

A REPORT TO RUGBY BOROUGH COUNCIL

OF THE

EXAMINATION

OF

THE RYTON ON DUNSMORE NEIGHBOURHOOD DEVELOPMENT PLAN 2018-2031

UNDERTAKEN BY

Dr LOUISE BROOKE-SMITH, OBE, FRICS, MRTPI

INDEPENDENT EXAMINER

FEBRUARY 2020

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Summary and Overall Recommendation

As the Independent Examiner into the Ryton on Dunsmore Neighbourhood Development Plan, I have been requested by Rugby Borough Council to present my professional assessment of the Plan, in terms of its compliance with the 'Basic Conditions' as set out in extant legislation, regulations and guidance.

I confirm that I am independent of the Qualifying Body, namely the Ryton on Dunsmore Parish Council and the Local Planning Authority. Furthermore, I do not have any interest in any land or property that may be affected by the Plan.

I hold professional qualifications and have relevant experience of the planning regime, gained over the past 30 years in both the public and private sectors, to enable an independent judgement of the documents before me. I am also a member of the National Panel of Independent Examiners Referral Service, endorsed by the Department of Housing, Communities and Local Government.

I have undertaken a thorough examination of the Ryton on Dunsmore Neighbourhood Development Plan. This has comprised a review of all documents presented to me in electronic form by the Local Planning Authority plus a review of those documents available for public review on the Parish website. All documents, tables and figures assessed are listed at Appendix A.

*It is my considered opinion that, subject to modifications, the said Plan meets the Basic Conditions and human rights requirements, as set out in the respective legislation and guidance. My report presents some areas where I consider that a number of specific policies should be modified, and where some text could be amended to avoid duplication, and remove ambiguity, thus making the document clearer. These modifications are **set out in bold** within the text of my report. My proposed changes have been made in such a way so as not to detract from the essence of the Plan nor its aim and ambitions, but I consider they should be taken into account before it proceeds to a Referendum.*

Hence, subject to the recommended modifications being completed I consider that the Ryton on Dunsmore Neighbourhood Development Plan will; have regard to national policies and advice contained in current legislations and guidance; contribute to the achievement of sustainable development; be in general conformity with the strategic policies of the development plan for the area; not breach, but be compatible with European Union obligations and the European Convention of Human Rights; and not likely have a significant effect on a European Site or a European Offshore Marine Site either alone or in combination with other plans or projects.

I consider that, further to the recommended modifications, the Neighbourhood Plan complies with the legal requirements set out in Paragraph 8(1) and 8(2) of Schedule 4B to the Town and Country Planning Act 1990, as amended, and can proceed to a Referendum.

I have no concerns over the defined Plan area or the manner of its confirmation and consider that this area is appropriate as the extent of any Referendum.

Finally, I refer to a number of abbreviations throughout my Report and for the avoidance of any confusion these, are set out in Appendix B.

Dr Louise Brooke-Smith, OBE, FRICS, MRTPI,

February 2020

1.0 INTRODUCTION

1.1 NEIGHBOURHOOD PLAN REGIME

- 1.1.1 The Neighbourhood Planning regime provides local communities with the ability to establish specific land use planning policies which can influence how future development comes forward in their area. It not only provides the opportunity for local people to shape their locality, it also provides guidance for developers and landowners when considering new proposals.
- 1.1.2 Any Neighbourhood Plan should therefore be clear, not only in its goals and ambitions, but also in how any policies are presented. The background behind how policies have emerged should be easy to understand and robust in terms of supporting specific policy.
- 1.1.3 This Report provides the findings of an Examination into the Ryton on Dunsmore Neighbourhood Development Plan, which is hereafter referred to as the Plan, the Neighbourhood Plan or NDP.
- 1.1.4 The Plan was prepared by the Ryton on Dunsmore Parish Council, working in consultation with the Local Planning Authority, namely Rugby Borough Council and a range of interested parties, statutory bodies, community groups, landowners and other key stakeholders.
- 1.1.5 This Report provides a recommendation as to proceeding to a Referendum. If this takes place and the Plan is endorsed by more than 50% of votes cast, then it would be 'made' by Rugby Borough Council and would be used to assist in the determination of any subsequent planning applications for the area concerned.

1.2 APPOINTMENT AND ROLE OF THE INDEPENDENT EXAMINER

- 1.2.1 In accordance with current regulations, I was appointed by Rugby Borough Council, as the Examiner of the Neighbourhood Plan in October 2019. I was issued with the relevant documentation and formally began the examination later that month.
- 1.2.2 In examining the Plan, I am required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, (TCPA) to establish whether:
- *The Neighbourhood Plan has been prepared and submitted for examination by a Qualifying Body.*
 - *The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA).*

- *The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (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 policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the PCPA.*
- 1.2.3 My role has also been to consider whether the Plan meets the 'Basic Conditions' and human rights requirements, as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004.
- 1.2.4 In order to meet the Basic Conditions, the making of any Neighbourhood Plan must:
- *Have regard to national policies and advice contained in guidance issued by the Secretary of State;*
 - *Contribute to the achievement of sustainable development;*
 - *Be in general conformity with the strategic policies of the development plan for the area; and*
 - *Not breach, and must be otherwise compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.*
- 1.2.5 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further basic condition for Neighbourhood Plans, in addition to those set out in primary legislation and referred to in the paragraph above;
- *The making of the Neighbourhood Plan is not likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) either alone or in combination with other plans or projects.*
- 1.2.6 Having examined the Plan against the Basic Conditions, as set out above, and as the Independent Examiner, I am required to make one of the following recommendations:
- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;*
- b) that the Plan should be subject to modification but will then meet all relevant legal requirements and should proceed to Referendum;*

c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

- 1.2.7 If recommending that the Plan should go forward to Referendum, I am also required to consider whether or not the Referendum Area should extend beyond the defined Ryton on Dunsmore Neighbourhood Development Plan Area.
- 1.2.8 As noted above, the role of any Independent Examiner is to assess a Plan in terms of compliance with the Basic Conditions. While it is not to specifically comment on whether the Plan is sound, I consider that where changes can be made that would result in removing ambiguity and make the document more user friendly for all parties, this should be considered. This reflects paragraph 41 of the PPG and the first basic condition.
- 1.2.9 I have adopted this approach and have suggested some modifications which the Parish and Borough Councils should consider and which, in my opinion, need to be addressed for the Plan to be compliant.

1.3 THE EXAMINATION PROCESS

- 1.3.1 It is advised that Neighbourhood Plan examinations should proceed without a public hearing i.e. by written representations only, unless the Examiner considers it necessary to ensure adequate examination of an issue, or to ensure that any party has a fair chance to put a case. In such cases, a public hearing may be held.
- 1.3.2 A public hearing provides for the Independent Examiner to further consider matters against the Basic Conditions, as set out earlier in this report. It is specific to neighbourhood planning and is different to a planning inquiry, an examination in public or a planning appeal hearing. Invited parties are asked to consider specific parts of the Plan in more depth and to clarify points made during consultation.
- 1.3.3 In this case, and further to review and consideration of the evidence before me, I was able to consider the Plan by way of the key documents, salient background information, supporting reports and written representations. I did not consider it necessary to hold a Hearing to complete my findings.
- 1.3.4 My examination findings reflect the documents noted at Appendix A and the written submissions from interested parties and are in addition to my reference to the following documents, which set out extant legislation, regulation and guidance;
- National Planning Policy Framework (The Framework) (Revised as at 2018 and 2019)
 - Town and Country Planning Act 1990 (as amended)
 - The Planning and Compulsory Purchase Act 2004 (as amended)

- The Localism Act (2011)
- The Neighbourhood Planning (General) Regulations (2012) and additions
- The Neighbourhood Planning Act 2017 and associated guidance and regulations.

1.3.5 Finally, I confirm that I undertook a series of unaccompanied site visits to the Plan area in October and November 2019.

2.0 BACKGROUND TO THE RYTON ON DUNSMORE NEIGHBOURHOOD DEVELOPMENT PLAN

- 2.1. Rugby Borough Council confirmed Ryton on Dunsmore Parish Council as the relevant Qualifying Body in 2016 following a formal application. The NDP area, comprising the entire parish of Ryton and Dunsmore, was confirmed at the same time and I note that the area has not been the subject of any other NDP proposal.
- 2.2 I am advised that a Neighbourhood Plan Steering Committee was established by the Parish Council in 2016/17 and, with assistance from appointed consultants, engaged with the community and stakeholders with respect to the vision of the NDP.
- 2.3 Focus Groups were established in 2018 to address 'Housing, Environment and Community Sustainability' issues and to consider the perspective of different groups and ages within the community, to assist in addressing the vision for the area.
- 2.4 Subsequent to community consultation, a draft version of the Plan was prepared and was the subject of a Strategic Environmental Assessment (SEA) and HRA screening by Rugby Borough Council. Confirmation was issued on 31st May 2019 that given the nature of the policies proposed and the development that was likely to ensue, neither an SEA nor a HRA was required.
- 2.5 The consultation background to the Plan is set out in the Consultation Statement prepared in compliance with Section 15(2) of Part 5 of the Neighbourhood Plan Regulations 2012. I note that a number of different forms of community liaison with appropriate local and statutory parties, were adopted and the consultation activity was extensive.
- 2.6 I have reviewed the evidence base which supports the policies and vision of the Plan. I find the evidence base and Consultation Statement to be well presented and clear.
- 2.7 The Plan was subject to changes as a result of the consultation process and the Reg 14 submissions by third parties. A Submission Version was duly prepared and submitted to the Borough Council in May 2019. After a formal period of public consultation, it was confirmed that the Plan could proceed to Examination.

2.8 I have been presented with written representation to the Submission Version of the Plan. I note that this appears to be a small response from the Regulation 16 parties advised of the formal period of consultation of the Submission Version of the Plan. representations. Some of these parties had made previous representations at the Draft stage of proceedings. I can advise that few matters have been raised over and above those raised previously.

2.9 Nevertheless, I have reviewed the comments made and find that the majority support the approach and policies within the NDP. Some have made specific objections or have presented amendments to the proposed policies. I have received no further clarification from the QB in light of these objections but can confirm that I consider that the points made by these Regulation 16 parties, are either addressed within this report or raise issues that do not warrant modifications to the NDP proposals.

3.0 COMPLIANCE WITH MATTERS OTHER THAN THE BASIC CONDITIONS AND HUMAN RIGHTS

3.1 Given the above, I now report on the procedural tests, as set out earlier in this Report, and find as follows;

- **The Qualifying Body**

3.2 From the documentation before me, I conclude that the Ryton on Dunsmore Parish Council is a properly constituted body, i.e. a Qualifying Body for the purposes of preparing a Neighbourhood Plan, in accordance with the aims of neighbourhood planning as set out in the Localism Act (2011) and recognised in the National Planning Policy Framework (2018) and accompanying Planning Practice Guidance. Accordingly, I find this addresses the necessary requirements.

- **The Plan Area**

3.3 The Ryton on Dunsmore Neighbourhood Area reflects the boundary of the Ryton on Dunsmore Parish. No other Neighbourhood Plan has been proposed for this area.

3.4 An appropriately made application was submitted to the Borough Council and duly endorsed. The appropriate protocol and process were followed. I am satisfied this meets the requirement relating to the purposes and identification of a

Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended) and salient regulations of the Neighbourhood Planning (General) Regulations 2012.

- **The Plan Period**

3.5 Any neighbourhood plan must specify the period during which it is to have effect. The Ryton on Dunsmore Neighbourhood Plan clearly states on its front cover and in its introductory sections that it addresses the period between 2019 and 2031. I note that this reflects the remaining plan period covered by the Rugby Borough Local Plan (adopted in June 2019). I am satisfied that this matter is clear and hence meets the statutory requirement.

- **Excluded Development**

3.6 From my review of the documents before me, the proposed policies within the NDP do not relate to any of the categories of excluded development, as defined by statute and extant regulations, or to matters outside the Neighbourhood Area. While I find there are some areas which would benefit from improved clarity or amended text, and I note these later in this report, in terms of the proposed policies, I find that the Plan meets legal requirements.

- **Development and use of land**

3.7 Any neighbourhood plan's policies, in accordance with current regulations, should only contain policies relating to development and/or use of land. While supporting text can reflect the goals and ambitions of any community, unless directly relating to development or use of land, this should not be included within or be confused with specific policies.

3.8 I note that reference is made to projects that appear to be presented as 'policies' through the Plan but which reflect activities or initiatives that will be pursued by the Parish Council, either independently or in conjunction with other bodies / organisations. These cannot be specific policies under the Neighbourhood Plan. I note that these initiatives are presented en masse in Section 8 of the Plan, but I feel that a clearer explanation needs to be provided at the start of the document. I highlight this later in this Report.

3.9 Where I consider that a policy or part of a policy is ambiguous, duplicates other policies or statutory regulations or concern matters that do not relate to the

development or use of land or property, I have recommended that it be modified or clearly explained as such within the text of the Plan.

- 3.10 In general, the Plan complies with the regulations on this matter although I have suggested some modification where necessary. These are set out in Section 5 of this Report.

- **Public Consultation**

- 3.11 Planning legislation requires public consultation to take place during the production of neighbourhood plans. Any public consultation should be open and accessible and any information presented should be easy to understand and to comment upon. It should enable all sectors of the local community the ability to comment on and hence shape the policies which may have bearing on where they live, work or spend their leisure time.
- 3.12 I have reviewed the Consultation Statement and the supporting documentation prepared and used by the QB. As a requirement of the salient regulations of the Neighbourhood Planning (General) Regulations 2012, this was submitted to the Borough Council and then presented to me.
- 3.13 All stakeholders including statutory bodies appear to have been given the opportunity to take part in proceedings. However, I note later within this Report that one landowner with a direct interest in land proposed as Local Green Space does not appear to have been directly approached or has commented on the relevant proposal. I suggest that this is clarified by the QB. Otherwise, I am of the opinion that the consultation exercise was extensive and thorough. A wide a spectrum of the community was approached through a range of initiatives. I particularly wish to commend the liaison with the local school, and the invitation to anyone over the age of 12 to participate in the consultation process.
- 3.14 I have reviewed all salient surveys and documents relating to the consultation work undertaken by the QB and consider that the various initiatives and the general approach adopted was extensive, inclusive and robust.
- 3.15 I note the concerns raised by one Regulation 16 consultee that there was a lack of evidence presented to support policy ENV1. I have reviewed the evidence and submissions made and am of the opinion that sufficient evidence exists to support the policy as presented. For the avoidance of continued concern, the matter raised by this party has been fully assessed as part of my examination.
- 3.16 In general I consider that the response to representations made to the Plan as it progressed through its draft stages were clear and an appropriate approach has been

taken. My role has not been to undertake a detailed analysis of the consultation details but moreover review the general process and approach taken. I believe changes to the draft version of the NDP were appropriately assessed, undertaken and then explained.

- 3.17 As noted elsewhere in this Report, I did not feel it necessary to hold a public hearing as the comments made by Regulation 16 parties and the stance of the LPA and QB was clear. No issues were ambiguous.
- 3.18 I conclude that an appropriate consultation exercise was undertaken and that stakeholders had the opportunity to input into the Plan's preparation and as such, Regulation 15 and 16 have been addressed.

4.0 THE BASIC CONDITIONS AND HUMAN RIGHTS

4.1 BASIC CONDITIONS STATEMENT

- 4.1.1 I have reviewed the Basic Conditions Statement and find it to be a comprehensive and well written document. It addresses the Basic Conditions in a clear and logical manner and I highlight these as follows;

4.2 NATIONAL POLICY, ADVICE AND GUIDANCE

- 4.2.1 As noted earlier, the NPPF (2018 and revised publication in 2019) explains that a presumption in favour of sustainable development means that Neighbourhood Plans should support the strategic development needs set out in Local Plans and plan positively to support local development.
- 4.2.2 The Framework is clear that Neighbourhood Plans should be aligned with the strategic needs and priorities of the wider local area, i.e. they must be in general conformity with the strategic policies of the development plan. The NPPF advises that they should not promote less development than is set out in the Local Plan or undermine its strategic policies. Neighbourhood Plans should provide a practical framework within which decisions on planning applications can be made with predictability and efficiency. It is stressed that the the examination has been of the Plan, as a whole.
- 4.2.3 The Basic Conditions Statement clearly explains how the NDP responds to specific core planning principles, as set out in the NPPF and makes appropriate cross reference to specific NDP policies.

4.2.4 Given the guidance found within Planning Practice Guidance (PPG) which accompanies the NPPF, I have considered the extent to which the NDP meets this first basic condition in Section 5 below. **Subject to some modifications, detailed below in Section 5 of this report, I find the Plan compliant.**

4.3 SUSTAINABLE DEVELOPMENT

4.3.1 Any Neighbourhood Plan should contribute to the achievement of sustainable development. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental. I consider that the approach taken in the Basic Conditions Statement is robust.

4.3.2 Whilst there is no legal requirement for any Plan to be accompanied by a separate Sustainability Appraisal, it is helpful for it to acknowledge and explain how its policies have reflected sustainability matters in all forms as expressed in the NPPF. I consider that the NDP has achieved this.

4.4 THE DEVELOPMENT PLAN AND STRATEGIC LOCAL POLICY

4.4.1 I note that the 'Development Plan' for Ryton on Dunsmore Neighbourhood Area comprises the Rugby Borough Local Plan (2011-2031) which was adopted in June 2019. I am also aware that the Development Plan also technically comprises policies of the Waste Core Strategy for Warwickshire (2013) and policies from the County Minerals Plan, currently being revised.

4.4.2 Table 1 within the Basic Conditions Statement presents a clear matrix of how the proposed NDP policies are in general conformity with strategic policies and highlights specific policies from the Rugby Local Plan. I note the reference in para 2.4 to 'county matters' and specific reference to minerals extraction and waste development. However, the Waste Core Strategy and Minerals Plan, provide strategic policy for the Warwickshire and completes the full suite of the Development Plans for the area. The County Council oversees highway matters and these have been highlighted within the NDP. For consistency and to avoid any confusion on the part of a reader, it would be helpful to explain this in the Basic Conditions Statement at para 2.4.

4.4.3 For the avoidance of doubt, I do not consider the omission of this point of clarification detracts sufficiently from the overall Statement and that complicity has not been compromised. I find the Statement of Basic Conditions well written and clear and presents an appropriate context for the proposed NDP policies.

4.4.4 **Further to a point of clarification with regard to 'county matters' and the minor modifications, as set out later in this report, I find that the NDP policies are in general conformity with the relevant strategic policies of the Development Plan.**

4.5 EUROPEAN UNION (EU) OBLIGATIONS AND CONVENTIONS

4.5.1 Any Neighbourhood Plan must be compatible with European Union (EU) obligations, as incorporated into UK law, to be legally compliant.

- Strategic Environment Assessment

4.5.2 Directive 2001/42/EC, often referred to as the Strategic Environment Assessment (SEA) Directive, relates to the assessment of the effects of certain plans and programmes on the environment, and has relevance here. Similarly, Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most important habitats and species and can have bearing on neighbourhood plans.

4.5.3 I note that a screening opinion of the draft NDP was requested by the QB and subsequently undertaken by the LPA which confirmed in writing on the 31st May 2019 that a SEA was not required. This followed the preparation of a Screening Report (15th April) and consultation with the relevant statutory parties; Natural England, The Environment Agency and Historic England.

4.5.4 I am aware of various legal challenges to the need or otherwise of SEAs across England and the respective judgements passed down. Hence, I have given particular regard to how the Ryton on Dunsmore NDP was screened. I am of the opinion that the relevant work was undertaken professionally and an appropriate assessment was undertaken.

4.5.5 I therefore find that the Plan meets the legal requirements of the EU's SEA Directive and conclude that in respect of this EU obligation, the Plan is compliant.

- Habitat Regulations

4.5.6 A Habitat Regulations' Assessment screening was also prepared in respect to the Draft NDP and incorporated into the SEA screening assessment. Again, a full Habitat Regulation Assessment was not deemed necessary by the LPA.

4.5.7 I further note that an Environmental Impact Assessment was not considered a requirement as the proposals within the NDP do not fall under the current remit of the EIA Directive.

4.5.8 I concur with this point and find that the NDP meets the legal requirements of the EU and HRA Regulations and conclude that, in this respect, the Plan is compliant.

- **Human Rights**

4.5.9 The Basic Conditions Statement makes reference to compliance with the ECHR and Human Rights Act 1998 in para 3.13 to 3.14.

4.5.10 I am unaware of any matters proposed in the NDP that challenges issues of human rights and no evidence has been put forward through the public consultation period, to indicate that this is not the case. I conclude that the Plan does not breach and is otherwise compatible with the ECHR.

4.5.11 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan, and hence am satisfied that the Plan is compatible with EU obligations.

5.0 ASSESSMENT OF THE RYTON ON DUNSMORE NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES

5.1 OVERVIEW

5.1.1 The statutory context, evolution of, and future vision for Ryton on Dunsmore NDP is set out in Sections 1 through to 4 of the Plan. These acknowledge that the future development of the village, in terms of general development principles, new housing, employment provision, the protection of and support for community facilities and the protection of the natural and historic environment, is presented in the context of the Rugby Local Plan and the National Planning Policy Framework.

5.1.2 The Plan accepts that additional dwellings need to be provided and that accordingly 'growth' is reflected as part of the overall vision and presented as part of wider policies that address the character and history of the area. The context for the latter is presented in Section 5, while Section 6 explains how this context relates to the three key elements of sustainable development, as set out in the NPPF; social, environmental and economic. I find this a very readable and provides a clear introduction to the specific policies which are presented in Section 7 of the Plan.

5.1.3 In terms of evidence to support the NDP, I have been provided with formal correspondence relating to the process. I have also been able to review the technical data and surveys prepared by, or on behalf of, the QB and the questionnaire which was used to solicit views from the community and stakeholders. I have a list of the

third parties and statutory consultees who were approached during the preparation of the draft and submission version of the Plan and have reviewed the comments received by the QB. I have noted the responses to comments made through the Plan preparation, by the QB, and the changes made to the draft Plan, where appropriate, in light of the comments received.

- 5.1.4 A substantial amount of background information and a comprehensive evidence base has been used by the QB to prepare draft policies to address the vision of the NDP. I find this to be proportionate and sufficiently robust given the policies proposed. However, I note the lack of highway, parking or traffic evidence.
- 5.1.5 I further find that cross reference to the evidence base is generally good. Where this could be improved further, to make the Plan clearer and to avoid ambiguity, I have commented accordingly.
- 5.1.6 Further to the above, I now consider the NDP policies against the Basic Conditions and for ease of reference follow the structure and headings as adopted in the Plan. As I have set out above, I find that the Plan is generally compliant with Basic Conditions 4 and 5 but that the following section of my Report highlights modifications which I consider would allow the Plan to fully comply with;
- Basic Condition 1 (Compliance with National Policy);
 - Basic Condition 2 (Delivery of Sustainable Development); and
 - Basic Condition 3 (General Conformity with the Development Plan).
- 5.1.7 I wish to stress that my examination has comprised a review of the policies and supporting text in the context of their compliance with the Basic Conditions. It has not comprised a forensic review of the rationale behind each policy. However, where I am aware that the evidence base has been poorly or erroneously interpreted or proposals have been suggested that conflict with extant statute or are ultra vires, or indeed are superfluous given other policy or statutory regulations in place, then these are highlighted.
- 5.1.8 I confirm again that I have reviewed all comments made as part of the Regulation 16 process, particularly where they have raised matters relating to compliance with national policy, sustainability and general conformity with the strategic policies of the Development Plan.
- 5.1.9 I consider that some modifications are required for the Plan to comply with the Basic Conditions. In places, this has resulted in the omission of the policy or part thereof. In others it has resulted in changes to specific policies. I wish to emphasise that wherever possible these have been made to complement the tone and language of the Plan.

5.2 THE OVERALL PRESENTATION AND FORM OF THE PLAN

- 5.2.1 The NPPF advises that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency. I consider that this can be interpreted as 'having a clear document'. I find the Ryton on Dunsmore Neighbourhood Plan is straightforward, well written and generally well explained and expressed. However, some matters could be addressed which would enable it to be clearer for any user and remove ambiguity. I comment on these below.
- 5.2.2 I consider that the introductory sections of the NDP, setting the context in terms of physical and economic geography, demographics, regulations, and policy are well written and the vision, objectives and strategy of the Plan are clearly expressed.
- 5.2.3 I am aware that some consultees during the preparation of the Plan suggested additional initiatives and sites that are not covered in the Submission Version of the NDP and that the document refers to a number of aspirational activity. I comment elsewhere on the aspirational projects but should stress that it not the role of the Examiner to add further detail or policies that may have been considered by the QB through the Plan preparation, but not included in the Submission Version.
- 5.2.4 I am content with the general extent and nature of Figures and Tables within the NDP and consider these have been well referenced through the Plan. However, it would assist any reader if a **List of Figures could follow the Contents page.**
- 5.2.5 In order to present a robust and unambiguous Plan and hence be compliant with the first Basic Condition, and to reflect some of the issues raised during its preparation, I now turn to Section 7 of the Plan and highlight specific policies and supporting text, that I consider require modification to remove ambiguity and ensure compliance.
- 5.2.6 I should stress that I consider that, generally, the policies are well constructed and clear. While a couple add little to the Strategic policies found in the Development Plan, I consider that these are accompanied by relevant supporting text and provide a useful context for the overall vision of the Plan. They do not breach the Basic Conditions and, accordingly, I have accepted that they should remain in the NDP. Other policies, that add little to Strategic policies or replicate the Local Plan policies or indeed other statutory regulations, are suggested to be omitted.
- 5.2.7 As noted above and reiterated below, I note the inclusion of aspirational initiatives, within the text of the NDP. These have not been assessed as formal policies and I **suggest that improved explanation / annotation to indicate that these are aspirational matters, should be included whenever they arise in the document.**

5.3 NDP Policies

A - General

5.3.1 I find the text accompanying **POLICY GD1: LIMITS TO DEVELOPMENT** and the policy itself to be clear and unambiguous. Furthermore I consider Fig 2 indicating the 'Limits to Development' to accurately and appropriately reflect the Main Rural Settlement map as contained within the adopted Rugby Local Plan.

Accordingly, I find Policy GD1 compliant and requires no modification.

5.3.2 **Policy GD2 : BUILDING DESIGN PRINCIPLES** is extensive. While the context for this policy has been set out, and the phraseology used allows for some flexibility, some elements of the policy are potentially misleading;

- **The reference to 'generous' in (g) with respect to planting of indigenous trees/shrubs is subjective and prone to misinterpretation. Hence the word 'generous' should be omitted.**
- **It is suggested that the word 'new' is inserted before the word 'dwelling' and the words 'or equivalent' should follow the reference to 'close board timber' in (k)**
- **The words 'or relevant standard as advised by statutory bodies or endorsed by current or revised Building Regulation' should be inserted after '7kW cabling' in (m)**
- **The words 'or relevant standard as advised by statutory bodies or endorsed by any revised Building Regulation' be inserted after 'M4(2) of Building Regulations 2010' in (n)**
- **While the intent of (p) is understood, Permitted Development rights allow for the conversion of agricultural property without specific attention to character, material or form. This element of GD2 is considered to be ultra vires and can be omitted.**

With these modifications, I find Policy GD2 compliant.

5.3.3 **Policy GD3: DESIGN AND ACCESS STATEMENT** is again extensive, and some elements are considered potentially misleading. It is suggested that the last sentence of the last paragraph on Page 19 be amended to read;

The following requirement for a Design and Access Statement seeks to ensure demonstrable consideration and adoption of *all statutory guidance and*

***national and/or regional design guidance* in relation to key aspects of such developments.**

5.3.5 Furthermore, it is suggested that;

- in (1) the requirement to specifically identify a network provider is onerous and should therefore be amended to include the words 'if possible' to start the sentence 'It should identify who the intended network provider(s) will be.....'

With these minor modifications, I find Policy GD3 compliant.

B – Housing and the Built Environment

5.3.6 I am aware that Ryton on Dunsmore is confirmed as one of eight 'Main Rural Settlements' within the Borough and policy within the adopted Local Plan advises that the settlement is to be the location for housing growth through the Plan period. I note that this growth has been specifically identified in terms of quantum and that the NDP has reinforced this through its identification of land at Coventry City Training Ground to address current needs. **POLICY H1: RESIDENTIAL SITE ALLOCATIONS** is clearly explained and presented.

5.3.7 In addition, I note that **Policy H2: SAFEGUARDED SITE** is well explained, reflecting the advice in NPPF, and consideration at **Policy H3: WINDFALL SITES** has been given to the potential for sites within the Limits of Development of the Village to come forward. I consider that the context and rationale for the specific allocation of the Coventry City Training Site, the identification of the former British Legion property for sensitive development (that would respect the setting and nature of that site) and the identification of the safeguarded land at Lamb's Field, to address needs should the Training Site not come forward or if housing needs increase, has been well set out in the NDP.

5.3.8 The guidance with regard to occupation by those with local connections is well presented, clear and fair and makes good cross reference to the Housing Needs Study prepared on behalf of the QB.

5.3.9 **Policy H4: SUPPORT FOR BROWNFIELD SITES** is again well explained and unambiguous.

Accordingly, I consider that Policies H1, H2, H3 and H4 are compliant without modification.

5.3.10 **Policy H5: HOUSING MIX** makes good cross reference to the Housing Needs Report which I have reviewed. I consider that the ensuing policy is well presented and clear.

However, I note the cross reference to Policy GD2 (n). **In line with my comment on GD2(n), my minor suggestion to avoid any risk of future ambiguity is that the reference to Building Regulations M(4) in the text accompanying Policy H5 is expanded to include 'or any relevant updated statutory guidance'**

With this minor modification, I find Policy H5 compliant.

5.3.11 **Policy H6: OFF-ROAD PARKING SPACES** is accompanied by substantial text that reflects the strength of feeling from the community and the nature of comments received by the QB through the consultation process.

5.3.12 In general Policy H6 is acceptable given the severity of local concerns reflected by the extensive consultation responses. **However, I consider that (d) and the imposition of a restrictive covenant, as proposed, is challengeable and could be considered ultra vires. Furthermore, in light of the commentary accompanying this Policy, clearly such covenants have not been successful to date and it might be more appropriate to consider the imposition of an appropriate condition.**

Subject to either the removal of (d) or the potential to apply an appropriate condition to reflect relevant design guidance, I find Policy H6 compliant.

5.3.13 **POLICY H7** relates to resistance to **FURTHER TANDEM AND BACKLAND DEVELOPMENT** in gardens of existing properties. While this reflects some comments made during the consultation period, the policy as presented is vague in its reference to 'harm' and no definition is given to the 'local area'. This could be the immediate vicinity or the whole village and is ambiguous. Windfall development has already been addressed and endorsed through Policy H3, and it is suggested that this would address the concerns over tandem or backland development.

As such, I suggest that Policy H7 and the accompanying supporting text, unnecessarily duplicates other policy and hence is omitted.

5.3.14 **POLICY H8: EXTERNAL STORAGE** has clearly been proposed as a result of concern by some parties through the consultation process. The inclusion of specific guidance is acknowledged and that it relates to accepted space standards.

5.3.15 It is suggested, however, that an additional point of clarification is added to the supporting text to explain that this policy applies to all new residential development regardless of the availability of dedicated amenity space. The reference to the Parker Morris space standards is noted but the policy itself should include the words '**or equivalent current industry standards.**

With this minor modification, Policy H8 is considered compliant.

- 5.3.16 **POLICY H9: BIODIVERSITY PROTECTION IN NEW DEVELOPMENT** is accompanied by clear text but adds little to the protection afforded by extant policy already found within the Development Plan.
- 5.3.17 I note, however that the issue of biodiversity protection has been raised by a number of local parties and reflects national policy. Hence, its inclusion within the NDP is acceptable as it reinforces the strength of feeling.
- 5.3.18 While it is at the behest of the QB as to where it sits within the NDP, logic would suggest that Policy H9 lies within the following section of policies addressing the natural and historic environment. In itself this clearly does not make the policy non-compliant but is simply an observation.
- 5.3.19 The policy sets out a number of criteria that are considered important for the protection and enhancement of local biodiversity. While many of these are endorsable, some require minor modification as follows;
- a) **Roof and wall construction should apply technical best practice for integral bird nest boxes and bat breeding and roosting sites, *where appropriate*;**
 - b) **Hedges (or fences with ground-level gaps) should be used for property boundaries to maintain connectivity of habitat for hedgehogs, *where this does not adversely impact upon security*;**

Further to these minor modifications I consider Policy H9 compliant.

C – The Natural and Historic Environment

- 5.3.20 I find this section of the NDP well presented and clear. It includes good cross reference to the evidence base and an explanation of how that evidence has been collated. I consider that the approach taken in compiling the 'environmental inventory' particularly well explained and executed and provides clear justification to the ensuing policies.
- 5.3.21 Turning to **POLICY ENV 1: PROTECTION OF LOCAL GREEN SPACE**, I have reviewed the approach and conclusions of the 'environmental inventory'. I have also noted the advice within the NPPF and associated national guidance which is that such allocations should be only be used: Where the green space is in reasonably close proximity to the community it serves; Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and Where the green area concerned is local in character and is not an extensive tract of land.

5.3.22 I find the four sites named within the policy to be to appropriate allocations of Local Green Space but suggest that the following clarification be made;

- **The areas (Ha) of each allocation is included in the table accompanying Policy ENV1.**
- **It is not clear to the reader whether the whole of Streetley Meadows Conservation Area is proposed as a Local Green Space (LGS), or whether the LGS classification applies to only part of this. This matter should be addressed with more clarity on the relevant map within the table accompanying Policy ENV1.**

5.3.23 I should stress that I acknowledge that the whole of the Streetley Meadows Conservation Area extends to a large area and hence could conflict with the advice within the NPPF. However, given the ownership and nature of the land in question, no pun intended, I find the allocation of the land as a LGS appropriate.

5.3.24 My only remaining comment on this policy is that The Dell is annotated as being held in private ownership by Prologis. I note that the land in question has previously been available for the community's access but only through permissive rights. Reference is made to the potential for this area to be made 'open' by Prologis but **I have no evidence before me that Prologis have taken part in the consultation process while the NDP was being prepared and hence whether the organisation has commented directly upon the proposed LGS allocation. I suggest that this matter is clarified and that the relevant reference within Table 2 (The Dell) is confirmed or deleted. If full clarification on this is not forthcoming from Prologis, reference could be made to a continuation of permissive rights, but this would need to be clearly expressed in the text.**

Further to these modifications, I find Policy ENV1 compliant.

5.3.25 With respect to the section addressing 'Sites of environmental significance' and given the nature and extent of the subsequent text, **I suggest that subheading would be clearer if it were amended to read 'Sites of environmental and historic significance'**

5.3.26 The approach taken in **POLICY ENV 2: PROTECTION OF SITES OF ENVIRONMENTAL SIGNIFICANCE** is well explained in the accompanying text and reflects the strength of local feeling. However, nothing in the policy adds to the protection of the specifically highlighted sites that isn't afforded by other policies found within the extant Development Plan or further to statutory classification.

5.3.27 While I find that the policy is therefore potentially superfluous, I accept that it provides an indication of specific sites of value to the local community and hence there is merit in its retention within the NDP. If this is to be the case, it would assist

if a table were included that specifically sets out the sites in question, in addition to their identification within Fig 10.1 and Fig 10.2. This could equally be clarified by a cross reference to the Environmental Inventory.

Further to these modifications, I find Policy ENV2 compliant

- 5.3.28 I now turn to **POLICY ENV 3: IMPORTANT OPEN SPACES** and the identification of sites that are proposed for specific protection. I note that the policy identifies a series of play areas (which already have protection from inappropriate development as afforded by extant policies within the Rugby Local Plan), plus two additional sites; Ryton community orchard and the Parish burial ground and remainder of the historic churchyard. These latter two sites again have already been proposed for specific protection through Policies elsewhere in the NDP.

As such I find that Policy ENV3 duplicates guidance and control already in place or covered by other NDP proposed policies and hence is superfluous. Accordingly, I suggest it is omitted.

- 5.3.29 **COMMUNITY ACTION ENV 1: IMPORTANT OPEN SPACES and COMMUNITY ACTION ENV 2: HOLLY DRIVE AND CEDAR AVENUE GREEN SPACE** reflects aspirational activity on the part of the Parish Council. I am of the opinion that they should not comprise formal policies within the NDP.
- 5.3.30 I fully accept that the activity proposed is laudable and clearly endorsed by the community and hence I see no problem with including such aspirations within the NDP as they clearly reflect the consultations undertaken. **However, I recommend that clear explanatory text is added to the NDP to avoid any doubt on the part of a reader that this activity forms a formal part of the NDP or constitutes any policy within the NDP. Additionally, reference to ENV3 should be removed as this policy will no longer form part of the Plan.**
- 5.3.31 Turning to 'Buildings and structures of local significance', again I find the accompanying text clear and well written. I have reviewed the evidence base and particularly the consultation process that specifically invited property owners to confirm their agreement for their assets to be added to a 'Local Heritage List'.
- 5.3.32 I find the rationale for **POLICY ENV 4: NON-DESIGNATED HERITAGE ASSETS** to be reasonable but the wording of the policy invites ambiguity in terms of how the impact of any new development on a 'non-designated heritage assets' will be judged. The accompanying text does not explain how this will take place. **It is suggested therefore, that the last sentence of this policy is omitted or amended to make reference to Paragraph 197 of the NPPF and readers are therefore made aware that a 'balanced judgement' would take place in accordance with national guidance.**

With this modification, I find Policy ENV4 compliant

- 5.3.33 In contrast, I find policy **POLICY ENV 5: RIDGE AND FURROW to be unambiguous and hence compliant.**
- 5.3.34 With respect to 'Biodiversity and habitat connectivity' I note the further reference to **Community Activity ENV1 and ENV2.** My comments, already set out above, remain applicable and **further clarification is required to endorse the fact that these are not formal policies within the NDP.**
- 5.3.35 I note that **POLICY ENV6 BIODIVERSITY, WOODLAND, HEDGES AND HABITAT CONNECTIVITY** acknowledges a need to protect and enhancing the habitats and species in the Living Landscape Area. **I find the Policy clear and required no modification to be compliant.**
- 5.3.36 However, the accompanying text refers to natural buffers between development and ancient woodland. It cites specific minimum distances of 15m and 50m but fails to reference these or provide a source for such guidance. **This should be addressed through cross referencing to a suitable source, or the relevant sentences removed.**
- 5.3.37 I now turn to **POLICY ENV7: IMPORTANT VIEWS** and the proposal to protect views into and out from the village. I note the extent of consultation on this matter and the evidence presented, particularly within the 'environmental inventory'. I also note that much, if not all, of the tracts of land identified in Fig 17 lie within the statutory Green Belt and hence is already protected by extant Development Plan policy and national guidance. As such inappropriate development is already the subject of considerable control.
- 5.3.38 **Notwithstanding that the reference to 'significant harm' in Policy ENV7 is subjective and hence ambiguous, I consider that the policy is superfluous when considering other policies in place.**
- Accordingly, I suggest that Policy ENV7 does not need to be a formal policy within the NDP and can be omitted.**
- 5.3.39 However, I accept that the text supporting the proposed policy is helpful in that it reflects the strength of feeling of the local community and I see no problem with it being retained within the supporting text for this section of NDP with appropriate cross reference made to extant Development Plan and national policy.
- 5.3.40 Turning to 'Renewable energy generation infrastructure' and **POLICY ENV 8: RENEWABLE ENERGY GENERATION INFRASTRUCTURE**, there appears to be some conflict with the extant policies within the Rugby Local Plan and the Landscape Character analysis which confirms that the parish of Ryton lies in an area of high sensitivity for wind turbine activity.

5.3.41 I accept, however, that as written, Policy ENV8 relates to general 'renewable energy generation' which would therefore support all other forms of energy generation if compliant with the elements as set out.

Accordingly, I find Policy ENV8 compliant

D - Community Sustainability

5.3.42 I find this section of the NDP again well-presented and clear in how policies relate to the overall vision of the area. I further acknowledge how community and third party consultation and evidence base have shaped the ensuing policies relating to community facilities, business activity, retail and traffic impact.

5.3.43 I find that the text and the proposed policies present a positive and pragmatic approach to how the area can protect what is important and support new growth. I consider that the supporting text and proposals with **POLICY CF1: THE RETENTION OF COMMUNITY FACILITIES AND AMENITIES** are compliant with the exception of the last paragraph which reads;

The Facilities and Amenities which need protecting and enhancing are as follows: St Leonard's Church, Church Centre and burial ground, The Parish Burial Ground, the Village Hall, the Post Office, Provost Williams Primary School, the two pubs, the Malt Shovel and the Blacksmiths Arms, the hairdresser's, the Co-op, the Farm Shop, the Take-Away, New Leaf Gym, Five Acre Community Farm; Ryton Organic Gardens, Village Allotments and the Connexion Sports Centre.

5.3.44 While the rationale of protecting local facilities is understandable, many of these are commercial operations in private ownership and the imposition of the policy could be considered ultra vires.

5.3.45 I see no issue with moving this paragraph to sit within the supporting text where it could present emphasis and reflect the strength of local feeling but would not comprise formal policy.

5.3.46 I turn now to 'new community facilities' and find that **POLICY CF2: NEW OR IMPROVED COMMUNITY FACILITIES**, is compliant without modification

5.3.47 However, as noted earlier in this report the activity contained within the COMMUNITY ACTION proposals, namely **CF1: POST OFFICE** and **CF2: HEALTHCARE FACILITIES** are aspirational and relate to operational matters. **These should not form part of the formal NDP planning policies and for the avoidance of any confusion on the part of the reader, they should be clearly annotated as such.**

5.3.48 With respect to 'School expansion' I find the supporting text clear and the concerns of the local community and evidence base reflected in **POLICY CF3: SCHOOL EXPANSION**. I am however aware that subsequent policies in Section D.2 of the NDP promote means of transport other than by car and yet this has not been replicated in Policy CF3. This is merely an observation and clearly the extent and nature of any policy within the NDP is at the discretion of the QB, having regard to the basic conditions.

Hence, as presented, I find Policy CF3 compliant without modification.

5.3.49 I note the relevance of section D.2 Transport within the NDP and the strength of feeling presented through the consultation process on matters relating to traffic and parking. However, policies within the NDP need to relate directly to land use issues and sometimes it is difficult to distinguish between the operation of traffic management schemes and the imposition of landuse based policy to reduce potential traffic impact.

5.3.50 In this light, while I fully acknowledge the context for **POLICY T1: TRAFFIC MANAGEMENT HIGHWAY SAFETY** my concern lies with the very broad approach presented, the lack of any specific evidence and the enforceability of a Traffic Routing Agreement. I have reviewed Regulation 16 comments and the submissions to the consultation period of the NDP preparation. I am not able to confirm whether such an Agreement has been supported by the County Highway Department.

5.3.51 Given the sensitivity of the downgrading of the classification of the highway in the vicinity of the village, I am concerned that this proposal lies at the discretion of the County Council. **Without confirmation that this element of the policy is enforceable or even endorsed by the County Highway Department, I suggest that its reference is moved to the accompanying text and presented as a suggestion to mitigate any potential traffic impact, rather than an obligation.**

Subject to this modification, I find the remainder of Policy T1 compliant

5.3.52 **POLICY T2: FOOTPATHS AND CYCLEWAYS** has been well presented and justified through the accompanying text.

I find Policy T2 compliant without the need for modification.

5.3.53 My comments regarding **COMMUNITY ACTION T1: CYCLE LANES, T2: FOOTPATH MAINTENANCE and T3: COMMUNITY TRANSPORT** reflect earlier comments on Community Action proposals. These are aspirational and relate to operational activity. **While they can remain within the NDP to reflect the strength of local feel, they should be clearly annotated so readers are not led to believe they form part of the formal policies within the NDP.**

5.3.54 Turning to D.3 Businesses and Employment, I find this section of the NDP well-presented and provides a clear context for the area. The recent changes in employment opportunities and the replacement of a major regional employer with a number of new companies and enterprises has clearly impacted upon the Parish in various ways. While there is understandable concern about increased traffic through the village, and there is equal concern about the loss of further employment opportunities, I note that no traffic studies, accident figures or traffic count figures have been referenced within the evidence base. Nevertheless, as written, **POLICY BE1: SUPPORT FOR EXISTING BUSINESSES and EMPLOYMENT OPPORTUNITIES** is sufficiently well written.

5.3.55 I would advise however that (b) is amended to remove the typographical error and so should read 'The commercial premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses, as demonstrated through a valuation report.'

5.3.56 On a point of accuracy, I would suggest that the words 'valuation report' be replaced with 'an appropriate market report' as this is the normal approach to such matters. This latter point does not make Policy BE1 non-complaint but is merely offered as a suggestion for consideration.

Subject to corrected last sentence, Policy BE1 is considered compliant

5.3.57 I find **POLICY BE2: SUPPORT FOR NEW BUSINESSES AND EMPLOYMENT** clear but consider that;

(a) **duplicates another policy within the NDP, namely GD2 and hence could be omitted.**

(f) **duplicates extant statutory environmental regulations which take precedence and hence could be omitted**

Subject to these minor modifications, I find Policy BE2 compliant

5.3.58 The NDP proposals with respect to 'Home working' reflects a number of comments received through the consultation period, demographic changes, the flexibility in working arrangements, and the support for improved IT services across the country.

I note that in POLICY BE3: HOME WORKING, (b) again duplicates extant statutory environmental regulations and hence could be omitted.

5.3.59 The general support for suitable space for home working also appears to conflict with another policy within the NDP, namely Policy H6(d) which proposes covenants on new developments to restrict the use of garage space to that of accommodating only

vehicles. I have commented on this policy earlier in my report and have suggested that H6(d) is omitted.

With this ambiguity addressed, and the omission of elements (b) for the reasons cited above, I consider that POLICY BE3: HOME WORKING is compliant.

- 5.3.60 With regard to 'Broadband infrastructure' I am aware that technological improvements can be rapid and to ensure that **POLICY BE4: BROADBAND INFRASTRUCTURE** remains relevant, I suggest the minor amendment of the second to last point to read '**Any new building should make allowance for fibre, or equivalent technology, to be installed using underground ducting or relevant appropriate means.**

With this minor modification, I consider BE4 compliant

- 5.3.61 Turning to Section 8 of the NDP and Community Actions, I have already commented on the aspirational nature of these and that, as such, they cannot be considered to comprise policies for the purposes of the NDP. As such, I have not assessed these proposals in light of the Basic Conditions.
- 5.3.62 However I fully acknowledge that they reflect local feeling local as indicated during the consultation exercise. Providing clear annotation to this effect is included within the NDP I consider that the seven Community Action initiatives can remain within the document to provide context and an indication of the strength of feeling by the community.
- 5.3.63 Section 9 of the NDP relating to 'Infrastructure Requirements' helpfully provides the context for potential CIL contributions and Section 106 payments by parties pursuing new development in the Parish.
- 5.3.64 **POLICY INF 1: DEVELOPER CONTRIBUTIONS** provides an indication of where the local community considers that appropriate funds could be directed. It is advised that these elements are presented to the Local Planning Authority and assessed for addition to the updated CIL schedule. As an indication of local priorities, and supported by evidence compiled during the preparation of the Plan, I find the Policy clear and unambiguous.

As such, I consider Policy INF1 compliant without modification.

5.4 PLAN DELIVERY, IMPLEMENTATION, MONITORING AND REVIEW

- 5.4.1 Reference is made, at the end of the NDP, to the future review of the Plan. I note that this is clearly explained and in addition to a review in 5 years, an annual monitoring exercise will be undertaken by the Parish Council. This is welcomed.

6.0 REFERENDUM

- 6.1 Further to my comments above, I recommend to Rugby Borough Council that, subject to the recommended modifications being undertaken, the Ryton on Dunsmore Neighbourhood Plan should proceed to a Referendum. I am required, however, to consider whether the Referendum Area should reflect the approved Neighbourhood Area or whether it should extend beyond this, in any way.
- 6.2 As noted earlier, the Neighbourhood Area reflects the whole of the Ryton on Dunsmore Parish and am content that this should also reflect the area for any forthcoming Referendum.

7.0 SUMMARY AND RECOMMENDATION

- 7.1 I find that the Ryton on Dunsmore Neighbourhood Plan is an effective and well-written document and has been the subject of a robust, effective consultation. The resulting vision and ensuing policies reflect the findings of those consultations and drafts of the NDP have been the subject of appropriate amendments to take on board relevant comments from statutory consultees and key stakeholders.
- 7.2 While I have suggested modifications to some of the proposed policies and explanatory text, to remove ambiguity and ensure that policies are clear and do not duplicate extant policy or other regulations, I consider that the document is well written and justified with a clear evidence base. My modification have been suggested to reflect the tone and language of the document and if addressed, would provide for a robust and compliant document.
- 7.4 In summary, subject to the suggested changes, the Plan would comply with the legal requirements set out in Paragraph 8(1) and 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and the relevant regulations relating to the preparation of a Neighbourhood Development Plan.
- 7.5 I do not have any concerns over the defined Plan Area nor with that area forming the basis for any Referendum.
- 7.6 Hence further to the modifications proposed within this submission, I recommend that the Ryton on Dunsmore Neighbourhood Development Plan should proceed to a Referendum.

Louise Brooke-Smith, OBE, FRICS, MRTPI

February 2020

Appendix A - Documents reviewed by the Examiner

- National Planning Policy Framework (The Framework) (2018) and subject to MHCLG clarification in 2019
- Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning (General) Regulations (2012) and additions
- The Neighbourhood Planning Act 2017 and associated guidance and regulations.
- Rugby Local Plan (2019-2031)
- **Draft Version** of the Ryton on Dunsmore Neighbourhood Plan and associated documents as follows:
 - Regulation 14 Letter to Stakeholders
 - Pre-Submission Flyer
 - Pre Submission Responses
- **Submission Version** of the Ryton on Dunsmore Neighbourhood Plan and supporting appendices as follows:
 - Appendix 1 Statement of basic conditions
 - Appendix 2 Consultation Statement
 - Appendix 3a Ryton Census 2011 Profile
 - Note - Appendix 3b) Ryton Land Registry Data 1995-2016 was not accessible through public channels and hence has not been reviewed
 - Appendix 4 Housing Needs Report
 - Appendix 5 Site Sustainability Assessments
 - Appendix 6 Environmental Inventory
 - Appendix 7 Non-Designated Heritage Assets

Further documents / tables / figures within the NP relating to its preparation, as follows:

- Relevant Parish Council Minutes confirming acceptance of Submission Version

- Designation of Area as defined by Rugby Borough Council (Map)
- Designation of Area as defined by Rugby Borough Council (Decision Notice)
- Figure 1: Designated Area
- Figure 2: Limits to Development
- Figure 3: Residential Site Allocation at Coventry City Training Ground
- Figure 4: Residential Site Allocation at former British Legion
- Figure 5: Safeguarded Site
- Figure 6.1: Topography
- Figure 6.2: Geology
- Figure 7: Mineral Resources
- Figure 8: Zones of Proximity
- Figure 9: Local Green Spaces
- Figure 10.1: Sites of Historical Environmental Significance
- Figure 10.2: Sites of Natural Environmental Significance
- Figure 11: Important Open Spaces
- Figure 12: Non-Designated Heritage Assets
- Figure 13: Aerial Photograph of Ryton circa 1950
- Figure 14: Surviving Ridge and Furrow
- Figure 15: Dunsmore Living Landscape
- Figure 16: Highly Valued Views
- Figure 17: Important Views
- Figure 18: Footpath Map
- Figure in Appendix 5: Site Sustainability Analysis Site Map
- Figure in Appendix 6: Open Spaces References
- Neighbourhood Plan Progress (Dec 2018) Report
- Drop-in Event (November 2018) Report
- Flyer for Drop-in Event held at the Village Hall November 2018 to present the policies
- Focus Group Invite to Event at Village Hall

- Young People Consultation Report
- Neighbourhood Plan Questionnaire Results Report
- Neighbourhood Plan Questionnaire distributed to the Village (November 2017)
- Open Event November 2017 Report
- Open event held at Provost Williams School November 2017 (Flyer)
- Neighbourhood Plan Steering Committee Minutes and Agendas
- Introductory Village Flyer September 2017
- Launch Event Flyer May 2017

Appendix B – Examiner's use of Abbreviations

- Ryton on Dunsmore Neighbourhood Development Plan; NDP
- The Plan / The Neighbourhood Plan; NDP
- Ryton on Dunsmore Parish Council; PC
- Qualifying Body; QB
- Rugby Borough Council; RBC
- Local Planning Authority; LPA
- National Planning Policy Framework; NPPF
- National Planning Practice Guidance; NPPG