for this to get a mention.

Recommendation 12:

Add before the final sentence in the justification for Objective 7:

'The new sub-regional employment site now allocated within the Warwick District Local Plan 2017 will add further employment opportunities.'

4.0 General Plan Policies

Para 4.0.2 needs to be update following the adoption of the new Local Plan.

Recommendation 13:

Update and rewrite para 4.0.2 to read:

'Neighbourhood Plans are required to be in general conformity with the extant (ie current adopted) local, strategic planning policies and to have regard to national planning policies and guidance. The following Policies have been prepared taking account of the National Planning Policy Framework (NPPF) and strategic planning policies in the Warwick District Local Plan 2017.'

4.1 Natural Environment

Because it is referred to specifically within the Policy G1, the details of the Princethorpe Woodlands Living Landscape Project, presently at paragraph 2.21, need to be reintroduced as a new paragraph 4.1.3

Recommendation 14:

Insert a new para 4.1.3 reusing the content of existing para 2.21; add to that a footnote website reference for the Princethorpe Woodlands Living Landscape Project; renumber subsequent paragraphs.

Policy G1 – Protecting and Enhancing Local Landscape Character

The related Local Plan Policies are NE1 & NE4 and, except in one respect, Policy G1 may be seen to add local detail without distracting from the import of the Local Plan requirements. The exception is bullet point 2 which has neither been introduced nor justified in the pre-amble to the Policy and so should be omitted. Also, to aid brevity and avoid potential confusion, the last paragraph of the Policy, which largely repeats the approach of the first paragraph, should be omitted. A representation comments that “this policy should ensure that development proposals ‘recognise’ the landscape setting of an area rather than setting a blanket ‘protection’ policy as is currently the case”; however I think that the content of the Policy does what it suggests in helping to “ensure that development responds positively to this high quality local environment”. In its representation Warwickshire County Council indicated that it is supportive of the points made in 4.12 – 4.14 and G1 in relation to flood risk.

Recommendation 15:

In Policy G1 delete bullet point 2 (and renumber subsequent bullet points) and delete the final paragraph which commences: “Overall, landscaping schemes should....”.

As amended Policy G1 meets the Basic Conditions.

Policy G2

It is unclear why this Policy has been given a double title; it would be sufficient for the wording to be condensed into a single title.

Recommendation 16:

Retitle Policy G2 as: ‘Protecting and Enhancing Local Biodiversity, Wildlife and Habitats’.

The related Local Plan Policies are NE2 & NE3. The temptation to place new obligations, with potential costs, on developers should be resisted. Local Plan Policy NE3 already requires that “Development proposals will be expected to ensure that they.....lead to no net loss of biodiversity, where appropriate, by means of an approved ecological assessment of existing site features and development impacts...”; the inclusion within Policy G2 of a very similar obligation by “encouragement” is therefore not appropriate. The use of the terms ‘wildlife corridors’ and ‘stepping stones’ does not pick up from terminology used in the Local Plan; the NPPF suggests that planning policies might “identify and map [such] components of the local ecological networks” (para 117). But whilst the text of Policy G2 says that these are “protected” there is no indication of where or how extensive they are within the Plan area. Overall therefore Policy G2 adds little of substance to the higher level policies of the Local Plan. Also, the duplication of an expectation around planting from Policy G1 is unnecessary.

Recommendation 17:

Reduce Policy G2 to that which adds to the Local Plan provisions and is locally justified: ‘The Neighbourhood Area supports a range of protected and vulnerable species and development proposals should address, with mitigation where appropriate, their impact on these and related habitats. Positive measures may include, for instance, the use of swift bricks, bat and owl boxes, ensuring that converted buildings provide nesting and roosting spaces and other new features of wildlife value.’

As reworded Policy G2 meets the Basic Conditions.

Green Belt

Policy G3 Green Belt

The Local Plan at para 1.43 says: “In this Plan, the[se] strategic priorities are supported by a Spatial Strategy which seeks to (*inter alia*) ... only develop sites in the Green Belt where

exceptional circumstances can be justified.” Whilst not encapsulating all types of development, Policy EC2 should reassure on the approach and detail required for the most likely developments to be permitted in rural locations: “the design of new employment buildings should maintain the character and amenity of the rural area and should be appropriate to the locality. The expansion and redevelopment of existing rural businesses needs in particular to be carefully managed to ensure that the scale of the operation is sensitive to the rural location” (para 3.22). Therefore, Policy G3 as written adds nothing to the more extensive Green Belt policy provision in the Local Plan and any Neighbourhood Plan content must show general conformity with these strategic policies. Voicing any historic or current misgivings about established policy does not show conformity or contribute to providing “a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17); indeed they may undermine the authority afforded to the Neighbourhood Plan within the development plan as a whole.

More than one representation notes how inappropriate as written Policy G3 is having regard to the Local Plan and NPPF provisions. One representation comments that the wording of the second sentence of the draft policy applies an impermissible gloss on the NPPF Green Belt policy, inventing new tests such as “conspicuous from the Green Belt” which do not concur with national policy and have not been properly evidenced.

Whilst I can appreciate that it is appropriate to acknowledge that the Green Belt is a matter of significant concern to the communities of the two Parishes, I do not believe there is a policy derived from the Plan content that can meet the Basic Conditions and accordingly Policy G3 should be deleted. I will suggest a way later that the gap created by the deletion of Policy G3 can be filled.

Recommendation 18:

Delete Policy G3 and reduce and rewrite the existing preamble (paras 4.1.6 to 4.1.8) to read: ‘The preservation of the Green Belt is of significant concern to both communities in the Neighbourhood Area. The communities see the Area positioned as a natural boundary between Coventry and the towns to the south. The Local Plan 2017 shows Bubbenhall ‘washed over’ by Green Belt protection and Baginton as ‘inset’ within the Green Belt. The delineation of the Green Belt is a strategic matter for the Local Plan and the Local Plan policies toward Green Belt protections derive from national policy set down in the NPPF (section 9) which says at the outset: “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

4.2 General Policies – Managing Traffic and Improving Accessibility

As noted earlier, the Neighbourhood Plan may only include policies that relate to “the development and use of land”; traffic management *per se* is therefore a matter for another document. Paragraph 4.2.5 relates to detail that will quickly become dated and does not directly contribute to policy making in the Neighbourhood Plan.

Recommendation 19:

Delete paragraphs 4.2.2, 4.2.3 & 4.2.5; renumber subsequent paragraphs appropriately. In line with the Objectives reduce the title to ‘General Policies: Traffic’.

Policy G4 Traffic Management and Transport Improvement

Phrases such as “...will be fully supported by the Neighbourhood Development Plan” are unhelpful when they are set *within* the Neighbourhood Plan itself; the Plan is the place to show how. A representation expresses a concern about how Policy G4 will operate alongside the Policies of the Warwick Local Plan, particularly in relation to developer contributions and Community Infrastructure Levy. The legal framework for seeking developer

contributions and Community Infrastructure Levy (CIL) payments is not as open and flexible as is suggested here. Accordingly some rewording of Policy G4 is required.

Recommendation 20:

Reduce and rewrite Policy G4 to read:

'Development proposals should consider, assess and address their potential to benefit highway safety and in particular, at an appropriate scale, examine:

1. *highway schemes that will improve use by and safety for pedestrians and cyclists;*
2. *public and community transport improvements;*
3. *additional parking provision that could benefit community facilities;*
4. *the impact of traffic flows through the village centres.'*

As amended Policy G4 meets the Basic Conditions.

4.3 General Policies – Commercial/Industrial Development and Employment

Policy G5 – Additional Business Premises and Employment Opportunities

The Local Plan context for Policy G5 is provided by Policies EC1 & EC2. I note that the Local Plan makes a distinction, for rural areas, between Growth Villages (eg Baginton) and other locations and it also singles out Green Belt locations for special consideration; neither of these factors is reflected in Policy G5 and no justification is presented as to why the Neighbourhood Plan requires a difference of approach (if indeed a difference was intended as the representation from Warwick DC has suggested). Further, a representation suggests that Policy G5 "clearly contradicts draft allocation DS16 in the Draft Warwick Local Plan, as the allocation is outside the villages' settlement boundary and will support the creation of new employment opportunities". The representation from Warwick DC also suggests that some provision for mitigation might be added.

It is clear that the Neighbourhood Plan and the Local Plan share an aspiration. The Local Plan (para 3.18) says: "[In Rural Areas] the Local Plan supports the expansion and growth of businesses not just through the conversion of existing buildings but also through the development of well-designed new buildings". It is reasonable for the Neighbourhood Plan to show a difference of emphasis whilst respecting the strategic policy approach.

Recommendation 21:

Reduce and rewrite Policy G5 to read:

'Development proposals that provide new or expand existing employment opportunities will be supported provided that they:

1. *meet the relevant requirements of the Local Plan Policies, EC1 & EC2 in particular, and*
2. *demonstrate appropriate regard for residential amenity and the natural environment with mitigation measures as required, and*
3. *appropriately address highway safety and on-site parking requirements.*

Small scale mixes of office/business and live/work units may be appropriate subject to all the above criteria being met.

As reworded Policy G5 meets the Basic Conditions.

4.4 General Policies – Reducing Flood Risk

As suggested earlier when considering the alignment of Objectives and policy content, I recommend that the flood risk content is moved to the Natural Environment section, after the Green Belt content; the related Policy, referred to in error both as G6 & G7 in the text, could therefore become a replacement Policy G3.

Recommendation 22:

Move the content on Flood Risk to become part of the Natural Environment section 4.1 after the Green Belt Content; renumber the paragraphs appropriately and renumber the Policy as G3.

As to the content of the Flood Risk section, there is a danger in mixing the advice received from the Environment Agency with other content. Also, the paragraphs repeating higher level policy guidance have now served their purpose in informing your community audience and therefore the section can be reduced.

Recommendation 23:

Delete paras 4.4.1 & 4.4.2 and the words “and these have now been included in new Policy G7” from para 4.4.3; add back the reference to the flood maps from para 4.4.1.

Policy G6 (now renumbered G3) Managing Flood Risk

The policy wording needs to be clear as to the intended audience. However, Warwickshire County Council as the Lead Local Flood Authority (LLFA) is supportive of all three points in Policy G6, and recommends an additional point is included on the use of appropriate sustainable drainage systems (SuDs) in all new developments.

Recommendation 24:

Reword Policy G3 as:

‘Development proposals must adopt, where appropriate, mitigation measures to protect and enhance the river corridors of the River Stowe and River Avon, including the following:

- *as required by the County Council as the Lead Local Flood Authority (LLFA) all new development must use above ground sustainable drainage systems (SuDs) providing attenuation to greenfield runoff rates, and’ [remaining criteria unaltered]*

As partly reworded Policy G3 meets the Basic Conditions.

5.0 Baginton

As the adopted Local Plan defines the extent of the Green Belt paragraph 5.18 should be deleted.

Recommendation 25:

Delete para 5.18 and renumber subsequent paragraphs accordingly.

Planning Policies - Housing

The Plan has been overtaken by events and the two housing sites identified have now been allocated in the Warwick District Local Plan 2017 with a combined estimated capacity of 100 dwellings; the content of the policy pre-amble and the Policies themselves therefore need to be reconsidered and appropriately worded. It would be useful here to reinstate paragraphs 2.11 and 2.12 which, whilst not specific to Baginton, do provide some of the background to tackling housing growth.

A representation on behalf of the Deeley Group Ltd “objects to the omission of their site at Friend’s Close as an allocated site for a small-scale housing scheme or care home development. As part of the proposals the developer is willing to offer the remaining part of their land to the village for a permanent area of public open space”. It is not part of my role as Examiner to consider the merits or otherwise of additional proposals beyond those submitted to me within the Neighbourhood Plan that has been the subject of community consultation. As a Growth Village it may be that, now or in the future, Baginton could accommodate more housing than the Neighbourhood Plan includes, and Policy BAG3 acknowledges this (see below).

Recommendation 26:

In para 5.20 sentence 1 use initial capitals for ‘Neighbourhood Area’ and ‘Green Belt’; delete ‘emerging’ from sentence 2 and all of sentences 3 to 5; replace the content of para 5.22 with paras 2.11 & 2.12 and renumber subsequent paras; at the beginning of para 5.23 insert ‘Warwick District Local Plan’ between ‘The’ and ‘identified’; at the end of para 5.24 replace ‘G7’ with ‘G3’; in para 5.25 remove the final sentence and Map 3 (it is sufficient for the original to be referenced); in para 5.26 correct and reword sentence 2 as: ‘Local Plan housing site H19 is identified as having medium landscape sensitivity.’

Policy BAG1 – Land north of Rosswood Farm

I note that this site has now been allocated for a housing development of 80 dwellings in the Warwick District Local Plan 2017. Local Plan Policy H10 already defines the circumstances in which a permission will be granted on allocated sites; this says *inter alia* that it will be a requirement that:

- a) the design, layout and scale of development is established through a collaborative approach to design and development, involving District and Parish Councils, Neighbourhood Plan Teams, local residents and other stakeholders;
- b) the housing mix of schemes reflects any up to date evidence of local housing need through a parish or village Housing Needs Assessment, including those of neighbouring parishes.

These are more practical mechanisms than bullet points 1 & 3 of Policy BAG1 since they accommodate the potential for circumstances to change, viability issues to be addressed and better understanding to be developed through negotiation; this is particularly the case since no evidence has been provided in support of the specific requirements included within the Policy. A representation on behalf of the landowners expresses a further concern that the additional policy burdens proposed through the Neighbourhood Plan will provide a disincentive to development and have the effect of undermining the strategic policies such that they enable less development than set out in the Local Plan.

Local Plan Policy H2 already addresses the requirement included at bullet point 2. In relation to bullet point 4, given the size of the allocated site, a restriction to a “roadside only” development would be a condition incapable of implementation (and a representation notes it as a restriction which appeared in earlier versions of the Local Plan that has not been carried through to final submitted version of Local Plan or modifications proposed by the Local Authority or Inspector). In relation to bullet point 6, once the Neighbourhood Plan is in place, the Parish Council will be entitled to 25% of any CIL monies which may be spent on local infrastructure, negating the need for a general request (which would in any case need to fit within the legal framework for developer contributions). Therefore Policy BAG1 should be reduced to read as follows:

Recommendation 27:

Reduce and reword Policy BAG1 to read:

‘Development proposals for Land North of Rosswood Farm (site allocation H19 in the Warwick District Local Plan 2017) must consider, assess and address the following:

1. *The requirements of the Warwick District Local Plan 2017 and in particular Policy H10 - Bringing forward Allocated Sites in the Growth Villages, and*
2. *The need to provide a landscape buffer of native trees to the west of the site and, wherever possible, the replacement of present fence boundaries with native hedging, and*
3. *An approach to design that recognises that an entrance to the village from the south is being defined; attention is required to integration with the existing settlement, and good accessibility to village services and facilities should be achieved with footpath and cycleway enhancements.’*

As reworded Policy BAG1 meets the Basic Conditions.

Policy BAG2 – Land at Oaklea Farm, Finham

This site has also now been allocation for a housing development of 20 dwellings in the Warwick District Local Plan 2017. The wording of the opening sentence to para 5.28 and the opening of Policy BAG2 need therefore to be updated. As is noted here, the Oaklea Farm site is effectively part of the Coventry urban area, separated from the Baginton village envelope by the A46. Policy bullet point 2 repeated from BAG1, seeking to ensure integration with the village, is therefore not appropriate here. My comment above relating to CIL monies also applies to bullet point 3 here. The representation from Warwickshire County Council notes that “part of allocation H08 is situated within flood zone 2 as identified by the Environment Agency and, according to the Environment Agencies’ Updated Flood Map for Surface Water, there is also currently a high risk of surface water flooding to the site. Therefore careful consideration of how this pluvial flood risk is reduced and managed through development will be required in consultation with the County Council as the Lead Local Flood Authority (LLFA)”.

Therefore Policy BAG2 should be amended to read as follows:

Recommendations 28 & 29:

*Reword and correct the spelling in the opening sentence of para 5.28 as:
‘Land at Oaklea Farm, Finham has been allocated for a housing development of 20 dwellings as site H08 in the Warwick District Local Plan 2017.’*

Amend Policy BAG2 to read:

*‘Policy BAG2 – Land at Oaklea Farm, Finham
Development proposals for Land at Oaklea Farm, Finham (site allocation H08 in the Warwick District Local Plan 2017) must consider, assess and address the following:*

1. *The requirements of the Warwick District Local Plan 2017 and in particular Policy H10 - Bringing forward Allocated Sites in the Growth Villages, and*
2. *The risk of pluvial flooding; the measures to reduce and manage this should be devised in consultation with the County Council as the Lead Local Flood Authority (LLFA), and*
3. *The need to retain significant trees on the site and to provide a substantial buffer of appropriate trees, hedgerows and landscaping along the A46 boundary.’*

As reworded Policy BAG2 meets the Basic Conditions.

Planning Policies – Protecting and Enhancing Local Heritage

The supporting material for Policy BAG3 is helpful in providing a brief guide to the character with which new construction must merge. The Policy wording has a few shortcomings: the opening should not imply that design is the sole criteria against which “support” will be dependent; in bullet point 3 the views listed are not actually “protected” and the wording must be restricted entirely to the Policy topic; bullet point 5 cannot be required to apply to all development proposals; there is no need for an “overall development” summary which is repetitive.

The Warwick Council representation has pointed out that views 1 & 2 are toward the sub-regional employment site included within the Local Plan but I note that the Policy BAG3 is designed to apply solely to developments within the village envelope.

Recommendation 30:

Reword Policy BAG3 as follows:

- *Reword the opening sentence to read:*

'Development proposals within the village envelope of Baginton, including small infill sites and extensions to existing properties, must be sited and designed sensitively so as to respect and enhance their setting and, where appropriate, the Conservation Area.'

- Reword and reduce the bullet point 3 opening to read:
'Have appropriate regard for their impact, where appropriate, on these key village views (as identified on Map 5):' [list unaltered]
- Reword the bullet point 5 to read:
'Have appropriate regard for their impact, where appropriate, on listed buildings, other heritage assets and their settings'.
- Delete the final sentence commencing: "Overall development.....".

As reworded Policy BAG3 meets the Basic Conditions.

Planning Policies – Protecting and Enhancing Green Spaces

In paragraph 5.39 I believe there is a typographical error and I imagine that the Parish Council rents the Millennium Field from Coventry Council?

Recommendation 31:

Correct the wording of para 5.38 to show the correct the tenant/owner relationship for the Millennium Field.

As you note, para 78 of the NPPF equates the protection afforded by Local Green Spaces to that afforded to the Green Belt; therefore para 5.40 should be deleted (this paragraph was also highlighted in the representation from Warwick District Council).

Recommendation 32:

Delete para 5.40 and renumber the subsequent paragraphs.

Policy BAG4 Protecting Local Green Spaces

From the tabulation provided and my visit to each of the sites I am satisfied that the majority of the Local Green Space designations are appropriate but there are two exceptions. I consider that there should be a boundary alteration to exclude non-green space at the Village Hall grounds. Planning Practice Guidance notes, "If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space" (Paragraph: 011 Reference ID 37-011-20140306); accordingly my judgement is that the Bagot's Castle space should be deleted since the site is already adequately protected as a Scheduled Monument and Listed Building.

As the purpose of BAG4 is to designate open spaces as Local Green Spaces that is what it should say.

Recommendation 33:

Reword the opening sentence of Policy BAG4 to read:

'The following are designated as Local Green Spaces:' [list unaltered except for Bagot's Castle]

Delete the entry for Bagot's Castle and on Map 7 exclude from the boundary of the Village Hall Grounds shown on Map 7 the area of the car park (adjacent to Frances Road) as well as deleting the Bagot's Castle location.

In addition to the location Map 7, provide larger scale maps for each designated area so that the exact boundary is evident; areas 1, 2 & 6 as well as 4 & 7 might be grouped provided that the scale of the map still allows for the exact boundary to be identified.

As partly altered Policy BAG4 meets the Basic Conditions.

Planning Policies – Protecting Local Services, Assets & Amenities

Whilst I appreciate that the difference of colour distinguishes between Parish Council commitments and Plan Policies I believe it would be more appropriate to the Plan, which is about land use, if the coloured boxes around Parish Council matters were removed. This would be more practical than the ideal which would be to move these items to another document.

Recommendation 34:

Remove the coloured boxes around the ‘Actions for the Parish Council’ boxes

Policy BAG5 Protecting Local Services and Assets

Policy BAG4 has already afforded a protection to the Village Hall grounds, the Millennium Field and the Village Green; the Lunt Fort is a scheduled monument and therefore protected by specific legislation and procedures; none of these should therefore be included here. That therefore leaves the Village Hall and the Old Smithy. I suggest that, to avoid confusion or the Policy being hidden, the Green Infrastructure part of the Policy is stripped out to be a new BAG6 Policy

Recommendation 35:

Rewrite Policy BAG5 to read:

‘The Village Hall and the Old Smithy, identified on Map7, are important local facilities and any development proposal which affects them or their current use will be required to consider and address the following:

1. *Development proposals which improve or extend the use of these facilities will be favoured,*
2. *Relocation may be considered provided that the new site is equally accessible, convenient and the facilities are equivalent or enhanced,*
3. *In the event that current uses can be demonstrated to be no longer viable, other recreation, health or community uses will be favoured;*
4. *In the event that it can be robustly demonstrated that there are no other viable uses, other forms of development appropriate to the location may be considered.’*

Add the location of the Old Smithy to Map 7.

As reworded Policy BAG5 meets the Basic Conditions.

Recommendation 36:

Form a new Policy BAG6 to read:

‘Proposals for new public open space should adopt the Green Infrastructure (GI) approach and be designed to provide open space, sport and recreation uses which:

- *Are accessible to all; and*
- *Safeguard and enhance the natural and historic environment; and*
- *Protect priority species and enhance habitats and sites of special biodiversity interest.’*

As reworded Policy BAG6 meets the Basic Conditions.

Planning Policies – Road Traffic

None of the matters at the heart of Policy BAG6 is a land use matter (except perhaps for the issue of cycle routes but these are not identified). Therefore the content of this section is effectively equivalent to the ‘Actions for the Parish Council’ included as background alongside Policy BAG5. As I noted earlier, once the Neighbourhood Plan is in place, the Parish Council will be entitled to 25% of CIL monies so the list might provide the basis for a ‘shopping list’ for spending that money. I suggest that you add an Addendum to the Plan or a separate document which might include all content that does not relate to “the development and use of land”.

Recommendation 37:

Remove the content relating to Road Traffic (pages 58 & 59) to an Addendum or other document so as to clearly separate it from the Neighbourhood Development Plan which deals exclusively with the development and use of land.

Planning Policies – Commercial/industrial development and employment

Policy BAG7 Commercial and Industrial Development and Employment

Amongst the Local Plan policies relating to employment, Policy DS4 aims to direct employment uses to the most appropriate locations. Even though it is a general Policy it is more nuanced and development focussed than Policy BAG7 eg your term ‘around the village’ might be interpreted to mean on Green Belt Land but Policy DS4 makes it clear that all other alternatives would need to have been explored first. Also open to interpretation is what particular type of employment development might be “appropriate to Baginton’s location”. Picking up on the confused wording a representation comments that reference is made to supporting investment at Middlemarch Business Park but the paragraph then makes reference to enterprises wishing to locate in and around the village; Middlemarch is some distance from Baginton village and in this context the purpose of the Policy is unclear. Another representation expresses a concern that, as written, Policy BAG7 supports new local employment opportunities within Baginton [and Bubbenhall] only. I consider that it is not unreasonable for Neighbourhood Plans to take a particular interest in aspects of their area – they are not obliged to achieve a comprehensive coverage - but I accept that the full context is an important consideration.

Given that the wording is confused and the Policy adds nothing of consequence to Policy G3 as examined earlier, I conclude that Policy BAG7 is best deleted.

Recommendation 38:

Delete Policy BAG7 and its preamble.

6.0 Bubbenhall

Planning Policies - Housing

Policy BUB1 New Housing in Bubbenhall

Policy BUB1 admirably sets down the housing invitation to developers with brevity.

Policy BUB2 Protecting and Enhancing Bubbenhall Village

As with the equivalent Policy for Baginton, there are a few shortcomings in the wording of Policy BUB2.

Recommendation 39:

Reword Policy BUB2 as follows:

- *Reword the opening sentence to read:
‘Development proposals within the village envelope of Bubbenhall, including small infill sites and extensions to existing properties, must be sited and designed sensitively so as to respect and enhance their setting and, where appropriate, the Conservation Area.*

- Reword the bullet point 3 opening to read:
'Have appropriate regard for their impact, where appropriate, on these key village views (as identified on Map 9):' [list unaltered]
- Reword bullet point 6, to fit with the '...will be required to:' format, to read:
'Ensure that any street furniture, signage and lighting are designed and sited so as to enhance local character and distinctiveness'.
- So as not to imply a less caring approach than Baginton, add their bullet point:
'Have appropriate regard for their impact, where appropriate, on listed buildings, other heritage assets and their settings'.

As reworded Policy BUB2 meets the Basic Conditions.

Planning Policies – Protecting Local Services, Assets and Local Amenities

Policy BUB3 Provision and Protection of Facilities and Services

The Policy wording should not imply that a poor proposal can be made acceptable simply by 'contributing to improvements'. It is puzzling why reference to sport and recreation facilities should be included in both BUB3 & BUB4; there is no reason why BUB3 should not cover both.

Recommendation 40:

Reword Policy BUB3 to read:

'Development proposals for new or improved community facilities, including services such as education, health or other social services and sports & recreation facilities, will be supported where they:

- Demonstrate that they meet the needs of the population, and
- Adopt a design that is appropriate to a village location in terms of scale, siting and massing, and
- Ensure accessibility for all.

Development proposals that involve the change of use or redevelopment of existing community facilities will not normally be permitted unless:

- Equivalent alternative provision is made at a suitable, accessible location within the village with equivalent or enhanced facilities and parking, or
- It can be robustly demonstrated that they are no longer needed in the village or viable.'

As revised Policy BUB3 meets the Basic Conditions.

Policy BUB4 Sports and Recreation Facilities

Following its incorporation within BUB3.....

Recommendation 41:

Delete Policy BUB4 and move paras 6.33 & 6.34 to before Policy BUB3.

7.0 Next Steps

The content here is no longer relevant as the Plan has been submitted. It would however be appropriate to make a commitment to keeping the Plan under review.

Recommendation 42:

Reword Section 7 along these lines:

'The Neighbourhood Plan will only remain useful if the policies within it are periodically reviewed and their impact monitored. Baginton and Bubbenhall Parish Councils will maintain regular contact with Warwick District Council in order to monitor the implementation of the Plan and changes that may be affecting it. Periodic review will take place at least every 5

years to ensure that the Plan remains relevant and appropriate to guiding the future development of its communities.'

Appendices

Appendix III Bibliography

The Bibliography should be reviewed to ensure that it references the latest versions of the supporting material; in particular the references to the Warwick District Local Plan should only refer to the adopted version.

Recommendation 43:

Review the bibliography provided as Appendix III to ensure that it references the latest versions of the supporting material; in particular the references to the Warwick District Local Plan should only refer to the adopted version.

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

A further Basic Condition, which the Baginton & Bubbenhall Neighbourhood Development Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

There is no legal requirement for a Neighbourhood Development Plan to have a sustainability appraisal. The Neighbourhood Plan has been subjected to a Strategic Environmental Assessment (SEA) Screening Assessment prepared by Warwick District Council (October 2016) which concluded:

"As a result of the screening assessment ... it is considered unlikely there will be any significant environmental effects arising from the Baginton and Bubbenhall Neighbourhood Plan that were not covered/ addressed in the Sustainability Appraisal (s) of the Local Plan. As such, it is considered that the Baginton and Bubbenhall Neighbourhood Development Plan does not require a full SEA to be undertaken." *Inter alia* the screening also concluded that the Plan does not require an assessment under Article 6 or 7 of the Habitats Directive.

The consultation bodies Natural England, the Environment Agency and Historic England were consulted and their responses all concurred with the Warwick District Council view that a full Environmental Report would not be required and the full responses are provided in the submitted Consultation Statement.

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

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

Conclusions

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

I therefore conclude that, subject to the modifications recommended, the Baginton & Bubbenhall Neighbourhood Development Plan:

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

On that basis I *recommend* to the Warwick District Council that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Baginton & Bubbenhall Neighbourhood Development Plan to proceed to referendum.

Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Warwick District Council on 14th September 2016.

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

| Rec. | Text | Reason |
|------|---|----------------------------|
| 1 | <i>Revisit, update and revise the Executive Summary as necessary after incorporations of my recommendations is complete.</i> | For clarity and correction |
| 2 | <p><i>Amend the text of the Executive Summary as follows:</i></p> <ul style="list-style-type: none"> • <i>the opening sentence should say : 'This Submission Neighbourhood Development Plan (NDP) for the Neighbourhood Area comprising the Parishes of Baginton and Bubbenhall has been prepared by a joint steering group on behalf of the two Parish Councils.'</i> • <i>the opening sentence of paragraph 2 should say: 'As required by Government guidance, the Plan was prepared in general conformity with the strategic policies of the adopted Warwick District Local Plan (1996-2011 as amended September 2007) but also utilised the evidence base underpinning the emerging, new Local Plan. However, as of 20th September 2017, a new Local Plan was adopted for Warwick District.'</i> | For clarity and correction |
| 3 | <i>Retitle Map 1 as (top) 'Designated Neighbourhood Area' and (bottom) 'Neighbourhood Area boundary - Baginton & Bubbenhall'.</i> | For clarity and correction |
| 4 | <i>Amend the first two sentences of para 1.2 to use the past tense.</i> | For clarity |
| 5 | <p><i>Revise paras 1.4 & 1.5 to say:</i></p> <p><i>'1.4 The Draft Plan was published for Regulation 14 Public Consultation from 24th October to 19th December 2016. Further information about the full community engagement and consultation process is provided in the accompanying Consultation Statement. The two Parish Councils have given careful consideration to all representations and the NDP amended for submission to Warwick District Council.</i></p> <p><i>1.5 On receiving the submitted NDP and supporting documents, the local authority is responsible for checking that the submitted</i></p> | For clarity and correction |

| | | |
|----|---|----------------------------|
| | <i>Neighbourhood Plan has followed the proper legal process, publishing the plan and inviting anyone interested to comment on it (over a 6 week period) before it is subjected to an examination and then referendum. If more than 50% of those voting in the referendum vote 'yes', then the local planning authority will bring the plan into force and it will be used to help determine planning applications alongside the Warwick Local Plan and NPPF.'</i> | |
| 6 | <i>Delete paras 1.7 – 1.9.</i> | For clarity and correction |
| 7 | <i>Delete paras 2.3 – 2.22 (including Map 2); amend the indexes as appropriate.</i> | For clarity and correction |
| 8 | <i>Re-order and retitle the Objectives as: 1: Natural Environment, 2: Road Traffic, 3: Commercial/Industrial Development & Employment, 4: Housing, 5: Local Heritage; 6: Local Services, Assets and Amenities (two objectives). Bring the NDP delivery Policy listings in line with the final version of sections 4 – 6.</i> | For clarity and correction |
| 9 | <i>Under Objective 1, correct the final sentence of paragraph 2 to read: ‘Nevertheless, the Parish Council supports sustainable development with a modest amount of new housing within the village.’</i> | For clarity and correction |
| 10 | <i>Under Objective 1, amend the opening of the third paragraph to read: ‘Bubbenhall, within the terms of the Local Plan 2017 (paras 4.7 & 4.8), is a Limited Infill Village within the Green Belt where the type and scale of development will be more limited than Baginton.’</i> | For clarity and correction |
| 11 | <i>Update and amend Objective 3 to read: ‘Objective 3: Natural Environment To retain, protect and enhance the rural character and the natural environment that provides the setting of the villages of Baginton and Bubbenhall. The justification here is the real concern of the village communities that their distinct character and the natural environment will be diminished and urbanised, influenced by the growth of neighbouring towns.’</i> | For clarity and correction |
| 12 | <i>Add before the final sentence in the</i> | For clarity |

| | | |
|----|---|--|
| | <i>justification for Objective 7:</i> <i>'The new sub-regional employment site now allocated within the Warwick District Local Plan 2017 will add further employment opportunities.'</i> | |
| 13 | <i>Update and rewrite para 4.0.2 to read: 'Neighbourhood Plans are required to be in general conformity with the extant (ie current adopted) local, strategic planning policies and to have regard to national planning policies and guidance. The following Policies have been prepared taking account of the National Planning Policy Framework (NPPF) and strategic planning policies in the Warwick District Local Plan 2017.'</i> | For clarity and correction |
| 14 | <i>Insert a new para 4.1.3 reusing the content of existing para 2.21; add to that a footnote website reference for the Princethorpe Woodlands Living Landscape Project; renumber subsequent paragraphs.</i> | For clarity |
| 15 | <i>In Policy G1 delete bullet point 2 (and renumber subsequent bullet points) and delete the final paragraph which commences: "Overall, landscaping schemes should....".</i> | For clarity and correction and to ensure the Policy meets the Basic Conditions |
| 16 | <i>Retitle Policy G2 as: 'Protecting and Enhancing Local Biodiversity, Wildlife and Habitats'.</i> | For clarity |
| 17 | <i>Reduce Policy G2 to that which adds to the Local Plan provisions and is locally justified: 'The Neighbourhood Area supports a range of protected and vulnerable species and development proposals should address, with mitigation where appropriate, their impact on these and related habitats. Positive measures may include, for instance, the use of swift bricks, bat and owl boxes, ensuring that converted buildings provide nesting and roosting spaces and other new features of wildlife value.'</i> | For clarity and correction and to ensure the Policy meets the Basic Conditions |
| 18 | <i>Delete Policy G3 and reduce and rewrite the existing preamble (paras 4.1.6 to 4.1.8) to read: 'The preservation of the Green Belt is of significant concern to both communities in the Neighbourhood Area. The communities see the Area positioned as a natural</i> | For clarity and correction and to ensure the Policy meets the Basic Conditions |

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|----|---|--|
| | <i>boundary between Coventry and the towns to the south. The Local Plan 2017 shows Bubbenhall ‘washed over’ by Green Belt protection and Baginton as ‘inset’ within the Green Belt. The delineation of the Green Belt is a strategic matter for the Local Plan and the Local Plan policies toward Green Belt protections derive from national policy set down in the NPPF (section 9) which says at the outset: “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”</i> | |
| 19 | <i>Delete paragraphs 4.2.2, 4.2.3 & 4.2.5; renumber subsequent paragraphs appropriately. In line with the Objectives reduce the title to ‘General Policies: Traffic’.</i> | For clarity and correction |
| 20 | <i>Reduce and rewrite Policy G4 to read: ‘Development proposals should consider, assess and address their potential to benefit highway safety and in particular, at an appropriate scale, examine:</i> <ol style="list-style-type: none"> 1. <i>highway schemes that will improve use by and safety for pedestrians and cyclists;</i> 2. <i>public and community transport improvements;</i> 3. <i>additional parking provision that could benefit community facilities;</i> 4. <i>the impact of traffic flows through the village centres.’</i> | To provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency and to ensure the Policy meets the Basic Conditions |
| 21 | <i>Reduce and rewrite Policy G5 to read: ‘Development proposals that provide new or expand existing employment opportunities will be supported provided that they:</i> <ol style="list-style-type: none"> 1. <i>meet the relevant requirements of the Local Plan Policies, EC1 & EC2 in particular, and</i> 2. <i>demonstrate appropriate regard for residential amenity and the natural environment with mitigation measures as required, and</i> 3. <i>appropriately address highway safety and on-site parking requirements.</i> <p><i>Small scale mixes of office/business and live/work units may be appropriate subject to all the above criteria being met.</i></p> | To provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency and to ensure the Policy meets the Basic Conditions |
| 22 | <i>Move the content on Flood Risk to become</i> | For clarity |

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| | <i>part of the Natural Environment section 4.1 after the Green Belt Content; renumber the paragraphs appropriately and renumber the Policy as G3.</i> | |
| 23 | <i>Delete paras 4.4.1 & 4.4.2 and the words "and these have now been included in new Policy G7" from para 4.4.3; add back the reference to the flood maps from para 4.4.1.</i> | For clarity and correction |
| 24 | <i>Reword Policy G3 as: 'Development proposals must adopt, where appropriate, mitigation measures to protect and enhance the river corridors of the River Stowe and River Avon, including the following: • as required by the County Council as the Lead Local Flood Authority (LLFA) all new development must use above ground sustainable drainage systems (SuDs) providing attenuation to greenfield runoff rates, and' [remaining criteria unaltered]</i> | To provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency and to ensure the Policy meets the Basic Conditions |
| 25 | <i>Delete para 5.18 and renumber subsequent paragraphs accordingly.</i> | For clarity and correction |
| 26 | <i>In para 5.20 sentence 1 use initial capitals for 'Neighbourhood Area' and 'Green Belt'; delete 'emerging' from sentence 2 and all of sentences 3 to 5; replace the content of para 5.22 with paras 2.11 & 2.12 and renumber subsequent paras; at the beginning of para 5.23 insert 'Warwick District Local Plan' between 'The' and 'identified'; at the end of para 5.24 replace 'G7' with 'G3'; in para 5.25 remove the final sentence and Map 3 (it is sufficient for the original to be referenced); in para 5.26 correct and reword sentence 2 as: 'Local Plan housing site H19 is identified as having medium landscape sensitivity.'</i> | For clarity and correction |
| 27 | <i>Reduce and reword Policy BAG1 to read: 'Development proposals for Land North of Rosswood Farm (site allocation H19 in the Warwick District Local Plan 2017) must consider, assess and address the following: 1. The requirements of the Warwick District Local Plan 2017 and in particular Policy H10 - Bringing forward Allocated Sites in the Growth Villages, and 2. The need to provide a landscape</i> | To provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency and to ensure the Policy meets the Basic Conditions |

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| | <p><i>buffer of native trees to the west of the site and, wherever possible, the replacement of present fence boundaries with native hedging, and</i></p> <p>3. <i>An approach to design that recognises that an entrance to the village from the south is being defined; attention is required to integration with the existing settlement, and good accessibility to village services and facilities should be achieved with footpath and cycleway enhancements.'</i></p> | |
| 28 | <p><i>Reword and correct the spelling in the opening sentence of para 5.28 as:</i></p> <p><i>'Land at Oaklea Farm, Finham has been allocated for a housing development of 20 dwellings as site H08 in the Warwick District Local Plan 2017.'</i></p> | For clarity and correction |
| 29 | <p><i>Amend Policy BAG2 to read:</i></p> <p><i>'Policy BAG2 – Land at Oaklea Farm, Finham Development proposals for Land at Oaklea Farm, Finham (site allocation H08 in the Warwick District Local Plan 2017) must consider, assess and address the following:</i></p> <ol style="list-style-type: none"> 1. <i>The requirements of the Warwick District Local Plan 2017 and in particular Policy H10 - Bringing forward Allocated Sites in the Growth Villages, and</i> 2. <i>The risk of pluvial flooding; the measures to reduce and manage this should be devised in consultation with the County Council as the Lead Local Flood Authority (LLFA), and</i> 3. <i>The need to retain significant trees on the site and to provide a substantial buffer of appropriate trees, hedgerows and landscaping along the A46 boundary.'</i> | To provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency and to ensure the Policy meets the Basic Conditions |
| 30 | <p><i>Reword Policy BAG3 as follows:</i></p> <ul style="list-style-type: none"> • <i>Reword the opening sentence to read: 'Development proposals within the village envelope of Baginton, including small infill sites and extensions to existing properties, must be sited and designed sensitively so as to respect and enhance their setting and, where</i> | To provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency and to ensure the Policy meets the Basic Conditions |

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| | <ul style="list-style-type: none"> • appropriate, the Conservation Area.' • Reword and reduce the bullet point 3 opening to read: 'Have appropriate regard for their impact, where appropriate, on these key village views (as identified on Map 5):' [list unaltered] • Reword the bullet point 5 to read: 'Have appropriate regard for their impact, where appropriate, on listed buildings, other heritage assets and their settings'. • Delete the final sentence commencing: "Overall development.....". | |
| 31 | Correct the wording of para 5.38 to show the correct the tenant/owner relationship for the Millennium Field. | For clarity and correction |
| 32 | Delete para 5.40 and renumber the subsequent paragraphs. | For clarity and correction |
| 33 | <p>Reword the opening sentence of Policy BAG4 to read: 'The following are designated as Local Green Spaces:' [list unaltered except for Bagot's Castle]</p> <p>Delete the entry for Bagot's Castle and on Map 7 exclude from the boundary of the Village Hall Grounds shown on Map 7 the area of the car park (adjacent to Frances Road) as well as deleting the Bagot's Castle location.</p> <p>In addition to the location Map 7, provide larger scale maps for each designated area so that the exact boundary is evident; areas 1, 2 & 6 as well as 4 & 7 might be grouped provided that the scale of the map still allows for the exact boundary to be identified.</p> | For clarity and correction |
| 34 | Remove the coloured boxes around the 'Actions for the Parish Council' boxes | For clarity and correction |
| 35 | <p>Rewrite Policy BAG5 to read: 'The Village Hall and the Old Smithy, identified on Map7, are important local facilities and any development proposal which affects them or their current use will be required to consider and address the following:</p> <ol style="list-style-type: none"> 1. Development proposals which | To provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency and to ensure the Policy meets the Basic Conditions |

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| | <p><i>improve or extend the use of these facilities will be favoured,</i></p> <ol style="list-style-type: none"> 2. <i>Relocation may be considered provided that the new site is equally accessible, convenient and the facilities are equivalent or enhanced,</i> 3. <i>In the event that current uses can be demonstrated to be no longer viable, other recreation, health or community uses will be favoured;</i> 4. <i>In the event that it can be robustly demonstrated that there are no other viable uses, other forms of development appropriate to the location may be considered.'</i> <p><i>Add the location of the Old Smithy to Map 7.</i></p> | |
| 36 | <p><i>Form a new Policy Bag6 to read:</i></p> <p><i>'Proposals for new public open space should adopt the Green Infrastructure (GI) approach and be designed to provide open space, sport and recreation uses which:</i></p> <ul style="list-style-type: none"> • <i>Are accessible to all; and</i> • <i>Safeguard and enhance the natural and historic environment; and</i> • <i>Protect priority species and enhance habitats and sites of special biodiversity interest.'</i> | To provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency and to ensure the Policy meets the Basic Conditions |
| 37 | <p><i>Remove the content relating to Road Traffic (pages 58 & 59) to an Addendum or other document so as to clearly separate it from the Neighbourhood Development Plan which deals exclusively with the development and use of land.</i></p> | For clarity and correction |
| 38 | <p><i>Delete Policy BAG7 and its preamble.</i></p> | For clarity |
| 39 | <p><i>Reword Policy BUB2 as follows:</i></p> <ul style="list-style-type: none"> • <i>Reword the opening sentence to read: 'Development proposals within the village envelope of Bubbenhall, including small infill sites and extensions to existing properties, must be sited and designed sensitively so as to respect and enhance their setting and, where appropriate, the Conservation Area.</i> • <i>Reword the bullet point 3 opening to read: 'Have appropriate regard for their impact, where appropriate, on these key village views (as identified on Map 9):' [list unaltered]</i> • <i>Reword bullet point 6, to fit with the</i> | To provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency and to ensure the Policy meets the Basic Conditions |

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| | <p><i>'...will be required to:'</i> format, to read: <i>'Ensure that any street furniture, signage and lighting are designed and sited so as to enhance local character and distinctiveness'.</i></p> <ul style="list-style-type: none"> • So as not to imply a less caring approach than Baginton, add their bullet point: <i>'Have appropriate regard for their impact, where appropriate, on listed buildings, other heritage assets and their settings'.</i> | |
| 40 | <p>Reword Policy BUB3 to read: <i>'Development proposals for new or improved community facilities, including services such as education, health or other social services and sports & recreation facilities, will be supported where they:</i></p> <ul style="list-style-type: none"> • <i>Demonstrate that they meet the needs of the population, and</i> • <i>Adopt a design that is appropriate to a village location in terms of scale, siting and massing, and</i> • <i>Ensure accessibility for all.</i> <p><i>Development proposals that involve the change of use or redevelopment of existing community facilities will not normally be permitted unless:</i></p> <ul style="list-style-type: none"> • <i>Equivalent alternative provision is made at a suitable, accessible location within the village with equivalent or enhanced facilities and parking, or</i> • <i>It can be robustly demonstrated that they are no longer needed in the village or viable.'</i> | To provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency and to ensure the Policy meets the Basic Conditions |
| 41 | Delete Policy BUB4 and move paras 6.33 & 6.34 to before Policy BUB3. | For clarity and correction |
| 42 | <p>Reword Section 7 along these lines: <i>'The Neighbourhood Plan will only remain useful if the policies within it are periodically reviewed and their impact monitored. Baginton and Bubbenhall Parish Councils will maintain regular contact with Warwick District Council in order to monitor the implementation of the Plan and changes that may be affecting it. Periodic review will take place at least every 5 years to ensure that the Plan remains relevant and appropriate to guiding the future development of its communities.'</i></p> | For clarity and correction |

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| 43 | <p><i>Review the bibliography provided as Appendix III to ensure that it references the latest versions of the supporting material; in particular the references to the Warwick District Local Plan should only refer to the adopted version.</i></p> | For clarity and correction |