

Willoughby Neighbourhood Development Plan 2019-2031

**A report to Rugby Borough Council on the
Willoughby Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Rugby Council in August 2019 to carry out the independent examination of the Willoughby Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood plan area on 13 August 2019.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its attractive character. It is a very effective Plan which carefully addresses a series of important issues that face the local community.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation. It has been prepared in short order.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Willoughby Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
10 September 2019

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Willoughby Neighbourhood Development Plan 2019-2031 (the Plan).
- 1.2 The Plan has been submitted to Rugby Borough Council (RBC) by Willoughby Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood 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 embedded in the National Planning Policy Framework (NPPF) in 2012, 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It seeks to provide a context in which the neighbourhood area can maintain its distinctiveness, identity and character.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by RBC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both the RBC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (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); and
 - the 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.
- 2.7 Having addressed the matters identified in paragraph 2.6 of this report I am satisfied that all of the points have been met.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- Appendices 1-9
- the Basic Conditions Statement.
- the Consultation Statement.
- the RBC SEA/HRA Screening report.
- the representations made to the Plan.
- the Parish Council's responses to my Clarification Note.
- the adopted Rugby Borough Local Plan 2011-2031
- the National Planning Policy Framework (February 2019).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 13 August 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. Its strength is the way in which it summarises the key stages of consultation and provides the details in a series of appendices. This contributes significantly to its legibility.
- 4.3 The Statement records the various activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (January to March 2019).
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the various stages of the Plan. It includes details about:
- the Parish Council Survey - June 2017;
 - the Issues and Options consultation - May to June 2018;
 - the Plan website updates in April, May and July 2018;
 - the delivery of flyers to households and businesses;
 - the monthly updates in the Parish magazine;
 - the first open day in May 2018; and
 - the second open day in October 2018.
- 4.5 The various appendices provide more detailed information on the processes undertaken. Appendix 2 sets out the nature of the Issues and Options consultation phase. It demonstrates the professional way in which those responsible for the preparation of the Plan sought to address the expectations of the wider community. It also reproduces the documents and the information used. This gives a sense of depth and interest to the Statement.
- 4.6 Appendix 4 of the Statement sets out how the submitted Plan took account of consultation feedback at the pre-submission phase. It does so in a proportionate and effective way. This wider analysis helps to describe how the Plan has progressed to its submission stage.
- 4.7 Consultation on the submitted plan was undertaken by the Borough Council that ended on 6 August 2019. This exercise generated representations from the following persons and organisations:
- Coal Authority

- Environment Agency
- Gladman Developments Limited
- Highways England
- Historic England
- R Jackson
- J Jenkins
- National Grid
- Natural England
- Severn Trent
- Warwickshire County Council

4.8 I have taken account of all the representations in preparing this report. Where it is appropriate to do so I refer to specific representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Willoughby. It is located between Dunchurch and Daventry in the River Leam Valley. It is irregularly- shaped and is mainly pleasant countryside. The A45 runs through the neighbourhood area in a north-west to south-east direction. Its population in 2011 was 398 persons living in 193 dwellings. It was designated as a neighbourhood area on 5 October 2017.
- 5.2 The village of Willoughby is located in the centre of the neighbourhood area. The bulk of the village sits to the west of the A45. As the Plan describes the village has a linear layout which consists of single plots on either side of the through roads with four offshoot roads where more recent development has taken place. The combination of the arrangement of the roads, the design and alignment of the various buildings and in many cases their vernacular appearance results in an attractive village environment.
- 5.3 The neighbourhood area’s position within its wider landscape setting has historically contributed towards the development of transport networks. The Oxford Canal runs to the immediate east of the village. It forms a distinctive and attractive feature in the local landscape. The former Great Central main railway line also runs to the east of the village by the A45. The disused railway line continues to be a well-defined feature in the local landscape both in general and where it runs parallel to the Oxford Canal to the north of Longdown Lane in particular.

Development Plan Context

- 5.4 The Rugby Borough Local Plan was adopted in June 2019. It sets out the basis for future development in the Borough up to 2031. It is this development plan context against which I am required to examine the submitted Neighbourhood Plan.
- 5.5 Willoughby is one of a series of rural villages as identified in the settlement hierarchy in Policy GP2. In such villages new development will be permitted within existing settlement boundaries only. In the countryside new development will be resisted other than where it conforms with national policy.
- 5.6 The following other policies in the Local Plan are particularly relevant to the Willoughby Neighbourhood Plan:

H1	Informing Housing Mix
ED3	Employment Development Outside the Rugby urban area
ED4	The Wider Urban and Rural Economy
HS1	Healthy, Safe and Inclusive Communities
HS3	Local Shops and Community Facilities
NE2	Strategic Green and Blue Infrastructure
NE3	Landscape Protection and Enhancement
SDC1	Sustainable Design

SDC3	Protecting and Enhancing the Historic Environment
SDC5	Flood Risk Management
SDC8	Renewable Energy and Low Carbon Technology

5.7 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context.

5.8 The submitted neighbourhood plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the Borough. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Visit to the neighbourhood area

5.9 I carried out an unaccompanied visit to the neighbourhood area on 13 August 2019. The weather was warm and pleasant.

5.10 I drove into the Plan area from the A45 to the east. This helped me to understand the neighbourhood area in its wider landscape context. It also highlighted the sensitive way in which the village relates to this context.

5.11 I parked by St Nicholas Church. Given the compact nature of the village I was able to undertake the majority of the visit on foot.

5.12 There was an overwhelming sense of quietness during the visit. It was disturbed only by bird song and the conversations in and around B Beautiful in Lower Street. I spent a quiet five minutes with the ducks at the Village Pond. They seemed disappointed that I had brought no food. I continued along Lower Street. In doing so I saw the Willoughby alpacas. I also saw the traditional vernacular buildings within the village centre and as identified in the submitted Plan.

5.13 I then continued along Moor Lane to the moat. I then walked back to Main Street. I saw the different types of dwellings which, in the round, contribute to the character and appearance of the village. The cottages on the north side of Main Street are good examples of traditional buildings in the village.

5.14 I then saw the very attractive garden area developed in March 1985 by the Willoughby Educational Trust. The village map was particularly helpful given the purpose of my visit. I saw the ongoing effectiveness of the Church roof appeal and the Willoughby 2000 Sundial and Time Capsule. I also saw the former phone box under restoration for its future role as a village book swap and the Jubilee Allotment Museum.

5.15 I then looked at the Rose Inn and the Village Hall. I saw that they were at the very heart of the community. I saw the very impressive Diamond Jubilee Mosaic on the wall of the Village Hall.

- 5.16 I carried on down Main Street. I saw the former Wesleyan Chapel, The Smithy and Whitehouse Farmhouse and the collection of buildings on the A45. I then drove round the more outlying parts of the neighbourhood area. In doing so I saw the Oxford Canal and the alignment of the disused railway line.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 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. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued earlier this year.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Willoughby Neighbourhood Development Plan:
- a plan led system – in this case the relationship between the neighbourhood plan and the adopted Rugby Borough Local Plan 2011-2031;
 - delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available 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 sets out a positive vision for the future of the neighbourhood area. It includes a series of policies that address a range of housing and environmental matters. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes a policy for infill residential development within defined settlement boundaries (Policy W8) and for home working and the development of small businesses (W9). In the social role, it includes a policy on community and recreational facilities (W10). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on landscape character (W1), important views (W2), flood risk (W5) and design (W7). This assessment overlaps with the Parish Council's comments on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider Rugby Borough area in paragraphs 5.4 to 5.8 of this report.

- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the Local Plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.13 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.14 In order to comply with this requirement, RBC undertook a screening exercise in November 2018 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process RBC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require a SEA. The screening report includes the responses from the three consultation bodies. This is best practice.
- 6.15 RBC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. It concludes that the submitted Plan is unlikely to have significant effects on a European site. It identifies that there are no European sites within 15kms of the neighbourhood area. It concludes that the neighbourhood plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and Appropriate Assessment is not required.
- 6.16 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.17 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.18 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report. Section 7 assesses each policy against the basic conditions. Where necessary it recommends modifications on a policy-by-policy basis.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-3)

- 7.8 The Plan as a whole is very well-organised and includes effective maps. It makes an appropriate distinction between the policies and their supporting text. Its design will ensure that it will comfortably be able to take its place as part of the development plan in the event that it is eventually 'made'. The initial elements of the Plan set the scene for the policies. They are proportionate to the Plan area and the subsequent policies.
- 7.9 The presentation of the Plan is excellent. It makes good use of colour and well-chosen photographs.
- 7.10 Section 1 comments about the nature of neighbourhood planning. It provides background information on neighbourhood planning, how the process was pursued locally and the consultation process involved. Figure 1 is particularly helpful in this context.
- 7.11 Section 2 describes the way in which the plan was produced for the neighbourhood area. It does so in a very effective fashion. It overlaps with the submitted Consultation Statement.

- 7.12 Section 3 comments about the Plan's Vision and Objectives. It is well-constructed. It describes how the Vision and the Objectives of the Plan were developed. Its key strength is the way in which the Objectives directly stem from the Vision.
- 7.13 Section 4 comments about the way in which the detailed information collected on the Plan has underpinned the development of policies. In this way there is a close functional relationship between the various topic-based areas and the resulting policies. In this context the topic-based areas are as follows:
- Protecting and Enhancing our Rural Landscape;
 - Local Green and Blue Infrastructure;
 - Conserving and Enhancing Built Heritage Assets;
 - Encouraging High Quality and Sustainable Design;
 - Providing Homes;
 - Supporting Small Businesses and Home Working; and
 - Protecting and Improving Local Facilities and Services.
- 7.14 A key strength of the Plan is the way in which it has been prepared and organised. It is clear to understand and the policies flow from the evidence base and the supporting text. In addition, it has a clear focus on a relatively small number of key development issues in the area. On this basis it deliberately avoids repeating national or local policies. The Plan's approach would be a useful template for others to follow.
- 7.15 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.
- Policy W1: Protecting and Enhancing Rural Landscape Character
- 7.16 This policy sets the scene for the remainder of the Plan. Its intention is to protect and enhance the rural landscape character of the neighbourhood area.
- 7.17 The supporting text in Section 4.2 of the Plan on this matter is extensive. It comments on local published studies, the nature of the local landscape and its historic context.
- 7.18 The policy itself has been designed in a non-prescriptive fashion. In this context it sets out a series of landscape design principles. In general terms I am satisfied that this approach meets the basic conditions. Nonetheless I recommend that the policy clarifies that the principles should only apply where they are directly relevant to the proposed development.
- 7.19 The range of principles are distinctive to the neighbourhood area. In some cases, I recommend detailed changes to the words used so that they have the clarity required by the NPPF.
- 7.20 Landscape design principle F comments about green gaps between Willoughby and other hamlets and villages. This part of the policy seeks to ensure that Willoughby remains separate from other nearby settlements and that coalescence does not occur. I sought advice on this matter from the Parish Council. I was advised that this part of the policy was to retain the separation of Willoughby from Onley to the north and from

Sawbridge to the south west. The Parish Council produced a map showing the 'green gaps'. It also identified its ongoing concerns about development pressures which may arise on the Lodge Farm site to the immediate north-west of the neighbourhood area. Development was proposed on that site in an earlier version of the Local Plan. It was not included in the adopted version of the Local Plan.

7.21 I have considered this matter carefully. As submitted, I am not satisfied that this part of the policy meets the basic conditions. I have reached this view for the following reasons:

- the combined effect of the distances between Willoughby and both Olney (1500 metres) and Sawbridge (1200 metres) and the limited scale of each of the three settlements are such that the practical risks of coalescence are minimal;
- the policy is effectively addressing a strategic issue which is beyond the remit of a neighbourhood plan;
- the adopted Local Plan does not allocate the Lodge Farm site (to the north and west of the neighbourhood area) for development; and
- in any event the mapping information provided at the clarification note stage was not included in the submitted Plan.

7.22 The wider issue of the distinctive location and setting of Willoughby is however a significant matter. In order to reflect this issue, I recommend that this element of the policy is recast in a more general fashion. I also recommend that it sits as a freestanding part of the policy. This would reflect that it is very different from the landscape design principles in the policy.

In the second part of the policy add the following after 'principles': 'where they are applicable to the site concerned'

In A replace 'acceptable' with 'supported' and delete 'or fall under permitted development'

In C replace 'is' with 'will be'

In D replace 'Steps should be taken to' with 'Development proposals should'

In E replace 'will be strongly resisted' with 'will not be supported'

Delete Principle F (and alter the sequencing in the remainder of the policy accordingly).

In G after 'appropriate' add 'to their setting, be'

In H delete 'aim to' and add at the end 'wherever it is practicable to do so'

As a free-standing paragraph at the end of the policy add: 'Development proposals should be designed and located to ensure that Willoughby village remains as a distinctive settlement in its wider agricultural hinterland'

Policy W2: Protecting Significant Local Views

- 7.23 This policy recognises that there is a strong functional relationship between the village and its surrounding agricultural hinterland. This inevitably results in several significant views within and around the village. They are identified on Maps 2A and 2B. The maps are associated with photographs of the views concerned. This helps significantly in the appreciation of the wider policy approach.
- 7.24 The supporting text comments about the community's views on this matter and their relationship to the Village Design Statement (2014).
- 7.25 I looked at the various views when I visited the neighbourhood area. I saw that they were very distinctive and had been carefully-chosen. I am also satisfied that they are wider public views rather than private views with limited or no public accessibility.
- 7.26 In general terms I am satisfied that the policy meets the basic conditions. Nevertheless, I recommend modifications that provide the necessary clarity for a planning policy and remove unnecessary supporting text from the policy itself.

Replace the opening part of the policy with: 'Significant Local Views are identified on Maps 2A and 2B'.

In the second paragraph of the policy replace the first sentence with: 'Development proposals should respect the identified Significant Local Views'

Policy W3: Community-Led Renewable Energy Schemes

- 7.27 This policy sets out the Plan's approach to community-led renewable energy schemes. The supporting text comments about feedback from local people during the Plan making process.
- 7.28 The policy is supportive of such development. It identifies a series of environmental criteria that need to be considered in the development of development proposals.
- 7.29 In general terms the policy meets the basic conditions. However, I recommend a series of detailed modifications to ensure that it has the clarity needed for a development plan document

Insert 'approach' between 'this' and 'is'

Replace 'possible' with 'practicable'

Insert 'are' before 'minimised'

Policy W4: Green and Blue Infrastructure in Willoughby

- 7.30 This policy provides a context for development that may have an impact on green and blue infrastructure in the neighbourhood area
- 7.31 The policy builds on the approach in the adopted Local Plan (Policy EN2). It also takes account of other local published studies. Map 3 helpfully shows the green and blue infrastructure in the neighbourhood area. The effect of Policy W4 is to protect the

existing infrastructure and to encourage new developments to enhance these networks. It has five related parts:

- requiring that new development should respect the existing infrastructure;
- requiring that new development should maintain existing networks within development sites;
- creating linkages between new development and existing green and blue infrastructure;
- the incorporation of mitigation measures within development; and
- the choice and use of planting and landscaping schemes.

7.32 The policy has been well-considered. I recommend a series of modifications to the wording used so that it has the clarity needed for a development plan policy. I also recommend the deletion of elements of supporting text from the policy. Otherwise it meets the basic conditions.

In the opening part of the policy delete the second sentence.

In Part C of the policy replace ‘Opportunities should be taken’ with ‘Where appropriate new developments should incorporate opportunities’.

In part D of the policy insert at the beginning ‘Where it is appropriate and practicable to do so’

In part E of the policy replace ‘New planting...schemes’ with ‘Planting and landscaping schemes associated with new development’

Policy W5: Reducing Flood Risk in Willoughby

7.33 This policy takes account of the location of the neighbourhood area within the floodplain of the River Leam. The supporting text at section 4.3 provides extensive detail on local flood risk issues.

7.34 The policy responds sensitively and appropriately to this context. It has three component parts as follows:

- the location of new development;
- drainage and runoff; and
- flood storage.

7.35 The policy addresses its range of issues in a robust and effective fashion. It has attracted support from the Environment Agency. I recommend a series of detailed modifications to its wording. In some cases, supporting text has been included in the policy which I recommend is deleted. However, the effect of the policy remains unchanged.

In the opening part of the policy replace ‘by addressing the following’ with ‘Proposals for development should take account of the following principles’

In Location of New Development:

- **In C delete the second sentence**

In Drainage and Runoff:

- **In F delete 'seek to'**
- **In F replace 'are expected' with 'should'**
- **In F replace 'a substantial reduction.... runoff rate' with 'an appropriate reduction in the existing runoff rate that relates to the particular circumstances of the site concerned'**
- **In F replace 'possible' with 'practicable'**
- **In G replace 'unless deemed inappropriate' with 'where such an approach is practicable'**

In Flood Storage:

- **In K delete the second sentence**
- **Replace L with 'Wherever it is practicable to do so development proposals should provide betterment on flood storage. Developments that would create space for water by restoring floodplains and contributing towards the delivery or improvement of Green and/or Blue Infrastructure will be supported'**

Policy W6: Conserving and Enhancing Built Heritage Assets and their Settings

- 7.36 This policy provides a policy context for built heritage assets. It is a particularly important policy given the nature of the village of Willoughby.
- 7.37 The supporting text in Section 4.4 is very comprehensive. It provides an exemplary context for the resulting policy. Appendix 3 provides a schedule of proposed non-designated heritage assets. The photographs and the descriptions of the properties continue the exemplary approach.
- 7.38 The policy identifies three principles which development proposals affecting the historic environment of the neighbourhood area should address. I recommend a series of detailed changes to the wording of the policy so that it can be applied by RBC in the wider development plan context. I also recommend the deletion of elements of the policy which are supporting text. However, I recommend that they become supporting text to provide a context for the policy itself. Otherwise it meets the basic conditions. In addition, it will contribute significantly to safeguarding the attractive built heritage of the neighbourhood area.

In the opening part of the policy delete 'in Willoughby'

Replace 'Wherever possible.... addressed' with 'Wherever practicable and as relevant to the proposed development'

In B delete 'seek to' and replace 'put in place' with 'incorporate within the development'

In C delete 'in areas...Willoughby Parish' and replace 'must' with 'should'

In C delete the final sentence.

At the end of paragraph 4.4.11 add: 'The third part of the policy has been designed to ensure that development proposals which fall within areas recorded on the Warwickshire Historic Environmental Record in the neighbourhood area are properly prepared to safeguard the identified heritage. Where appropriate the Warwickshire Historic Environmental Record should be consulted at an early stage in the formulation of development proposals. [Insert link to the HER]'

Policy W7: Encouraging High Quality and Sustainable Design

- 7.39 This policy sets out the Plan's ambition for high quality design. The supporting text helpfully comments about relevant policies in the Local Plan. Paragraph 4.5.3 comments about the character and appearance of the village and some of its traditional vernacular buildings. The policy has three related components. The first sets out general principles, the second comments about sustainable development and the third comments about the need to respect local character.
- 7.40 The policy provides an excellent local response to the design initiative as included in the NPPF and a series of other national documents. Its implementation will assist significantly in achieving high quality and sustainable design in the neighbourhood area throughout the Plan period.
- 7.41 I recommend a series of detailed modifications to the wording of the policy. They will ensure that the policy has the clarity required by the NPPF. However, its overall approach remains unaffected. In particular the modifications acknowledge that proposed developments may not impact on all the aspects of the policy. As submitted the Plan is not explicit on this point. In addition, some elements of the policy include supporting text which explain the policy context rather than acting as policy in their own right.

In the opening part of the policy replace 'demonstrate how...design principles' with 'incorporate the following design principles as relevant to the site and its location'

In the General Principles:

- **In A delete 'Care must...ensure that building(s)'**
- **In A replace 'height, scale.... roofline, do' with 'The height, scale, roofline and form of any new buildings should'**
- **In C delete 'be chosen to'**
- **In D replace 'possible' with 'practicable'**
- **In D replace 'the existing character' with 'their integrity and'**
- **In E replace 'main' with 'principal'**
- **In F include 'The' at the beginning and replace 'protected' with 'safeguarded'**

In the Sustainable Development section

- **In H delete ‘also’**
- **In H replace ‘Such measures.... for instance’ with ‘As appropriate to the site concerned such measures should include’**
- **In I replace ‘acceptable’ with ‘supported’**
- **In J insert ‘Where practicable’ at the beginning**
- **In J delete ‘aim to’ and ‘where possible’**
- **In K insert ‘within the neighbourhood area’ at the end of the first sentence**

In the Respecting Local Character section:

- **In M delete the first sentence**
- **In N replace ‘can be seen’ with ‘would be visible’**
- **In P replace ‘possible’ with ‘practicable’**
- **In P replace ‘may be acceptable...building design’ with ‘will be supported where they are appropriate to the design of the building concerned’**

Policy W8: Providing Suitable Homes

- 7.42 This policy provides a context for the provision of new homes in the neighbourhood area. It has been prepared within the context of the position of Willoughby in the settlement hierarchy in the wider Borough.
- 7.43 It has three related parts as follows:
- proposals for infill development within the settlement boundary;
 - proposals that meet local housing need; and
 - proposed dwellings in the countryside
- 7.44 The first two parts of the policy are well-considered. The first offers appropriate support to infill proposals. The second part requires that new developments take account of local needs. It offers specific support to starter homes, homes for young families and small houses for older persons. Subject to detailed modifications to ensure that they have development plan clarity these elements of the policy meet the basic conditions.
- 7.45 The third part of the policy largely repeats national policy on dwellings in the countryside. As there is no need for a neighbourhood plan to repeat or to restate national policy, I recommend that it is deleted.

In the first part of the policy:

- **In B replace ‘surrounding area’ with ‘immediate locality’**
- **In B replace ‘design policies in the NDP’ with ‘Policy W7 of this Plan’**
- **In C delete ‘demonstrates that proposals’**
- **In C delete the final sentence**
- **In D insert ‘which is well-connected where practicable,’ after ‘provided’**
- **In E delete ‘and suitable....in the village’**

In the second part of the policy:

- **In the initial part of the policy replace ‘will be.... that they’ with ‘should’**
- **At the beginning of the following section replace ‘The following.... encouraged’ with ‘The following house types will be particularly supported’**

Delete the third part of the policy

Policy W9: Supporting Home Working and Small Businesses

- 7.46 This policy offers support to small business appropriate to the rural nature of the neighbourhood area. In addition, it supports the development of home working.
- 7.47 The supporting text provides helpful background to the community's views on this matter and the benefits to local residents of having business opportunities available locally. Paragraph 4.7.6 identifies that not all proposals for home working will need planning permission. I recommend that the policy reflects this issue.
- 7.48 In addition I recommend a series of detailed word changes to the policy. Otherwise it is well-considered and meets the basic conditions.

In the opening part of the policy After ‘homeworking’ add ‘insofar as planning permission is required’ and replace ‘will be supported where’ with ‘should respond positively to the following matters’

In A delete ‘Development.... rural buildings and,’

In B replace ‘Development’ with ‘Proposed development’

Replace C with: ‘Proposals incorporate appropriate mitigation measures to minimise any adverse impacts on the capacity of relevant local infrastructure on local residential amenity in terms of noise, disturbance, capacity of the road network, highway safety, odour and any other environmental contamination.’

In D replace ‘Adequate car parking’ with ‘Car parking to development plan standards’

Policy W10: Community and Recreational Facilities

- 7.49 This policy has two related parts. The first identifies existing community and recreational facilities and sets out a policy approach to safeguard them in the Plan period. The second part offers support to the development of new facilities or for the improvement of existing facilities.
- 7.50 I looked at the various identified community facilities as part of my visit. I saw their importance to the local community. In particular I saw the concentration of facilities in Main Street based on the Village Hall, The Rose Inn and the playing field.
- 7.51 The policy is well-considered. I recommend a series of detailed word changes to ensure that it has the clarity required by the NPPF. Otherwise it meets the basic conditions.

In the first part of the policy replace the opening section with:

‘The following local facilities in Willoughby (as identified on Map 8) are identified as existing community and recreational facilities’

In the section of the policy after the schedule of facilities replace its initial part with:

‘Proposals for the use or the redevelopment of the existing community and recreational facilities for health, education or other community uses will be supported. Proposals for the change of use of the existing community and recreational facilities to other uses will not be supported unless either of the following circumstances can be demonstrated:’

In Part B delete ‘to the satisfaction.... Borough Council’

In the second part of the policy replace ‘Development which’ with ‘Development proposals which would’

In 2 replace ‘Adopt’ with ‘Incorporate’

Other matters

- 7.52 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for RBC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Willoughby Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to Rugby Borough Council that subject to the incorporation of the modifications set out in this report that the Willoughby Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose 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 originally approved by Rugby Borough Council on 5 October 2017.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
10 September 2019