

**ROYAL LEAMINGTON SPA NEIGHBOURHOOD DEVELOPMENT  
PLAN 2019 - 2029**

**The Report of the Independent Examiner to Warwick District Council on the  
Royal Leamington Spa Neighbourhood Development Plan**

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30<sup>th</sup> March 2020**

## Summary

I was appointed by Warwick District Council, in agreement with the Royal Leamington Spa Town Council, in February 2020 to undertake the Independent Examination of the Royal Leamington Spa Neighbourhood Development Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 19<sup>th</sup> March 2020.

The Neighbourhood Development Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in the Royal Leamington Spa Neighbourhood Area. 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 2011 - 2029.

Subject to a series of recommended modifications set out in this Report, I have concluded that the Royal Leamington Spa 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 Royal Leamington Spa Neighbourhood Development Plan 2019 - 2029. The Plan was prepared and submitted to Warwick District Council by the Royal Leamington Spa Town Council as the Qualifying Body.

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. A new NPPF was published in July 2018, updated in February 2019, and it is against the content of this NPPF that the Plan will be examined.

This report assesses whether the Royal Leamington Spa 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 Royal Leamington Spa Neighbourhood Development Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Royal Leamington Spa Neighbourhood Development Plan would then be used in the process of determining planning applications within the Neighbourhood Area 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 Royal Leamington Spa Town Council, to conduct the examination of the Royal Leamington Spa Neighbourhood Development Plan and to report my findings. I am independent of both Warwick District Council and the Royal Leamington Spa Town Council. 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 Royal Leamington Spa Neighbourhood Development Plan is submitted to a referendum; or
- the Royal Leamington Spa Neighbourhood Development Plan should proceed to referendum as modified (based on my recommendations); or
- the Royal Leamington Spa 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 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:

- Royal Leamington Spa Neighbourhood Development Plan 2019 - 2029 as submitted
- Royal Leamington Spa Neighbourhood Development Plan Basic Conditions Statement (December 2019)
- Royal Leamington Spa Neighbourhood Development Plan Consultation Statement (November 2019)
- Strategic Environmental Assessment Screening Opinion (February and April 2019)
- Content at: <http://leamingtonneighbourhoodplan.org.uk/category/neighbourhood-plan/>
- Content at: [www.warwickdc.gov.uk/info/20444/neighbourhood\\_plans/1096/royal\\_leamington\\_spa](http://www.warwickdc.gov.uk/info/20444/neighbourhood_plans/1096/royal_leamington_spa)
- Representations made to the Regulation 16 public consultation on the Royal Leamington Spa Neighbourhood Development Plan
- Warwick District Local Plan 2011 – 2029
- Supplementary Planning Documents at: [www.warwickdc.gov.uk/info/20794/supplementary\\_planning\\_documents\\_and\\_other\\_guidance](http://www.warwickdc.gov.uk/info/20794/supplementary_planning_documents_and_other_guidance)
- National Planning Policy Framework (NPPF) (2019)
- Neighbourhood Development Planning Regulations (2012)
- Planning Practice Guidance (PPG) (March 2014 and subsequent updates)

I carried out an unaccompanied visit to the Neighbourhood Area on 19<sup>th</sup> March 2020. I looked at 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 Royal Leamington Spa Neighbourhood Development Plan could be examined without the need for a public hearing and I advised Warwick District Council accordingly. The Qualifying Body and the Local Planning Authority have helpfully responded to my enquiries so that I may have a thorough understanding of the facts and thinking behind the Plan, and the correspondence has been shown on the Warwick District Council Neighbourhood Development Planning website for the Royal Leamington Spa Neighbourhood Development Plan.

### **Royal Leamington Spa Neighbourhood Area**

A map showing the boundary of the Royal Leamington Spa Neighbourhood Area has been provided within the Neighbourhood Development Plan. Further to an application made by Royal Leamington Spa Town Council, Warwick District Council approved the designation of the Neighbourhood Area on 14<sup>th</sup> 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 Development Planning (General) Regulations 2012, the Qualifying Body has prepared a Consultation Statement to accompany the Plan.

The Planning Practice Guidance says:

“A qualifying body should be inclusive and open in the preparation of its Neighbourhood Development Plan [or Order] and ensure that the wider community:

- is kept fully informed of what is being proposed
- is able to make their views known throughout the process
- has opportunities to be actively involved in shaping the emerging Neighbourhood Development Plan [or Order]
- is made aware of how their views have informed the draft Neighbourhood Development Plan [or Order].” (Reference ID: 41-047-20140306)

The submitted Consultation Statement notes that in September 2016 a Steering Group was formed comprised of 4 town councillors, 3 business representatives, 2 Warwick University representatives, 5 residents and 2 town council officers. A Plan launch event was held at the Town Hall in January 2017 which was attended by around two hundred and fifty members of the public with over 150 comments/suggestions recorded. Subsequent consultation activity included 8 drop-in sessions in each of the 8 Town Council wards, stalls at popular events across town, students at Warwick University completed comments cards in the Students Union, 3 Local Democracy Days with Leamington Spa secondary schools and visits to the Hindu Centre and the Gurdwara.

Five theme group sessions were held in January and February 2018 each focussing on one of the final five themes arising from the previous consultations (Roads and Transport, Community and Culture, Housing and Development, Business Support and Town Centre and Green Spaces and Parks). Each session lasted 3 hours and included breakout groups looking at consultation priorities and draft objectives. Numbers attending the theme group sessions varied from 20 to 25. In addition a sub-group was formed to collect and collate evidence for those spaces and parks shortlisted from the consultations for Local Green Space designation.

The first completed draft of the Plan was published in January 2019 and was followed by 14 drop-in sessions in locations such as shopping centres, the leisure centre, the Town Hall, the main library, Jephson Gardens and Warwick University campus. Updates were also provided to the North and South Leamington Community Forums. As a result, nearly 700 people were engaged at this important stage in the Plan preparation, improving awareness and reinforcing the Plan objectives and policies.

As required by the Neighbourhood Development Plans Regulations, a pre-submission formal Consultation took place between 17<sup>th</sup> June and 12<sup>th</sup> August 2019. The Regulation 14 draft was made available to view and download on the Town Council website and Warwick District Council’s website. Hard copies and summaries were made available at Leamington Library, Newbold Comyn Leisure Centre, the Town Hall, Lillington Library and Riverside House. All relevant Schedule 1 consultation bodies were contacted and stalls at the Peace Festival, at Lillington Fun Day, outside the Town Hall and at Art in the Park helped to publicise the draft and signpost ways of commenting; responses were invited via the response form online, via email or post direct to the Town Council. Representations received were reviewed and the detailed summary of representations and actions included as an appendix to the Consultation Statement.

Accordingly, overall I am satisfied that the consultation process accords with the requirements of the Regulations and the Practice Guidance and that, in having regard to national policy and guidance, the Basic Conditions have been met. In reaching my own conclusions about the specifics of the content of the Plan I will later note points of agreement or disagreement with Regulation 16 representations, just as the Qualifying Body has already done for earlier consultations. That does not imply or suggest that the consultation has been inadequate, merely that a test against the Basic Conditions is being applied.

### **Representations Received**

Consultation on the submitted Plan, in accordance with Neighbourhood Development Planning Regulation 16, was undertaken by Warwick District Council from Monday 6<sup>th</sup> January to Monday 17<sup>th</sup> February 2020. I have been passed the representations – 21 in total – which were generated by the consultations and which have been included alongside the details of the Plan on the Warwick District Council Neighbourhood Development Planning website. I have not mentioned every representation individually within the Report but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

### **The Neighbourhood Development Plan**

The Town Council is to be congratulated on its extensive efforts to produce a Neighbourhood Development Plan for their area that will guide development activity over the period to 2029. I can see that a sustained effort has been put into developing a Plan guided by a series of objectives set down at paragraph 2.4 in the Plan and a Vision that says: “Looking to our future, we will continue to conserve and protect our built heritage whilst promoting enhancements which allow us to reduce our impact on climate change, support sustainable economic development, build innovative housing, support effective integrated transport systems and contribute to a healthy town.” The Plan document is well presented with a distinctive combination of text, clear images and Policies that are, subject to the specific points that I make below, well laid out and helpful for the reader. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that.

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” (Planning Practice Guidance Reference ID: 41-001-20140306).

Individually I can see that the Policies address legitimate matters for a Neighbourhood Development Plan as identified with the community. I will later look at the Policies in turn so as to ensure that the Basic Conditions are met, which include an obligation to have regard to Local Plan strategic policies.

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 amendment to variable



degrees, proportionate and sustainable. The Plan sets out the community's priorities whilst seeking to identify and safeguard Royal Leamington Spa'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, with input as required and support from Warwick District Council.

However, in the writing up of the work into the Plan document, it is sometimes the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected policy. This is not uncommon in a community-prepared planning document and something that can readily be addressed in most instances. Accordingly 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 December 2018 a fifth Basic Condition was added relating to the Conservation of Habitats and Species Regulations 2017. 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 Plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

The submitted Basic Conditions Statement has very helpfully set out to address the issues in relation to these requirements and has tabulated the relationship between the policy content of the Plan and its higher tier equivalents. I note that the Local Plan is the Warwick District Local Plan 2011 – 2029 adopted in September 2017.

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 Basic 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 is a prominent reference to the Plan period 2019 – 2029 on the front cover. The reference to "Regulation 16 Submission Draft" can now be removed.



## **Foreword**

There is a reference in the third paragraph to “planned over the period to 2030” but as the Local Plan and Neighbourhood Plan are to 2029 I believe that would be the correct date to use.

## **Contents**

The Contents listing will need to be reviewed once the text has been amended to accommodate the recommendations from this Report. An appropriate map of the Neighbourhood Area is included on page 5.

### **Recommendation 1:**

*1.1 Remove from the front cover “Regulation 16 Submission Draft”.*

*1.2 In the third paragraph of the “Foreword” replace “2030” with ‘2029’.*

*1.3 Once the Plan text has been amended, review the “Contents” page to accommodate the recommended modifications from this Report.*

## **Executive Summary**

The first sentence of the third paragraph is not strictly correct since “A neighbourhood plan can also propose allocating alternative sites to those in a local plan (or spatial development strategy), where alternative proposals for inclusion in the neighbourhood plan are not strategic, but a qualifying body should discuss with the local planning authority why it considers the allocations set out in the strategic policies are no longer appropriate” (Planning Practice Guidance Paragraph: 044 Reference ID: 41-044-20190509). The sentence would more appropriately repeat the wording of the Basic Conditions.

The incomplete sixth paragraph (shown in red) can now be omitted as can the sixth line of the box below, headed “How to comment”.

### **Recommendation 2:**

*Under the heading “Executive Summary”:*

*2.1 Replace the first sentence of the third paragraph with: ‘Neighbourhood Plans must be in general conformity with the strategic policies of the District Local Plan for the area to which they relate.’*

*2.2 Delete the sixth paragraph (shown in red).*

*2.3 Delete in the table commencing at the foot of page 6 the sixth line headed “How to comment”.*

## **1.0 Introduction and Background**

Some of the content in this section is now out of date and needs editing.

### **Recommendation 3:**

*Under the heading “1.0 Introduction and Background”:*

*3.1 Remove the second sentence of paragraph 1.4 and remove the red indicator from Figure 2 below that paragraph..*

*3.2 In paragraph 1.5 delete “Regulation 16” from the first sentence and “to date” from the second sentence.*

*3.3 Delete paragraph 1.6.*

## **2.0 Royal Leamington Spa Neighbourhood Development Plan Key Themes and Vision**

### **Developing the RLSNDP**

The reference in paragraph 2.1 to “23 planning policies” will need to be reviewed in the light of the recommendations in this Report.

### **RLSNDP 2029 Vision**

In paragraph 2.3 it is stated that “one of the legal requirements a neighbourhood development plan must meet is that it must plan for the same period as the District Local Plan ie up to 2029”. In fact there is no such requirement, but it is often convenient for Plans to share a similar horizon.

### **Recommendation 4:**

*Under the heading “2.0: Royal Leamington Spa Neighbourhood Development Plan Key Themes and Vision”:*

*4.1 In paragraph 2.1 review the reference to “23 planning policies” in the light of the recommendations in this Report.*

*4.2 In paragraph 2.3 replace the third sentence with: ‘This is because it is convenient for the Plan period to coincide with the end date of the Warwick District Local Plan’.*

### **Objectives**

It is important that the wording of the Objectives and actions relate well to the subsequent Policies. Under the “Housing and Development Theme C” there is a reference to “where it is in keeping with its surrounding area, does not act negatively upon neighbouring properties and promotes energy efficiency”; none of these expectations are peculiar to “self-build housing”. Under the “Green Spaces and Parks Theme E” the aim to “maintain the permanence of the Green Belt” addresses a strategic planning matter that is for the Local Plan to consider (as is later acknowledged in paragraph 4.6). Under the “Roads and Transport Theme B” it is beyond the scope of a Neighbourhood Plan to be “enabling” – as distinct from ‘supporting’ – of a modal shift in transport. Under the Business Support and Town Centre Theme C” the “development” of the Creative Quarter may be unrealistic for a Plan whereas its ‘designation’ or ‘actions in support of the designation’ may be more feasible.

It is normal for “targets” to relate to numerical measures that indicate effectiveness; since there are no targets in such terms included within the sections headed “Objective” it would help clarity if the use of this term was removed whilst leaving the term “actions” in place.

### **Recommendation 5:**

*Under the heading “Objectives”:*

*5.1 Under all the “Objective” headings, in their opening sentence remove “targets and”.*

*5.2 Under Objective 1 replace element C with: ‘To support appropriate self-building housing in the town’.*

*5.3 Under Objective 3 delete element E and renumber subsequent paragraphs accordingly.*

*5.4 Under Objective 4 within element B replace “enabling” with ‘supporting’.*

*5.5 Under Objective 5 element C add ‘support for’ between “through” and “the development of”.*

### **3.0 Spatial Portrait**

There are a few drafting points to be addressed under this heading.

#### **Recommendation 6:**

*Under the heading “3.0 Spatial Portrait”:*

*6.1 Provide a full source reference for “Nomis” where it is first mentioned in Figure 3.*

*6.2 Correct paragraph 3.18 by:*

*6.2.1 In the second sentence replace “was” with ‘has been’;*

*6.2.2 In the third sentence replace “this” with ‘the competition’.*

*6.2.3 Rewrite the fourth sentence as: ‘Leamington Shopping Park lies on the periphery of the town and outside the Neighbourhood Area’.*

*6.3 Paragraph 3.19 references “Article 4 direction”, a technical term that therefore needs an explanation within the Glossary.*

### **4.0 Planning Policy Context**

There are a few drafting points to be addressed under this heading.

#### **Recommendation 7:**

*Under the heading “4.0 Planning Policy Context”:*

*7.1 In paragraph 4.3, in the fourth sentence add ‘the’ between “plans” and “NPPF”.*

*7.2 Within paragraph 4.5 move the content within the brackets in the first sentence and add the content to the end of second sentence as: ‘; they are shown as all the policies with the prefix “DS”, numbers ending in “0” zero, and Policy H1 (Directing Housing)’.*

*7.3 Within paragraph 4.6 in the third sentence amend the reference to Figures to show ‘Figures 6 and 12’.*

### **5.0 Royal Leamington Spa Neighbourhood Development Plan Policies**

#### **5.1 Housing and Development**

There are a few drafting points to be addressed under this heading.

#### **Recommendation 8:**

*Under the heading “5.1 Housing and Development”:*

*8.1 At the end of paragraph 5.1.1 add the closing bracket.*

*8.2 At the end of paragraph 5.1.4 replace “meet the targets set” with ‘address the actions’.*

*8.3 In paragraph 5.1.6, in the third sentence replace the comma between “drainage” and “based” with a semi-colon; in the fourth sentence move the comma between “exercise” and “that assesses” to between “encouraged” and “this has to”.*

*8.4 In paragraph 5.1.7, in the second sentence replace the semi-colon with a comma between “Housing” and “do not lead”.*

#### **New Housing Development**

The opening of paragraph 5.1.5 refers to the definition of the “Urban Area” within the Local Plan but the illustration at Figure 6 is not helpful to understanding the extent of the Urban Area within the Neighbourhood Area. It would be more helpful if the map that is “Figure 6”

was referenced within the text to its source within the Local Plan and, its source having been declared, a specific map based on the Neighbourhood Area should be used for Policy RLS1.

**Recommendation 9:**

*9.1 Under the sub-heading “New Housing Development”, in the first sentence of paragraph 5.1.5 replace “(Figure 6)” with a source reference for the Local Plan map.*

*9.2 Replace Figure 6 (and relocate it closer to Policy RLS1) with a purpose drawn map illustration of the Local Plan defined “Urban Area” (indicated with an appropriate key) superimposed on the map of the Neighbourhood Area.*

**Policy RLS1 – Housing Development within the Royal Leamington Spa Urban Area**

As noted above, for the purposes of understanding Policy RLS1, it would be helpful (not least because the Local Plan map is dominated by the identification of the Town Centre and it is unclear whether this is included or excluded from the defined Urban Area) for there to be a map associated with the Policy that is a simple overlay of the “Urban Area” on the Neighbourhood Area.

Whilst I appreciate that all Policies are to be read together (as noted at paragraph 5.1.6), element 1 of the Policy is quite a sweeping invitation to reuse land and buildings whatever their existing use and whether or not they are now vacant. No prospective sites are identified or exemplified and therefore it is questionable whether this element of the Policy adds anything to, or has the potential to confuse, the related Local Plan policies. The Qualifying Body has suggested the addition of “when not in conflict with other development plan policies”.

Element 2 of this Policy uses “less than 10 dwellings” to define the scale of “infill” likely to be acceptable but no evidence in justification is provided for the specified scale of “infill”; the Planning Portal defines “infill” as “The development of a relatively small gap between existing buildings” and on this basis even between taller buildings toward the town centre, the addition of 9 dwellings as infill would probably be the exception. Given the density of the “Urban Area” the Policy needs a fair indicator of scale if it is to be particular to Leamington. The Qualifying Body has commented “The figure of 10 is considered reasonable given the built-up nature of the area and the character of large parts of the area within the Conservation Areas” but no examples have been provided. In the absence of local evidence but with the Policy already specifying further criteria, a general expectation of ‘appropriately scaled’ infill will suffice.

Element 2 of the Policy also asks the prospective developer to anticipate “future occupiers and uses” of adjacent land but it is difficult to see how this might be applied objectively. The Qualifying Body has agreed that this expectation should be deleted.

Element 3 of the Policy appears to repeat rather than add any local detail to Policy H15 of the Local Plan. The Qualifying Body has commented that “there were numerous references to this in community consultation, and in response to these, it was felt important that the NDP was seen to respond in a positive way”. To help achieve a rounded policy I agree that this element should be retained.

Element 4 is not accompanied with any explanation as to why the Court Street area might be particularly suitable for “community-led housing developments and the provision of live/work units”. From the response of the Qualifying Body it is apparent that a slight restructure of the Policy is needed.

Element 5 of the Policy appears to repeat rather than add any local detail to Policy H15 of the Local Plan but again I can conclude that, to help achieve a rounded policy, this element

should be retained. A number of representations have commented that any new purpose-built student accommodation “should also be of an architecture particularly sympathetic to the surrounding buildings to enhance the area in which they are situated”. However, the District Council has advised that, because this is regularly a sensitive issue in some parts of Leamington Spa, they are committed to preparing a ‘Purpose Built Student Accommodation Development Plan Document’; the wording of the Policy needs to be slightly reworded accordingly.

Whilst I note that the sentence about the Drainage Hierarchy has been commended by Severn Trent in their representation, no explanation is provided as to why the practice “Guidance” has become a requirement (“shall”) for Leamington. The Qualifying Body has agreed that ‘where appropriate should’ should replace “shall”.

Following on from the above, a consequent amendment to the “Background/Justification” content will be required.

**Recommendation 10:**

*Within Policy RLS1:*

*10.1 In the opening sentence replace “as defined in the Warwick District Local Plan” with ‘as defined in the adjacent Figure 6’.*

*10.2 To element 1 after “buildings” add ‘when not in conflict with other development plan policies’.*

*10.3 Within element 2 replace “of less than 10 dwellings,” with ‘that is of an appropriate scale and’ and, toward the end, delete “and future”.*

*10.4 Move element 4 to become a separate Policy paragraph (and renumber the subsequent element accordingly) to read as follows:*

*‘Within the Court Street area (as defined in allocation H16 of the Warwickshire District Local Plan) community-led housing and the provision of live/work units will be supported.’*

*10.5 Reword the latter part of element 5 (now renumbered element 4) after “positively assessed” as ‘against all related development plan requirements and guidance’.*

*10.6 Reword the opening of the final paragraph up to “undertake” as:*

*‘Development proposals for previously developed land, where appropriate, should’.*

*10.7 Delete the second sentence of paragraph 5.1.7.*

As amended Policy RLS1 meets the Basic Conditions.

**Policy RLS2 – Housing Design**

It is not evidenced that Policy RLS2 is “grounded in an understanding and evaluation of [Leamington’s] defining characteristics” (NPPF para 125). Neighbourhood Plan Paragraph 5.1.10 says that “Policy RLS2 does not need, or seek, to repeat these, but seeks to add further policy detail” but none of the policy content is specific to Leamington; instead it is derived from national and District guidance and policies. Overall, it is difficult to see where Policy RLS2 adds any locally evidenced detail to national and Local Plan policies.

Neither national nor Local Plan policies require construction of all dwellings to the “Lifetimes Homes” standard and therefore the viability of the adoption of such a requirement is untested. The Qualifying Body has suggested that the requirement relates to an ageing population, but this is not a feature peculiar to Leamington. As noted in several representations, the “Code for Sustainable Homes” was discontinued in 2015 and building



performance standards are now set down within the Building Regulations which are updated from time to time (the Practice Guidance reference has been superseded).

Whilst the Qualifying Body has noted that “Through consultation there was a strong desire that new homes should achieve the most sustainable of construction standards” this is also the expectation of Local Plan policy. The Qualifying Body has also noted “There is also a recognition that many existing homes will need retro-fitting to achieve this aim – this is acknowledged as not necessarily being an NDP or planning matter”. Therefore the best that the Policy can do is ‘encourage’ and the “Background/Justification” needs to be brought into line with a simplified Policy.

I have noted that a representation from Kenilworth Town Council says that ‘encouraging’ higher standards had, in their experience, been ineffective. However, Government has made it clear that building performance standards are to be set centrally so as to avoid a mosaic of differing standards across the country and give certainty to the construction industry.

**Recommendation 11:**

*11.1 Reword Policy RLS2 as:*

*‘Development proposals are encouraged to adopt higher environmental standards of building design and energy performance, such as the Passivhaus approach or similar. The use of ‘Building for Life’, or an equivalent assessment framework, should be demonstrated in the justification of proposals’*

*11.2 Delete paragraphs 5.1.14 & 5.1.16 and renumber subsequent paragraphs accordingly.*

*11.3 Delete the final sentence of paragraph 5.1.17 (since this simply repeats Local Plan Policy FW3 where the justification is provided).*

As amended Policy RLS2 meets the Basic Conditions.

**Policy RLS3 – Conservation Areas**

A representation from the Conservation and Design team at Warwick District Council notes that there are in fact only two Conservation Areas (CA) in Leamington Spa – Leamington Spa CA and the Canal CA; Lillington Road North and Lillington Village are character areas 34 and 35 respectively of the Leamington Spa CA. They also note that the Canal CA is incorrectly referred to as the “Canalside” CA. It would be helpful to the operation of this Policy if the two Conservation Area Assessment documents were fully source referenced. Further clarity (for both Policies RLS3 and RLS4) would be provided if Figure 7 had the Conservation Areas overlaid on the Neighbourhood Area map and each CA differently shaded so that the included/excluded areas are readily apparent and the fact that the Canal CA extends beyond the Neighbourhood Area would then be clearer.

Contrary to what is stated in paragraph 5.1.19 and implied at the beginning of the Policy, the “setting” of a Conservation Area is not “protected” – the boundary defines a specific area or areas. However, it is acknowledged that development outside of a Conservation Area may have an impact within it (NPPF para 200).

Regarding the wording of the Policy, the second sentence says that applicants should “consider, prepare [meaning obscure?] and describe how their proposed development meets to relevant criteria listed”. A representation comments that “the policy should be clear that the assessment criteria within the policy, should be applied in terms of any (sic) assessment of the [heritage] asset’s significance”. Some rewording is required to ensure that the Basic Conditions are met.

With regard to the wording of the Policy criteria, a number of matters of clarity arise:

a) This criterion uses both “the surrounding area” and “the area in which it is situated” (and criterion (c) uses “the area within which” whereas criterion (k) uses “surrounding local context”); it is unclear whether these are the same as or intentionally different from a ‘character area’ within the Conservation Areas. The Qualifying Body has clarified that “this could be a reference point, [although] assessment will vary from case to case”; amendments are therefore needed on this basis.

The intended meaning of “a sense of unity” is obscure; a representation comments: “The implication is that only development which mirrors or provides a pastiche of the existing architectural styles of the conservation [area] would be acceptable”. The Qualifying Body has responded that “This reads too much into the wording – modern, contemporary styles and materials could still achieve a “sense of unity” within and with their surroundings”; however I believe some improvement to the wording is needed for clarity.

e) This criterion would appear to have significant overlap with (a). A representation notes that the criterion expects the “retention of exiting (sic) gardens” whereas Policy RLS1 recognises that the loss of gardens may be acceptable if made within the context of Local Plan Policy H1. The representation adds that “if the reference to “gardens” is to the more formal public gardens of Leamington, as protected through draft Policy RLS8, then the policy should make this explicit”. The Qualifying Body has commented: “e) deals with more detailed matters e.g. plot size than criterion a). Possible conflict with RLS1 is acknowledged. This would have to be assessed by the decision maker. This is not referring to formal gardens, amend to “existing residential gardens”. However, the Policy wording must ensure that the Plan is internally consistent 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).

f) A representation notes that “criteria (sic) (f) combines in a single policy [,] tests for treatment of both designated and non-designated heritage assets” and suggests that the criterion be split in two so that “the tests proposed to the different assets be consistent with that contained in the Framework [NPPF].” The Qualifying Body has commented that “Criterion f) does not override the national policy tests” but the two must dovetail efficiently.

g) A representation comments that “If the policy [criterion] is simply replicating the protection afforded by draft Policies RLS8 and RLS9, then it is unnecessary and should be deleted.” The Qualifying Body has commented that these policies “do not protect all open spaces’ trees or require tree planting” and I can see that Policy RSL3 should address all relevant factors for the Conservation Areas.

j) The Qualifying Body has agreed that the cross-reference here should not be to Policy RLS21 but to RLS20, which has below been altered to RLS17.

l) The Qualifying Body has confirmed that “key” within this criterion, and also three times within (n), is intended to relate to features identified within the respective Conservation Area Assessments. This needs clarifying if “key” matters are to be unambiguously determined.

m) A representation comments that “proper evaluation” is not the term used within the NPPF which is “appropriate assessment” and the Qualifying Body has agreed that would be the terminology to be followed since it would not require further qualification.

o) It is unclear how a development might “establish” a link with the town’s history and revised wording would give clarity.

**Recommendation 12:**

*Under the heading “Conservation Areas”:*



12.1 Reword paragraph 5.1.18 as follows:

*'There are two Conservation Areas (Figure 7) within the Neighbourhood Area: Leamington Spa and Canal'; then take in the final paragraph of the Policy, beginning "Applicants' attention", ensuring that the two Conservation Area Assessment documents are fully source referenced.*

12.2 Revise Figure 7 (and move it to be adjacent to the Policy) by showing the two Conservation Areas overlaid on the Neighbourhood Area map with each Area differently shaded so that the included/excluded areas are readily apparent.

12.3 Amend the opening paragraph of the Policy as follows:

*'Development proposals that are within or directly affect a Conservation Area must assess and address their impact on their heritage significance. Proposals must demonstrate attention to the following where relevant.'*

12.4 Amend criterion a) as follows:

*'The proposed building type, style, materials and colours in relation to the character area in which it is located and its distinguishing features'; delete criterion c) and renumber subsequent criteria accordingly.*

12.5 Amend criterion b) as follows:

*'The relationship of the proposed layout to the existing road pattern, plot sizes, and the balance between buildings and garden spaces'; delete criterion e) and renumber subsequent criteria accordingly.*

12.6 Amend criterion f) by adding *'the significance of'* between *"respects"* and *"listed buildings"*.

12.7 Amend the Policy cross-reference within criterion j) to *'Policy RLS17'*.

12.8 Amend criterion l) to add after *"buildings"* *'as identified in the Conservation Area Assessment'*.

12.9 Amend criterion m) by replacing *"Proper evaluation"* with *'appropriate assessment'* and deleting *"prior to the determination of any planning application"*.

12.10 Amend criterion n) by adding after *"thoroughfares"* *' , all as identified in the Conservation Area Assessment'*.

12.11 Amend criterion o) as follows:

*'Identifying and reinforcing any links with the town's historic past, such as the spa town, railway and canal legacies'*.

12.12 Amend paragraph 5.1.19 by replacing the comma after *"1990"* with a full stop and deleting the fourth sentence beginning *"It is not just"*.

12.13 Amend paragraph 5.1.22 by adding a full stop between *"Setting"* and *"Applicants"*.

12.14 Delete paragraph 5.1.24 and renumber subsequent paragraphs accordingly.

As amended Policy RSL3 meets the Basic Conditions.

### **Housing Character Outside the Conservation Areas**

It is unclear where Policy RLS4 may add local detail to existing national and Local Plan policies. However, there is an evident desire by the Qualifying Body to balance Policy RLS3

with a companion Policy relating to the substantial part of the Neighbourhood Area outside of the Conservation Area. My recommendations are therefore limited to drafting issues. The second paragraph relates to new off-street parking but a clearly expressed concern in the supporting paragraphs relates to the inappropriate provision of off-street parking where it is replacing gardens; there is therefore the need to qualify the expectation with 'appropriately located and surfaced'.

A representation queries the practical effect of "Proposals should seek to maintain views of higher slopes, skylines and the wider landscape" – I note this is not a feature of Policy RLS3. The representation notes: "There is no document contained within the evidence base for the RLSNDP which assesses the landscape character surrounding the Town". The Qualifying Body commented in response that "Away from the town centre there are many views of higher slopes and skylines. Whilst it is accepted there is no study relating to these, it is considered reasonable these matters should be considered when assessing planning proposals." There is however the need to add "where applicable" to this expectation.

I highlighted to the Qualifying Body that paragraph 5.1.29 relates to a "Supporting Action" (mentioned in the Plan summary on page 6) that might be highlighted for the Town Council to pursue; they agreed that this was one of a number of points that might be highlighted. Planning Practice Guidance says: "Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex" (Paragraph: 004 Reference ID: 41-004-20170728). Therefore paragraph 5.1.29 might include a cross-reference to an entry in a companion document or annex.

### **Recommendation 13:**

#### **13.1 Within Policy RLS4:**

*13.1.1 In the first paragraph replace "will be expected to" with 'should' and replace "into" with 'into'.*

*13.1.2 Reword the second paragraph as: 'Proposals should retain and, where applicable, create appropriately located and surfaced off-street car parking'.*

*13.1.3 Within the fifth paragraph add ', where applicable,' between "should" and "seek".*

*13.1.4 Delete the sixth paragraph which is merely the negative of what has already been positively expressed.*

*13.2 Within paragraph 5.1.29 add a cross reference to an entry in a companion document or annex, to be created, of "Supporting Actions".*

*13.3 Delete the last sentence of paragraph 5.1.30 since it repeats part of the content of paragraph 5.1.29.*

As amended Policy RLS4 meets the Basic Conditions.

### **Housing Mix and Tenure**

A representation queries the implications of an invitation to follow "any up to date housing needs assessment" for the Neighbourhood Area: "Who is to have produced such an assessment, and with what oversight, rigour or testing?" Since there is national guidance on this I don't believe that the Neighbourhood Plan need delve into that level of detail but the Policy wording needs clarity.

I note the “distinguishing features” of existing housing stock in the Neighbourhood Area but I am left wondering by the “Justification” whether:

- a) it is realistic to expect that an imbalance between rented and owner-occupied affordable housing can be resolved within an area as small as South Leamington (a definition for which must come from the Local Plan); a representation notes that the support for purpose-built student accommodation within RLS1 could help to free up family accommodation presently used for students; and
- b) there is any supporting evidence to suggest that there is any significant “potential, at appropriate locations [within the Urban Area?], to provide detached and semi-detached family homes”.

The Qualifying Body has “acknowledged on both of these matters that scope to address these issues, within the areas referenced, may be limited. But, nevertheless, they are important concerns, raised during consultation and evidenced e.g. Tables 4 and 5. These matters should, therefore, be considered in an attempt to address a need not necessarily addressed in District-wide planning policy.” Some rewording is therefore required for clarity.

**Recommendation 14:**

*Reword Policy RLS5 after its first sentence as follows:*

*‘Within the Neighbourhood Area that mix should, where applicable:*

- a) Be informed by a rigorous and up-to-date assessment of housing needs;*
- b) Take opportunities to provide detached and semi-detached family homes which are currently underprovided;*
- c) Within South Leamington, seek to rebalance the existing rented/owner occupied mix by the provision of homes for affordable owner occupation.’*

As amended Policy RLS5 meets the Basic Conditions.

## **5.2 Community and Culture**

### **Policy RLS6 – Protection of Community Facilities**

I note that definition of “community facilities” for the purposes of Local Plan Policy HS8 is “a wide range of uses within Use Class D1 ... as well as local cultural facilities, local convenience stores (under 500sq.m gross floor space) and public houses where there is no alternative provision within the community.”

I also note that the third paragraph of the Policy does not identify any particular gaps or want of improvement within the present community facilities. Any new facilities would automatically gain the benefit of Local Plan Policy HS8.

At their scale (and perhaps because they are derived from another source) the Figures 8 & 9 virtually unreadable – and they do not include all of the properties affected by Policy RLS6. The Policies Map appears also to have its limitations in that the scale of some of the smallest sites does not allow for the showing of their index number. If the added detail that the Neighbourhood Plan affords is that it identifies all the “community facilities” individually then the mapping must be appropriate to that aim.

**Recommendation 15:**

*15.1 Within Policy RLS6:*

*15.1.1 Within the first paragraph add between “identified on” and “the Policies Map” ‘Figure 8 (indexed at Appendix 1) and’; replace the present Figure 8 with a purpose drawn Neighbourhood Area map at a legible scale and delete Figure 9, renumbering subsequent figures accordingly.*

*15.1.2 Delete the second paragraph since the public houses are listed in Appendix 1.*

*15.1.3 Delete the second and third sentences of the third paragraph (since this is not policy but information).*

*15.2 Delete the last sentence of paragraph 5.2.7 and replace this with a cross reference to an entry in a companion document or annex, to be created, of “Supporting Actions”; move paragraph 5.2.8 to “Supporting Actions” and renumber subsequent paragraphs accordingly.*

As amended Policy RLS6 meets the Basic Conditions.

### **Policy RLS7 – Public Art**

I note that the “action” under “Objective 2 Community and Culture Theme” says “To support the creation of new public art works which link to the history and essence of Royal Leamington Spa as a creative hub for innovation”. Policy RSL7 is worded significantly differently in that it particularises the places where public art “should” be provided with every development but in the “Justification” it is not explained or evidenced on what basis the expected hosting of public art has been determined, or whether the integration of public art is the only way to “make [these] spaces and frontages distinct and visually and physically interesting”, or whether an individual Policy is required if “integration” is the key. Accordingly the Policy can only encourage such provision. A related “Town Council Supporting Action” is identified at the end of paragraph 5.2.9 which could be highlighted.

#### **Recommendation 16:**

*16.1 Within Policy RLS7 add ‘proposals’ between “Development” and “incorporating”; between “spaces” and “creating” replace “, and” with ‘or’; replace “should” with ‘are encouraged to’.*

*16.2 At the end of paragraph 5.2.9 add a cross reference to an entry in a companion document or annex, to be created, of “Supporting Actions”.*

### **5.3 Green Spaces and Parks**

#### **Policy RLS8 – Protecting Local Green Spaces**

Contrary to what is said in the opening sentence of this Policy, its purpose is to designate each of the 28 listed spaces as a “Local Green Space (LGS)”. There appears to be an error on the Policies Map where there is no RLS8/19 identified but instead two areas numbered RLS8/26. Apart from this apparent error, as the Policies Map is capable of being enlarged to a scale where the individual boundaries are clear, each site is appropriately identified.

I note the comprehensive evidence that the NPPF criteria have been appropriately addressed but 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” (Ref: 37-011-20140306). In response the Qualifying Body has noted: “With regard to the town centre riverside parks, the Local Green Space Designation would be a unifying designation recognising the different individual spaces as a joined up recreational area, and affording protection equivalent to Green Belt for this core green space. The existing Grade 2 listing has not prevented WDC’s recent attempts to utilise some of the green space in Victoria Park for extra parking spaces (as well as an attempt to do the same in Christchurch Gardens whilst removing a well-used leisure facility there). This extra protection could and hopefully would prevent this scenario recurring.” Although the sites along the River Leam might collectively be said to represent an “extensive tract of land” (NPPF para 100c) it is evident that the linear parks are a very significant part of the character of the town centre. The NPPF does not define at what point sites become “extensive” but the Planning Practice Guidance (paragraph: 015 Reference ID: 37-015- 20140306) suggests that context is important: “there are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgement will inevitably be needed”. My judgement on the basis of the evidence provided

and my own viewing of the spaces is that the several designations along the River Leam are appropriately justified. On the same bases I conclude that the other spaces for designation are appropriately justified.

A representation notes that for RLS8/4 named 'Victoria Park' correction is needed for the detail in Appendix 2 since the Park has an active Friends organisation, hasn't hosted cricket matches for many years, and contains a large Bowls Pavilion, a Tennis (previously cricket) Pavilion and Victoria Lodge. Another representation about RLS8/8 says that instead of "the site is run by ARC CIC" the description should say 'Foundry Wood is co-managed by ARC CIC and the Friends of Foundry Wood'.

**Recommendation 17:**

*17.1 Within paragraph 5.3.2 remove the cross reference at the end of the paragraph since the referenced item was earlier recommended for deletion.*

*17.2 Within Policy RLS8:*

*17.2.1 Replace "are being put forward for possible designation" with '(and indexed with designation details in Appendix 2) are designated'.*

*17.2.2. Delete the second sentence of the opening paragraph.*

*17.2.3 Replace the final paragraph with: 'Development on the Local Green Spaces will not be supported other than in very special circumstances'.*

*17.3 On the Policies Map correct the identification of RLS8/19 and RLS8/26.*

*17.4 In Appendix 2 correct the entries for RLS8/4 and RLS8/8 as noted in representations.*

*17.5 In paragraph 5.3.6 in the last sentence capitalise 'Canal Conservation Area'.*

As amended Policy RLS8 meets the Basic Conditions.

**Policy RLS9 – Protecting Open Spaces**

I note that Local Plan Policy HS2, to which Policy RLS9 refers, seeks to protect Open Space, Sport and Recreation Facilities thus also overlapping with Policies RLS11 & RLS12. Since these Policies work within the Local Plan framework and simply identify the specific features in the Neighbourhood Area, and from my visit I can see that they are appropriately assigned, the Policies meet the Basic Conditions. However, since any new spaces will automatically be protected by the Local Plan Policy HS2 there is no value in each Policy effectively restating this.

**Recommendation 18:**

*Within Policy RLS9 delete the final paragraph.*

As amended Policy RLS9 meets the Basic Conditions.

**Policy RLS10 – Royal Leamington Spa Green Infrastructure**

I note that the definition of Green Infrastructure has benefitted from a District Council Green Infrastructure Study; however, as a consequence, the related Figure 10 does not identify the Neighbourhood Area specifically. From the map it is apparent (though not very clear because of the scale of the map) that "green infrastructure" incorporates many of the open areas already the subject of other Neighbourhood Plan policies. In the "Background/Justification" it is noted that the Local Plan has three Policies – NE1, NE2 and NE3 – that cover the same policy areas as Policy RLS10; I cannot identify any local detail that Policy RLS10 adds, such as specific locations; such content is in the "Background/Justification". The Qualifying Body has commented that "The Policy adds to



Local Plan Policy by identifying 4 specific criteria for Leamington” but in fact these derive directly from Local Plan Policy, although different words are used with potential for confusion, and they could be applicable anywhere. Accordingly, since the NPPF makes clear (para 16f) that Plans should avoid “unnecessary duplication of policies that apply to a particular area”, I conclude that Policy RLS10 should be deleted and the “Background/Justification” section be retained to explain the impact of Local Plan Policy in the Neighbourhood Area.

**Recommendation 19:**

*19.1 Delete Policy RLS10 and renumber subsequent Policies accordingly.*

*19.2 Replace the sub-heading “Background/Justification” with ‘Green Infrastructure’*

*19.3 Provide a source reference for Map 10 since it may be better viewed and understood within the source document.*

**Policy RLS11 - Allotments**

I note that Local Plan Policy HS2, to which Policy RLS11 refers, seeks to protect Open Space, Sport and Recreation Facilities. For clarity the format of this Policy should follow that for Policy RLS9. A representation queried why “Old Milverton Allotments” are omitted but the Qualifying Body explained that these are outside the Neighbourhood Area. Paragraph 5.3.19 identifies a “Supporting Action” which the Qualifying Body agreed should be highlighted as such.

**Recommendation 20:**

*20.1 Renumber Policy RLS11 as RLS10; within the Policy:*

*20.1.1 Reword the first paragraph as: ‘The following allotment areas as shown on the Policies Map will be protected in line with Policy HS2 Protecting Open Space, Sport and Recreation Facilities of the Warwick District Local Plan.’*

*20.1.2 Delete the second and third paragraphs.*

*20.2 Within paragraph 5.3.19 add a cross reference to an entry in a companion document or annex, to be created, of “Supporting Actions”; also remove the stray inverted commas at the end of the paragraph.*

As renumbered and amended Policy RLS10 meets the Basic Conditions.

**Policy RLS12 – Leisure, Sport and Recreation Facilities**

As for Policies RLS9 and RLS 11, since these Policies work within the Local Plan framework, simply identify the specific features in the Neighbourhood Area and from my visit I can see that they are appropriately assigned, the Policies meet the Basic Conditions. However, since any new spaces will automatically be protected by the Local Plan Policy HS2 there is no value in each Policy effectively restating this.

The content relating to Newbold Comyn Golf Course has served its purpose for the consultation phases and will now date very quickly. I note that paragraph 5.3.25 identifies an item with potential to be a Town Council “Supporting Action”.

**Recommendation 21:**

*21.1 Renumber Policy RLS12 as RLS11; within the Policy:*

*21.1.1 In the first paragraph add ‘Warwick District’ between “with” and “Local”.*

21.1.2 Delete the last paragraph.

21.2 Delete all of paragraph 5.3.22 except the first sentence which should be moved to the beginning of the following paragraph; renumber subsequent paragraphs accordingly.

21.3 At the beginning of paragraph 5.3.23 (now renumbered 5.3.22) take in the sentence from the previous paragraph and replace “Another” with ‘A’.

21.4 Within paragraph 5.3.25 add a cross reference to an entry in a companion document or annex, to be created, of “Supporting Actions”.

As renumbered and amended Policy RLS11 meets the Basic Conditions.

## **5.4 Roads and Transport**

### **Policy RLS13 – Air Quality**

The relevant part of the NPPF is identified at paragraph 5.4.3 but it is not evident that Policy RLS13 adds any local detail to that, apart from identifying the Air Quality Management Area, a District-wide Supplementary Planning Document and, in the text, the Air Quality Action Plan (all of which need source references). Policy RLS13 cannot seek, in effect, to extend the boundaries of the Air Quality Management Area to the whole Neighbourhood Area. Local Plan Policy TR2 provides a model for a suitably worded Policy.

#### **Recommendation 22:**

22.1 Renumber Policy RLS13 as RLS12 as reword it as follows:

*‘Any development that results in significant negative impacts, including cumulative impacts, on air quality within the Old Town Leamington Spa Air Quality Management Area (identified in Figure 10) or on the health and wellbeing of people in the area as a result of pollution should be supported by an air quality assessment and, where necessary, a mitigation plan to demonstrate practical and effective measures to be taken to avoid the adverse impacts.’*

22.2 Renumber Figure 11 as Figure 10 and add a full location reference for the map.

22.3 Within paragraph 5.4.1 add a source reference to the Air Quality Action Plan 2015 and also move the sentence referring to the “Warwick District Council Air Quality and Planning Supplementary Planning Document January 2019” from within the Policy to the end of paragraph 5.4.1 and add a source reference.

22.4 Within paragraph 5.4.2 replace “South” with “Old” (see here:

<https://maps.warwickdc.gov.uk/CNET49LIVE/CMFindIt/default.aspx?filters=Air%20Quality%20Management%20Areas~1%3C2&zoomtoselection=true&itemconfigid=AQMA>) and remove the full stop and uncapitalise “The” between “PM<sub>2.5</sub>) and “Air”.

22.5 Delete the first sentence of paragraph 5.4.3.

As renumbered and amended Policy RLS12 meets the Basic Conditions.

### **Policy RLS14 – Traffic and Transport**

There are two sections to Policy RLS14 but there is some overlap apparent between them and it is generally unclear how the elements of each have been arrived at and from what supporting evidence. The introductory sentence refers to “measures” but the elements of the Policy generally provide little further clarity on what “measures” are being sought, instead several repeat the term “measures” again. Overall the Policy seems to be worded as more of a wish list than a deliverable Policy. Since the items numbered 1 – 4 within the Policy relate to identifiable issues which the Qualifying Body advises have been devised in conjunction with the Highway Authority, Warwickshire County Council, I believe these can provide the



basis for a simplified Policy. The items numbered a) to g) have a more obvious affinity with “Supporting Actions” that the Town Council might pursue and accordingly should be relocated.

**Recommendation 23:**

23.1 Renumber Policy RLS14 as RLS13 and within the Policy:

23.1.1 Replace all of the content before the elements numbered 1 – 4 with:  
*‘To make Royal Leamington Spa a cleaner, safer and healthier town, where appropriate, development proposals should address and contribute to the achievement of the following improvements: [take in the items listed 1 – 4].*

23.1.2 Within the element numbered 4 and following the example of 4i, add a few words explaining the purpose of each of the identified junction improvements.

23.2 Move the items a) – g) in as much detail as is felt appropriate to the companion document or annex, to be created, of “Supporting Actions”; add a reference to that in paragraph 5.4.6.

23.3 In paragraph 5.4.6, since the RLSNDP does not identify priorities for the use of CIL monies becoming available to the Town Council, delete the last sentence; it may be felt that the “Supporting Actions” document might show items a) – g) in a priority order.

As renumbered and amended Policy RLS13 meets the Basic Conditions.

**Policy RLS15 - Cycling**

In contrast to Policy RLS14, Policy RLS15 has greater clarity of intent and local content. However, the cycle route map included as Appendix 3 is virtually unreadable and it would be more practical to provide an in-text source reference for this, particularly since it covers an area much wider than the Neighbourhood Area.

**Recommendation 24:**

24.1 Renumber Policy RLS15 as RLS14.

24.2 Within paragraph 5.4.7 replace the reference to “Appendix 3” with a location source reference for the map and delete Appendix 3.

As renumbered and amended Policy RLS14 meets the Basic Conditions.

**Policy RLS16 – Canal and Riverside Development**

The potential for the canal/river corridor to provide valuable walking/cycling routes is evident. The representation from Warwickshire County Council notes that “swathes of Leamington Spa are within Flood zone 2/3” and yet this Policy in particular does not acknowledge this issue. However I note that a representation from the Canal and River Trust is supportive and the representation from Severn Trent identifies subsections a), c) and h) for particular support. In relation to the Policy wording, I doubt that a development proposal can “create” new views (criterion (f)) but it may be possible to open up additional views.

**Recommendation 25:**

25.1 Renumber Policy RLS16 as RLS15 and within the Policy:

25.1.1 Reword the opening sentence of the Policy as:  
*‘Along the riverside of the River Leam, River Avon or along the canalside of the Grand Union Canal, to be supported each development proposal should demonstrate that it has appropriately addressed the following, where relevant:’*

25.1.2 Reword element c) as: 'flood risk is assessed and, along the riverside, the natural storage of floodwater on floodplains is protected or restored

25.1.3 In element f) replace "creates" with 'opens'.

25.1.4 In the second paragraph replace "policy" with 'policies'.

25.2 In paragraph 5.4.9 delete "This document is currently in preparation and is out for consultation until 2 December 2019"; capitalise "further".

25.3 In the fourth sentence of paragraph 5.4.12 replace "will support" with 'supports'; remove the full stop between "Avon" and "The" and replace "The Avon forming" with 'which forms'.

As renumbered and amended Policy RLS15 meets the Basic Conditions.

### **Community Infrastructure Levy**

This section needs to be relocated in the companion document or annex, to be created, of "Supporting Actions". The content here overlaps with that now relocated from the (as renumbered) Policy RLS13 and some editing may therefore be required in arriving at the final "Supporting Actions" content.

#### **Recommendation 26:**

*Move the content under the heading "Community Infrastructure Levy" to the companion document or annex, to be created, of "Supporting Actions" and edit it as required.*

### **5.5 Business Support and Town Centre**

Policies RLS 17, 18, 19, 20 and 23 are difficult to follow because the interrelationship between Policies is not explained and there is no map unifying the various designated areas and identifying them with a key. Policies RLS17 and RLS20 are headlined to relate to the "Town Centre" but Policy RLS20 draws a distinction between areas that are inside and those outside of the Old Town Retail Area, which is also the subject of Policy RLS19 (although within Policy RLS20 that is referenced as RLS20) and Policy RLS23 where it is described as a "Secondary Retail Area" (not a term used in the key for Figure12). Policies RLS18 and RLS23 are headlined to relate to the "Creative Quarter" but Policy RLS23 relates to a sub-area that is not illustrated in Figure 13. Policy RLS19 relates to an area that is both within the Town Centre and the Creative Quarter and which appears to be the same area as addressed by Policy RLS23 but neither of the maps confirm this. The local authority has explained that "the relevance of [Policy RLS19] may now superseded by policy RLS23 which is a later addition to the RLSNDP (developed with planning officers), as it addresses the same secondary retail area. Alternatively, an amalgamation of the policies might be appropriate." I agree that some restructuring is required alongside a comprehensive map free from the additional area designations in Figure 12 many of which are not relevant to the Neighbourhood Plan Policies.

The potential for significant confusion is illustrated by a representation from Warwick District Council Conservation and Design Team which comments on the final sentence of Policy RLS20 and the "Justification" sentence that says: "The RLSNDP supports the use of more creative, colourful and active frontages and signage on [Old Town] shopfronts to develop a more distinct vibrant feel and image for Old Town". The representation comments that "this may encourage advertisements that are harmful [to the] character and appearance of the Conservation Area and we are concerned that this policy contrasts with our SPG: Shopfronts and Advertisements for Leamington Spa ..... Importantly, this guidance is clear in that it states provision for advertisements here should be similar to the approach applied in Warwick Street/Regent Street, with illumination and signage at fascia level not permitted.....The wording of this policy [RLS20] may also give rise to inappropriate signage

that has a detrimental effect on the scale, proportions and character of historic buildings in [Old Town], whilst inadvertently giving the impression that premises with existing, unauthorised signage is (sic) acceptable.” To this representation the Town Council has commented “We note these comments, but the Town Council is seeking to support different solutions in the Old Town Area - an area that has a different character to the main Town Centre which could and should be positively emphasised more”. But this must be within the context of the Leamington Spa Conservation Area Assessment which Policy RLS3 makes clear.

### **Policy RLS17 – Royal Leamington Spa Town Centre**

The NPPF (para 88) says “Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation” and this evidently is the basis for Policy RLS17. However, the Qualifying Body has acknowledged that elements a) and b) of Policy RLS17 are duplicates and that element d) is inappropriate; the Policy thus has two remaining elements. The local authority has acknowledged that the Area Action Plan referred to in paragraph 5.5.1 is unlikely to be “forthcoming in the foreseeable future” and therefore Policy RLS17 may have to stand alone for the Plan period.

As with Policy RLS14, Policy RLS17 seems to be worded as more of a wish list than a deliverable Policy. 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 recommend that the depleted Policy RLS17 is combined with Policies RLS20 and RLS21 since all these relate to the Town Centre. As noted above, there would need to be a replacement for Figure 12 (incorrectly referred to in paragraph 5.5.1 as Figure 13 but also now renumbered as a result of earlier recommendations) which would exclusively address the factors addressed by the Policies in the “Business Support and Town Centre” section.

### **Recommendation 27:**

*27.1 Amend paragraph 5.5.1 by replacing “Figure 13” with ‘Figure 11’ and delete “during the lifetime of this Plan”.*

*27.2 Renumber Policy RLS17 as RLS16 and within the Policy:*

*27.2.1 Reword the opening sentence as: ‘Development proposals within the defined Town Centre (Figure 11), where appropriate, should address and contribute to the achievement of the following:’*

*27.2.2 Delete elements b) and d) and renumber element c) accordingly.*

*27.2.3 Take in a new element c) derived from the core issue of Policy RLS21 as follows: ‘Existing off-street car parking should be retained unless it is appropriately replaced or it is robustly demonstrated that demand for all or some of the spaces no longer exists.’*

*27.2.4 Take in as a new element d) the retained content from Policy RLS20 (see recommendations below) as follows: ‘New and replacement shop fronts should retain and enhance the Town Centre’s distinctive character and be designed to be of a size and form that does not obscure and retains the traditional features of the host building.’*

*27.2.5 Take in as a new element e) the retained content from Policy RLS20 (see recommendations below) as follows: ‘Vacant spaces above shops should be brought back into appropriate uses or retained in use which may require the provision of a suitably designed separate access.’*

27.3 Renumber Figure 12 as Figure 11 and replace the content (with appropriate source references) to show the Town Centre boundary, the through routes and gateway points, the Primary and Secondary Retail Frontages, the Creative Quarter boundary and the location of the “key opportunity sites”; bring the Policies Map in line with this.

27.4 In paragraph 5.5.3 add a source reference for “The Big Picture” document.

27.5 Add in after paragraph 5.5.3 (and renumber subsequent paragraphs accordingly) the content of paragraph 5.5.16 but replace the first sentence with: ‘Policy RLS17 also seeks to protect an appropriate level of off-street parking’; add a source reference for the content taken for the Local Plan.

27.6 Also add in after paragraph 5.5.3 the “Background/Justification” paragraphs from Policy RLS20 except:

27.6.1 In paragraph 5.5.12 delete “the criteria in” and replace “Policy RLS20” with ‘Policy RLS16’; delete the words beginning with “the specific guidance” and ending with “identified in”; add a source reference for the “guidance” document.

27.6.2 In paragraph 5.5.13 add a source reference for the “Painting Facades” document and delete the 4<sup>th</sup> to 6<sup>th</sup> sentences beginning “One area”.

27.6.3 In paragraph 5.5.15 in the first sentence delete “ancillary”.

As renumbered and amended Policy RLS16 meets the Basic Conditions.

### **Policy RLS18 – Royal Leamington Spa Creative Quarter**

It is appropriate that the Neighbourhood Plan should support an initiative of vital importance to the future of a significant part of the Town Centre, and to the west slightly beyond it. The local authority has commented “The Creative Quarter project ... is an ambitious and creative regeneration project for the Old Town intended to create new spaces for those within the creative industries. Work on the Creative Quarter project has been evolving simultaneously with the progress of the RLSNDP. Dialogue between WDC and the Qualifying Body has led to the inclusion of policies within the RLSNDP, which are designed to support the development aspirations of the project.” I have been provided with additional evidence illustrating the relationship between the policy content of Policy RLS18 and the developing proposals for the Creative Quarter.

I am advised that Policy RLS23 which addresses specific retail areas within the Creative Quarter was “a later addition to the RLSNDP”; this probably explains why the latter Policy is not mentioned within the “Background/Justification” for Policy RLS18 and why the two are separated by largely unrelated Policies. My recommendations in relation to Policy RLS16 will help bring the two Policies together but the merging of RLS19 and RLS23 (as recommended below) will achieve the full benefit.

Policy RLS18 and its related “Background/Justification” just need some small changes for correction and clarification.

### **Recommendation 28:**

28.1 Renumber Policy RLS18 as RLS17 and within the Policy:

28.1.1 In the first sentence replace “are for the” with “address as appropriate”.

28.1.2 In the same manner as Policy RLS14 (now renumbered), replace the letters g) to n) with numbers; correct the reference in the third paragraph to ‘uses listed in 1 – 8 above’.

*28.1.3 In the listing of key opportunity sites amend the related Policy reference for the “Bath Place Car Park” entry to RLS16.*

*28.2 Delete Figure 13 as its purpose has been replaced by the new Figure 11 recommended above.*

*28.3 In paragraph 5.5.4 add a source reference for public information on the development of the Creative Quarter and replace the reference to “Figure 13” with ‘Figure 11’.*

*28.4 Replace the content of paragraph 5.5.7 with: ‘Policy RLS18 is a companion Policy that addresses the particular needs of the retail area at the heart of the Creative Quarter.’*

As renumbered and amended Policy RLS17 meets the Basic Conditions.

### **Policy RLS19 – Old Town Retail Area**

As noted above, the local authority has explained that “the relevance of [Policy RLS19] may now be superseded by Policy RLS23 which is a later addition to the RLSNDP (developed with planning officers), as it addresses the same secondary retail area.” A degree of confusion arises because Policy RLS19 uses the term “Old Town” whereas Policy RLS23 replaces this with “Secondary Retail Areas”; the relationship between these terms needs to be explained in the “Background/Justification” paragraphs. Since Policy RLS23 is significantly more detailed (and as is noted above it is helpful to have it adjacent to Policy RLS17) that Policy should be renumbered as Policy RLS18 and only parts of the “Background/Justification” merged. Within the wording of Policy RLS23 there is an ambiguity that should not be carried across to the new RLS18; the phrase “within Secondary Retail Areas lying south of the River Leam and within the Creative Quarter” would have greater clarity as ‘within the Secondary Retail Areas of the Creative Quarter south of the River Leam’.

### **Recommendation 29:**

*29.1 Delete Policy RLS19 and replace it with Policy RLS23 renumbered as RLS18; within that Policy:*

*29.1.1 Replace the semi-colons in the first sentence of the second paragraph with commas.*

*29.1.2 Replace the phrase “within Secondary Retail Areas lying south of the River Leam and within the Creative Quarter” with ‘within the Secondary Retail Areas of the Creative Quarter south of the River Leam’.*

*29.2 Use paragraph 5.5.8 as the opening of the “Background/Justification” for Policy RLS18 but change the opening sentence to: ‘The Secondary Retail Areas – also known as the Old Town – to the south of the Town Centre are an important retail area in their own right; add a source reference for the “Retail and Leisure Study Update 2018”.*

*29.3 Also take in paragraphs 5.5.22 – 5.5.24 to the “Background/Justification” but, in paragraph 5.5.23 replace the phrase “within Secondary Retail Areas lying south of the River Leam, and within the Creative Quarter” with ‘within the Secondary Retail Areas of the Creative Quarter south of the River Leam’; delete the second sentence; provide a source reference for the “Big Picture” document.*

As renumbered and amended Policy RLS18 meets the Basic Conditions.

### **Policy RLS21 – Protected Car Parks**

The “Justification” for this Policy notes that there is a “fine balance” between providing the appropriate level and over-providing town centre car parking. However there is no evidence



that efforts have been made to establish where that balance might lie although I note that Local Plan Policy TC5 provides for additional car parking in conjunction with Town Centre shopping growth. There is also no evidence presented to suggest that a location based Policy (which should be established from the merits of individual parking sites) is required when a numerically based one could achieve the same objective (and achieve more compatibility within Policy RLS17 (as renumbered)). Accordingly I have recommended above that a simpler statement of Policy should be accommodated within Policy RLS17 that addresses Town Centre issues.

**Recommendation 30:**

*30.1 Delete Policy RLS21 and its “Background/Justification” the substance of the content having been incorporated within Policy RLS17; renumber subsequent Policies and paragraphs accordingly.*

*30.2 Delete the Policies Map content relating to Policy RLS21.*

**Policy RLS22 – Local Shopping Centres**

As with other Policies, it is appropriate for the Neighbourhood Plan to add local detail to the related Local Plan Policy. The “Justification” for Policy RLS22 notes that four of the shopping centres listed are already identified in the Local Plan Policy TC17. It then says that “the RLSNDP identifies three further local shopping centres” but the Policy lists 8 in total. The Qualifying Body has confirmed that the Tachbrook Road centre was a late addition and there should be 8 in total.

**Recommendation 31:**

*31.1 Renumber Policy RLS22 as RLS19.*

*31.2 Amend paragraph 5.5.19 as: ‘The RLSNDP identifies four further local shopping centres, shown on the Policies Map, at Brunswick Street, Binswood Street, Lansdowne Street and Tachbrook Road.’*

As renumbered and amended Policy RLS19 meets the Basic Conditions.

**Policy RLS23 – Secondary Retail Areas within the Creative Quarter**

As noted above, this Policy has replaced Policy RLS19 and been renumbered RLS18.

**6.0 How to Comment on this Document**

This section has now served its purpose and should be deleted.

**Recommendation 32:**

*Delete Section 6 and renumber the subsequent Section accordingly.*

**7.0 Monitoring and Review**

No comments.

**Appendices**

Appendices 1 & 2 have both been early confirmed as appropriate but Appendix 3 is to be deleted. Appendix 3 could be replaced by an Annex of the collected “Supporting Actions”, unless it is decided to put these into a companion document.

**Glossary**

The Glossary would appear to be derived from the NPPF. To make it manageable and relevant it would benefit from editing to arrive at content related to terms that actually appear

in the Plan, As noted above there is at least one technical term that has not been explained in the Glossary – “Article 4 direction”.

**Recommendation 33:**

*Review the content of the Glossary to make it specific to the Plan; the Glossary within the NPPF should also be referenced as a source.*

**Policies Map**

The Policies Map will need correction/amendment in the light of the recommendations above.

**Recommendation 34:**

*Review the Policies Map for accuracy in the light of the recommendations in this Report.*

**Other matters raised in representations**

Some representations have suggested additional content or sites that the Plan might include. However, given that the Neighbourhood Development Plan sits within the Development Plan documents as a whole, keeping content pertinent to identified priorities for Royal Leamington Spa is entirely appropriate. As noted within the body of this Report it is a requirement that a Neighbourhood Development Plan addresses only the “development and use of land”. Even within this restriction there is no obligation on Neighbourhood Development Plans to be comprehensive in their coverage – unlike Local Plans - not least because proportionate supporting evidence is required.

Some representations indicate support for all or parts of the draft Plan and this helps in a small but valuable way to reassure that the extensive public consultation has been productive.

I have not mentioned every representation individually but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

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

A further Basic Condition, which the Royal Leamington Spa 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. A Strategic Environmental Assessment Screening Opinion was carried out by Warwick District Council for the Royal Leamington Spa Neighbourhood Development Plan (February and April 2019) which considered whether or not the content of the Plan required a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plan and Programmes Regulations 2004. In accordance with Regulation 9 of the SEA Regulations 2004, Warwick District Council determined: “it is considered unlikely there will be any significant environmental effects arising from the Royal Leamington Spa Neighbourhood Plan that were not covered/ addressed in the Sustainability Appraisal Royal Leamington Spa Neighbourhood Plan Strategic Environmental Assessment Screening Report(s) of the Local Plan. As such, it is considered that the Royal Leamington Spa Neighbourhood Development Plan does not require a full SEA to be undertaken.” Also “A Habitats Regulation Assessment (HRA) of the Local Plan has also been produced and reported on separately that is also



considered relevant in the assessment of the environmental effects of the Royal Leamington Spa Neighbourhood Development Plan. It is unlikely that the Royal Leamington Spa NDP will have a significant effect on important Habitat / Biodiversity assets.” In making these determinations, the District Council had regard to Schedule 1 of the Regulations and carried out consultation with the relevant public body who concurred with the screening opinion. Particularly in the absence of any adverse comments from the statutory body or the Local Planning Authority (either at the Screening or the Regulation 16 Consultation) I can confirm that the Screening undertaken was appropriate and proportionate, and that the Plan has sustainability at its heart.

The Basic Conditions Statement submitted alongside the Royal Leamington Spa Neighbourhood Development Plan confirms as regards the European Convention on Human Rights that “The Submission Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The RLSNDP has been produced in full consultation with the local community. The RLSNDP does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels....”.

I therefore confirm that the Royal Leamington Spa 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 Royal Leamington Spa 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 content, 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.

I therefore conclude that, subject to the modifications recommended, the Royal Leamington Spa 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 Plan for the area;
- is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

**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 Royal Leamington Spa 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 14<sup>th</sup> September 2016.

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

Rec	Text	Reason
1	<p>1.1 Remove from the front cover “Regulation 16 Submission Draft”.</p> <p>1.2 In the third paragraph of the “Foreword” replace “2030” with ‘2029’.</p> <p>1.3 Once the Plan text has been amended, review the “Contents” page to accommodate the recommended modifications from this Report.</p>	For clarity and accuracy
2	<p>Under the heading “Executive Summary”:</p> <p>2.1 Replace the first sentence of the third paragraph with: ‘Neighbourhood Plans must be in general conformity with the strategic policies of the District Local Plan for the area to which they relate.’</p> <p>2.2 Delete the sixth paragraph (shown in red).</p> <p>2.3 Delete in the table commencing at the foot of page 6 the sixth line headed “How to comment”.</p>	For clarity and accuracy
3	<p>Under the heading “1.0 Introduction and Background”:</p> <p>3.1 Remove the second sentence of paragraph 1.4 and remove the red indicator from Figure 2 below that paragraph..</p> <p>3.2 In paragraph 1.5 delete “Regulation 16” from the first sentence and “to date” from the second sentence.</p> <p>3.3 Delete paragraph 1.6.</p>	For clarity and accuracy
4	<p>Under the heading “2.0: Royal Leamington Spa Neighbourhood Development Plan Key Themes and Vision”:</p> <p>4.1 In paragraph 2.1 amend the reference to “23” planning policies to ‘19’ in the light of the recommendations in this Report.</p> <p>4.2 In paragraph 2.3 replace the third sentence with: ‘This is because it is convenient for the Plan period to coincide with the end date of the Warwick District Local Plan’.</p>	For clarity and accuracy
5	<p>Under the heading “Objectives”:</p> <p>5.1 Under all the “Objective” headings, in their opening sentence remove “targets and”.</p> <p>5.2 Under Objective 1 replace element C with: ‘To support appropriate self-building housing in the town’.</p> <p>5.3 Under Objective 3 delete element E and renumber subsequent paragraphs accordingly.</p> <p>5.4 Under Objective 4 within element B replace “enabling” with ‘supporting’.</p> <p>5.5 Under Objective 5 element C add ‘support for’ between “through”</p>	For clarity and accuracy

	and “the development of”.	
6	<p>Under the heading “3.0 Spatial Portrait”:</p> <p>6.1 Provide a full source reference for “Nomis” where it is first mentioned in Figure 3.</p> <p>6.2 Correct paragraph 3.18 by:</p> <p>6.2.1 In the second sentence replace “was” with ‘has been’;</p> <p>6.2.2 In the third sentence replace “this” with ‘the competition’.</p> <p>6.2.3 Rewrite the fourth sentence as: ‘Leamington Shopping Park lies on the periphery of the town and outside the Neighbourhood Area’.</p> <p>6.3 Paragraph 3.19 references “Article 4 direction’, a technical term that therefore needs an explanation within the Glossary.</p>	For clarity and accuracy
7	<p>Under the heading “4.0 Planning Policy Context”:</p> <p>7.1 In paragraph 4.3, in the fourth sentence add ‘the’ between “plans” and “NPPF”.</p> <p>7.2 Within paragraph 4.5 move the content within the brackets in the first sentence and add the content to the end of second sentence as: ‘; they are shown as all the policies with the prefix “DS”, numbers ending in “0” zero, and Policy H1 (Directing Housing)’.</p> <p>7.3 Within paragraph 4.6 in the third sentence amend the reference to Figures to show ‘Figures 6 and 12’.</p>	For clarity and accuracy
8	<p>Under the heading “5.1 Housing and Development”</p> <p>8.1 At the end of paragraph 5.1.1 add the closing bracket.</p> <p>8.2 At the end of paragraph 5.1.4 replace “meet the targets set” with ‘address the actions’.</p> <p>8.3 In paragraph 5.1.6, in the third sentence replace the comma between “drainage” and “based” with a semi-colon; in the fourth sentence move the comma between “exercise” and “that assesses” to between “encouraged” and “this has to”.</p> <p>8.4 In paragraph 5.1.7, in the second sentence replace the semi-colon with a comma between “Housing” and “do not lead”.</p>	For clarity and accuracy
9	<p>9.1 Under the sub-heading “New Housing Development”, in the first sentence of paragraph 5.1.5 replace “(Figure 6)” with a source reference for the Local Plan map.</p> <p>9.2 Replace Figure 6 (and relocate it closer to Policy RLS1) with a purpose drawn map illustration of the Local Plan defined “Urban Area” (indicated with an appropriate key) superimposed on the map of the Neighbourhood Area.</p>	For clarity
10	Within Policy RLS1:	For clarity

	<p>10.1 In the opening sentence replace “as defined in the Warwick District Local Plan” with ‘as defined in the adjacent Figure 6’.</p> <p>10.2 To element 1 after “buildings” add ‘when not in conflict with other development plan policies’.</p> <p>10.3 Within element 2 replace “of less than 10 dwellings,” with ‘that is of an appropriate scale and’ and, toward the end, delete “and future”.</p> <p>10.4 Move element 4 to become a separate Policy paragraph (and renumber the subsequent element accordingly) to read as follows: ‘Within the Court Street area (as defined in allocation H16 of the Warwickshire District Local Plan) community-led housing and the provision of live/work units will be supported.’</p> <p>10.5 Reword the latter part of element 5 (now renumbered element 4) after “positively assessed” as ‘against all related development plan requirements and guidance’.</p> <p>10.6 Reword the opening of the final paragraph up to “undertake” as: ‘Development proposals for previously developed land, where appropriate, should’.</p> <p>10.7 Delete the second sentence of paragraph 5.1.7.</p>	and to meet Basic Condition 1
11	<p>11.1 Reword Policy RLS2 as: ‘Development proposals are encouraged to adopt higher environmental standards of building design and energy performance, such as the Passivhaus approach or similar. The use of ‘Building for Life’, or an equivalent assessment framework, should be demonstrated in the justification of proposals’</p> <p>11.2 Delete paragraphs 5.1.14 &amp; 5.1.16 and renumber subsequent paragraphs accordingly.</p> <p>11.3 Delete the final sentence of paragraph 5.1.17 (since this simply repeats Local Plan Policy FW3 where the justification is provided).</p>	For clarity and to meet Basic Condition 1
12	<p>Under the heading “Conservation Areas”:</p> <p>12.1 Reword paragraph 5.1.18 as follows: ‘There are two Conservation Areas (Figure 7) within the Neighbourhood Area: Leamington Spa and Canal’; then take in the final paragraph of the Policy, beginning “Applicants’ attention”, ensuring that the two Conservation Area Assessment documents are fully source referenced.</p> <p>12.2 Revise Figure 7 (and move it to be adjacent to the Policy) by showing the two Conservation Areas overlaid on the Neighbourhood Area map with each Area differently shaded so that the included/excluded areas are readily apparent.</p> <p>12.3 Amend the opening paragraph of the Policy as follows: ‘Development proposals that are within or directly affect a Conservation Area must assess and address their impact on their heritage significance. Proposals must demonstrate attention to the</p>	For clarity and accuracy and to meet Basic Condition 1

	<p>following where relevant:</p> <p>12.4 Amend criterion a) as follows: ‘The proposed building type, style, materials and colours in relation to the character area in which it is located and its distinguishing features’; delete criterion c) and renumber subsequent criteria accordingly.</p> <p>12.5 Amend criterion b) as follows: ‘The relationship of the proposed layout to the existing road pattern, plot sizes, and the balance between buildings and garden spaces’; delete criterion e) and renumber subsequent criteria accordingly.</p> <p>12.6 Amend criterion f) by adding ‘the significance of’ between “respects” and “listed buildings”.</p> <p>12.7 Amend the Policy cross-reference within criterion j) to ‘Policy RLS17’.</p> <p>12.8 Amend criterion l) to add after “buildings” ‘as identified in the Conservation Area Assessment’.</p> <p>12.9 Amend criterion m) by replacing “Proper evaluation” with ‘appropriate assessment’ and deleting “prior to the determination of any planning application”.</p> <p>12.10 Amend criterion n) by adding after “thoroughfares” ‘, all as identified in the Conservation Area Assessment’.</p> <p>12.11 Amend criterion o) as follows: ‘Identifying and reinforcing any links with the town’s historic past, such as the spa town, railway and canal legacies’.</p> <p>12.12 Amend paragraph 5.1.19 by replacing the comma after “1990” with a full stop and deleting the fourth sentence beginning “It is not just”.</p> <p>12.13 Amend paragraph 5.1.22 by adding a full stop between “Setting” and “Applicants”.</p> <p>12.14 Delete paragraph 5.1.24 and renumber subsequent paragraphs accordingly.</p>	
13	<p>13.1 Within Policy RLS4:</p> <p>13.1.1 In the first paragraph replace “will be expected to” with ‘should’ and replace “in to” with ‘into’.</p> <p>13.1.2 Repword the second paragraph as: ‘Proposals should retain and, where applicable, create appropriately located and surfaced off-street car parking’.</p> <p>13.1.3 Within the fifth paragraph add ‘, where applicable,’ between “should” and “seek”.</p> <p>13.1.4 Delete the sixth paragraph which is merely the negative of what has already been positively expressed.</p>	For clarity and to meet Basic Condition 1



	<p>13.2 Within paragraph 5.1.29 add a cross reference to an entry in a companion document or annex, to be created, of “Supporting Actions”.</p> <p>13.3 Delete the last sentence of paragraph 5.1.30 since it repeats part of the content of paragraph 5.1.29.</p>	
14	<p>Reword Policy RLS5 after its first sentence as follows:  ‘Within the Neighbourhood Area that mix should, where applicable:  a) Be informed by a rigorous and up-to-date assessment of housing needs;  b) Take opportunities to provide detached and semi-detached family homes which are currently underprovided;  c) Within South Leamington, seek to rebalance the existing rented/owner occupied mix by the provision of homes for affordable owner occupation.’</p>	For clarity and to meet Basic Condition 1
15	<p>15.1 Within Policy RLS6:  15.1.1 Within the first paragraph add between “identified on” and “the Policies Map” ‘Figure 8 (indexed at Appendix 1) and’; replace the present Figure 8 with a purpose drawn Neighbourhood Area map at a legible scale and delete Figure 9, renumbering subsequent figures accordingly.    15.1.2 Delete the second paragraph since the public houses are listed in Appendix 1.    15.1.3 Delete the second and third sentences of the third paragraph (since this is not policy but information).    15.2 Delete the last sentence of paragraph 5.2.7 and replace this with a cross reference to an entry in a companion document or annex, to be created, of “Supporting Actions”; move paragraph 5.2.8 to “Supporting Actions” and renumber subsequent paragraphs accordingly.</p>	For clarity and to meet Basic Condition 1
16	<p>16.1 Within Policy RLS7 add ‘proposals’ between “Development” and “incorporating”; between “spaces” and “creating” replace “, and” with ‘or’; replace “should” with ‘are encouraged to’.</p> <p>16.2 At the end of paragraph 5.2.9 add a cross reference to an entry in a companion document or annex, to be created, of “Supporting Actions”.</p>	For clarity and to meet Basic Condition 1
17	<p>17.1 Within paragraph 5.3.2 remove the cross reference at the end of the paragraph since the referenced item was earlier recommended for deletion.</p> <p>17.2 Within Policy RLS8:  17.2.1 Replace “are being put forward for possible designation” with ‘(and indexed with designation details in Appendix 2) are designated’.    17.2.2. Delete the second sentence of the opening paragraph.</p>	For clarity and accuracy and to meet Basic Condition 1

	<p>17.2.3 Replace the final paragraph with: 'Development on the Local Green Spaces will not be supported other than in very special circumstances'.</p> <p>17.3 On the Policies Map correct the identification of RLS8/19 and RLS8/26.</p> <p>17.4 In Appendix 2 correct the entries for RLS8/4 and RLS8/8 as noted in representations.</p> <p>17.5 In paragraph 5.3.6 in the last sentence capitalise 'Canal Conservation Area'.</p>	
18	Within Policy RLS9 delete the final paragraph.	For clarity and to meet Basic Condition 1
19	<p>19.1 Delete Policy RLS10 and renumber subsequent Policies accordingly.</p> <p>19.2 Replace the sub-heading "Background/Justification" with 'Green Infrastructure'</p> <p>19.3 Provide a source reference for Map 10 since it may be better viewed and understood within the source document.</p>	For clarity and to meet Basic Condition 1
20	<p>20.1 Renumber Policy RLS11 as RLS10; within the Policy:</p> <p>20.1.1 Repword the first paragraph as: 'The following allotment areas as shown on the Policies Map will be protected in line with Policy HS2 Protecting Open Space, Sport and Recreation Facilities of the Warwick District Local Plan.'</p> <p>20.1.2 Delete the second and third paragraphs.</p> <p>20.2 Within paragraph 5.3.19 add a cross reference to an entry in a companion document or annex, to be created, of "Supporting Actions"; also remove the stray inverted commas at the end of the paragraph.</p>	For clarity and to meet Basic Condition 1
21	<p>21.1 Renumber Policy RLS12 as RLS11; within the Policy:</p> <p>21.1.1 In the first paragraph add 'Warwick District' between "with" and "Local".</p> <p>21.1.2 Delete the last paragraph.</p> <p>21.2 Delete all of paragraph 5.3.22 except the first sentence which should be moved to the beginning of the following paragraph; renumber subsequent paragraphs accordingly.</p> <p>21.3 At the beginning of paragraph 5.3.23 (now renumbered 5.3.22) take in the sentence from the previous paragraph and replace "Another" with 'A'.</p>	For clarity and to meet Basic Condition 1

	21.4 Within paragraph 5.3.25 add a cross reference to an entry in a companion document or annex, to be created, of “Supporting Actions”.	
22	<p>22.1 Renumber Policy RLS13 as RLS12 as reword it as follows: ‘Any development that results in significant negative impacts, including cumulative impacts, on air quality within the Old Town Leamington Spa Air Quality Management Area (identified in Figure 10) or on the health and wellbeing of people in the area as a result of pollution should be supported by an air quality assessment and, where necessary, a mitigation plan to demonstrate practical and effective measures to be taken to avoid the adverse impacts.’</p> <p>22.2 Renumber Figure 11 as Figure 10 and add a full location reference for the map.</p> <p>22.3 Within paragraph 5.4.1 add a source reference to the Air Quality Action Plan 2015 and also move the sentence referring to the “Warwick District Council Air Quality and Planning Supplementary Planning Document January 2019” from within the Policy to the end of paragraph 5.4.1 and add a source reference.</p> <p>22.4 Within paragraph 5.4.2 replace “South” with “Old” (see here: <a href="https://maps.warwickdc.gov.uk/CNET49LIVE/CMFindIt/default.aspx?filters=Air%20Quality%20Management%20Areas~1%3C2&amp;zoomtoselection=true&amp;itemconfigid=AQMA">https://maps.warwickdc.gov.uk/CNET49LIVE/CMFindIt/default.aspx?filters=Air%20Quality%20Management%20Areas~1%3C2&amp;zoomtoselection=true&amp;itemconfigid=AQMA</a>) and remove the full stop and uncapitalise “The” between “PM<sub>2.5</sub>) and “Air”.</p> <p>22.5 Delete the first sentence of paragraph 5.4.3.</p>	For clarity and accuracy and to meet Basic Condition 1
23	<p>23.1 Renumber Policy RLS14 as RLS13 and within the Policy:</p> <p>23.1.1 Replace all of the content before the elements numbered 1 – 4 with: ‘To make Royal Leamington Spa a cleaner, safer and healthier town, where appropriate, development proposals should address and contribute to the achievement of the following improvements: [take in the items listed 1 – 4].</p> <p>23.1.2 Within the element numbered 4 and following the example of 4i, add a few words explaining the purpose of each of the identified junction improvements.</p> <p>23.2 Move the items a) – g) in as much detail as is felt appropriate to the companion document or annex, to be created, of “Supporting Actions”; add a reference to that in paragraph 5.4.6.</p> <p>23.3 In paragraph 5.4.6, since the RLSNDP does not identify priorities for the use of CIL monies becoming available to the Town Council, delete the last sentence; it may be felt that the “Supporting Actions” document might show items a) – g) in a priority order.</p>	For clarity and to meet Basic Conditions 1 & 3
24	<p>24.1 Renumber Policy RLS15 as RLS14.</p> <p>24.2 Within paragraph 5.4.7 replace the reference to “Appendix 3” with a location source reference for the map and delete Appendix 3.</p>	For clarity and to meet Basic Condition 1

25	<p>25.1 Renumber Policy RLS16 as RLS15 and within the Policy:</p> <p>25.1.1 Reword the opening sentence of the Policy as: 'Along the riverside of the River Leam, River Avon or along the canalside of the Grand Union Canal, to be supported each development proposal should demonstrate that it has appropriately addressed the following, where relevant:'</p> <p>25.1.2 Reword element c) as: 'flood risk is assessed and, along the riverside, the natural storage of floodwater on floodplains is protected or restored</p> <p>25.1.3 In element f) replace "creates" with 'opens'.</p> <p>25.1.4 In the second paragraph replace "policy" with 'policies'.</p> <p>25.2 In paragraph 5.4.9 delete "This document is currently in preparation and is out for consultation until 2 December 2019"; capitalise "further".</p> <p>25.3 In the fourth sentence of paragraph 5.4.12 replace "will support" with 'supports'; remove the full stop between "Avon" and "The" and replace "The Avon forming" with 'which forms'.</p>	For clarity and accuracy and to meet Basic Condition 1
26	Move the content under the heading "Community Infrastructure Levy" to the companion document or annex, to be created, of "Supporting Actions" and edit it as required.	For clarity and to meet Basic Condition 1
27	<p>27.1 Amend paragraph 5.5.1 by replacing "Figure 13" with 'Figure 11' and delete "during the lifetime of this Plan".</p> <p>27.2 Renumber Policy RLS17 as RLS16 and within the Policy:</p> <p>27.2.1 Reword the opening sentence as: 'Development proposals within the defined Town Centre (Figure 11), where appropriate, should address and contribute to the achievement of the following:'</p> <p>27.2.2 Delete elements b) and d) and renumber element c) accordingly.</p> <p>27.2.3 Take in a new element c) derived from the core issue of Policy RLS21 as follows: 'Existing off-street car parking should be retained unless it is appropriately replaced or it is robustly demonstrated that demand for all or some of the spaces no longer exists.'</p> <p>27.2.4 Take in as a new element d) the retained content from Policy RLS20 (see recommendations below) as follows: 'New and replacement shop fronts should retain and enhance the Town Centre's distinctive character and be designed to be of a size and form that does not obscure and retains the traditional features of the host building.'</p> <p>27.2.5 Take in as a new element e) the retained content from</p>	For clarity and accuracy and to meet Basic Condition 1

	<p>Policy RLS20 (see recommendations below) as follows: ‘Vacant spaces above shops should be brought back into appropriate uses or retained in use which may require the provision of a suitably designed separate access.’</p> <p>27.3 Renumber Figure 12 as Figure 11 and replace the content (with appropriate source references) to show the Town Centre boundary, the through routes and gateway points, the Primary and Secondary Retail Frontages, the Creative Quarter boundary and the location of the “key opportunity sites”; bring the Policies Map in line with this.</p> <p>27.4 In paragraph 5.5.3 add a source reference for “The Big Picture” document.</p> <p>27.5 Add in after paragraph 5.5.3 (and renumber subsequent paragraphs accordingly) the content of paragraph 5.5.16 but replace the first sentence with: ‘Policy RLS17 also seeks to protect an appropriate level of off-street parking’; add a source reference for the content taken for the Local Plan.</p> <p>27.6 Also add in after paragraph 5.5.3 the “Background/Justification” paragraphs from Policy RLS20 except:</p> <p>27.6.1 In paragraph 5.5.12 delete “the criteria in” and replace “Policy RLS20” with ‘Policy RLS16’; delete the words beginning with “the specific guidance” and ending with “identified in”; add a source reference for the “guidance” document.</p> <p>27.6.2 In paragraph 5.5.13 add a source reference for the “Painting Facades” document and delete the 4th to 6th sentences beginning “One area”.</p> <p>27.6.3 In paragraph 5.5.15 in the first sentence delete “ancillary”.</p>	
28	<p>28.1 Renumber Policy RLS18 as RLS17 and within the Policy:</p> <p>28.1.1 In the first sentence replace “are for the” with “address as appropriate”.</p> <p>28.1.2 In the same manner as Policy RLS14 (now renumbered), replace the letters g) to n) with numbers; correct the reference in the third paragraph to ‘uses listed in 1 – 8 above’.</p> <p>28.1.3 In the listing of key opportunity sites amend the related Policy reference for the “Bath Place Car Park” entry to RLS16.</p> <p>28.2 Delete Figure 13 as its purpose has been replaced by the new Figure 11 recommended above.</p> <p>28.3 In paragraph 5.5.4 add a source reference for public information on the development of the Creative Quarter and replace the reference to “Figure 13” with ‘Figure 11’.</p> <p>28.4 Replace the content of paragraph 5.5.7 with: ‘Policy RLS18 is a companion Policy that addresses the particular needs of the retail area at the heart of the Creative Quarter.’</p>	For clarity and accuracy and to meet Basic Condition 1

29	<p>29.1 Delete Policy RLS19 and replace it with Policy RLS23 renumbered as RLS18; within that Policy:</p> <p>29.1.1 Replace the semi-colons in the first sentence of the second paragraph with commas.</p> <p>29.1.2 Replace the phrase "within Secondary Retail Areas lying south of the River Leam and within the Creative Quarter" with 'within the Secondary Retail Areas of the Creative Quarter south of the River Leam'.</p> <p>29.2 Use paragraph 5.5.8 as the opening of the "Background/Justification" for Policy RLS18 but change the opening sentence to: 'The Secondary Retail Areas – also known as the Old Town – to the south of the Town Centre are an important retail area in their own right; add a source reference for the "Retail and Leisure Study Update 2018".'</p> <p>29.3 Also take in paragraphs 5.5.22 – 5.5.24 to the "Background/Justification" but, in paragraph 5.5.23 replace the phrase "within Secondary Retail Areas lying south of the River Leam, and within the Creative Quarter" with 'within the Secondary Retail Areas of the Creative Quarter south of the River Leam'; delete the second sentence; provide a source reference for the "Big Picture" document.</p>	For clarity and accuracy and to meet Basic Condition 1
30	<p>30.1 Delete Policy RLS21 and its "Background/Justification" the substance of the content having been incorporated within Policy RLS17; renumber subsequent Policies and paragraphs accordingly.</p> <p>30.2 Delete the Policies Map content relating to Policy RLS21.</p>	For clarity and to meet Basic Condition 1
31	<p>31.1 Renumber Policy RLS22 as RLS19.</p> <p>31.2 Amend paragraph 5.5.19 as: 'The RLSNDP identifies four further local shopping centres, shown on the Policies Map, at Brunswick Street, Binswood Street, Lansdowne Street and Tachbrook Road.'</p>	For clarity and accuracy
32	Delete Section 6 and renumber the subsequent Section accordingly.	For clarity and accuracy
33	Review the content of the Glossary to make it specific to the Plan; the Glossary within the NPPF should also be referenced as a source.	For clarity
34	Review the Policies Map for accuracy in the light of the recommendations in this Report.	For clarity and accuracy