

Leek Wootton and Guy's Cliffe Neighbourhood Plan 2011-2029

**A report to Warwick District Council on the Leek
Wootton and Guy's Cliffe Neighbourhood
Development Plan**

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Executive Summary

- 1 I was appointed by Warwick District Council in November 2017 to carry out the independent examination of the Leek Wootton and Guy's Cliffe Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 4 December 2017.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the plan area. There is a concentration on safeguarding local landscape character and its Green Belt setting. It has a specific focus on policies for the future use of the former Warwickshire Police HQ.
- 4 The Plan has been underpinned by community support and engagement. The community has been actively engaged in its preparation in a proportionate way.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Leek Wootton and Guy's Cliffe 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 plan area.

Andrew Ashcroft
Independent Examiner
15 January 2018

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Leek Wootton and Guy's Cliffe Neighbourhood Development Plan 2011-2029 (the Plan).
- 1.2 The Plan has been submitted to Warwick District Council (WDC) by Leek Wootton 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 in 2012 and which continues to be the principal element of national planning policy.
- 1.4 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.
- 1.5 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 plan 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 WDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both WDC 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 30 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 Service.

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.

The Basic Conditions

- 2.5 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; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area; and
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.10 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations the District Council carried out a screening assessment. The conclusion of the draft

screening report was that there were no significant environmental effects as a result of the production of the Plan.

- 2.7 The required consultation was carried out with the three prescribed bodies.
- 2.8 The screening assessment incorporated a Habitats Regulations Assessment (HRA) screening report on the Plan. It concluded that the Plan was not likely to have any significant effect on a European site.
- 2.9 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.
- 2.10 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.

Other examination matters

- 2.11 In examining the Plan I am also 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.
- 2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

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

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the WDC Screening report
- the representations made to the Plan.
- the Warwick District Local 2011-2029.
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- Relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the Plan area on 4 December 2017. 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 was satisfied that the Plan could be examined without the need for a public hearing. I advised WDC of this decision early in the examination process.

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. The Statement reflects the Plan area and its policies. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan from September to October 2016.
- 4.3 The Statement sets out details about the engagement with the statutory bodies and the public consultation events in the village. It also sets out details of the consultation events that were carried out in relation to the initial stages of the Plan including websites. It also provides details about more specific events and processes as follows:
- The various public meetings in 2014;
 - The open event to discuss the emerging Plan in June 2015;
 - The extensive use of the Leek Wootton Link for Plan updates; and
 - The delivery of flyers to local households and businesses
- 4.4 The Statement also sets out details of the responses received to the consultation process on the pre-submission version of the Plan. Table 1 properly sets out the comments received and how the Plan responded to those representations. It is exemplary in the way that it addresses this matter.
- 4.5 A key element of the Statement is the way in which its appendices 1-3 reproduce or explain the consultation techniques that were used. This approach adds depth, interest and integrity.
- 4.6 Other appendices helpfully identify the range of bodies that were consulted as part of the preparation of the Plan.
- 4.7 From all the evidence provided to me as part of the examination, I conclude that the Plan has sought to develop an inclusive approach to seeking the opinions of all concerned throughout the process. The approach adopted is proportionate to the size of the Plan area and the issues that it has addressed. I am satisfied that it meets the tests for a consultation process for a neighbourhood plan as set out in paragraphs 183 and 184 of the NPPF. WDC has carried out its own assessment of this matter and has concluded the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 13 October 2017. This exercise generated comments from the following persons and organisations:

- Warwickshire Police
- Natural England
- Deeley Homes
- Warwickshire County Council
- Warwick District Council
- Kenilworth Town Council
- National Grid
- The Coal Authority
- Sport England

4.9 I have taken account of all these representations as part of the examination of the Plan. Where it is appropriate and relevant to do so I refer specifically to the representation in this report.

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area covers the parish of Leek Wootton and Guy's Cliffe. In 2011, its population was 1017 persons living in approximately 390 dwellings. It was designated as a neighbourhood area on 5 November 2014.
- 5.2 The Plan area is located between Warwick to the south and Kenilworth to the north. Warwick Road is the primary route through the village and connects the two towns. The A46 trunk road runs in a SW-NE direction through the Plan area and separates Leek Wootton to the west from Hill Wootton to the east. The Plan area is primarily in agricultural use with the built-up area of the Leek Wootton village at its heart. The Plan area is within the West Midlands Green Belt.
- 5.3 The village of Leek Wootton itself is predominantly residential in character. It has a clearly-defined core. It displays the attractive character and appearance found in many traditional Warwickshire villages. The format of Leek Wootton reflects its agricultural heritage. It also has a strong historic core based on the junction of Warwick Road and Hill Wootton Road. All Saint's church is particularly prominent both within the village and its surrounding landscape. The village includes an attractive range of vernacular buildings which together create a very pleasant environment. The same principles apply to Hill Wootton. It sits on slightly land to the west of the floodplain of the River Avon.

Development Plan Context

- 5.4 The Warwick District Council Local Plan 2011 to 2029 was adopted in September 2017. It sets out the basis for future development in the wider Plan area from 2011 to 2029. It provides a very clear spatial context for development in the Plan area. The submitted neighbourhood plan was being prepared as the Local Plan was emerging. The Local Plan was adopted around the time that the neighbourhood plan was submitted.
- 5.5 Within this broader context the Plan area lies in the West Midlands Green Belt. Policy DS18 defines its boundaries and applies national policy within the Green Belt. Hill Wootton is washed over by the Green Belt. Leek Wootton is identified as a Growth Village (Policy H10) and Hill Wootton as an Infill village (Policy H11).
- 5.6 The Basic Conditions Statement helpfully maps the various policies in the submitted neighbourhood plan against the policies in the saved Local Plan and those in what was then the emerging Local Plan. In summary, the following policies (as now incorporated in the final version of the Plan) have been particularly important in underpinning neighbourhood plan policies:

DS4 Spatial Strategy

- DS6 Levels of Housing Growth
- DS11 Allocated Housing Sites
- DS18 Green Belt
- DS22 Former Police HQ Leek Wootton
- H10 Growth Villages
- H11 Limited Village Infill Housing Development in the Green Belt
- BE1 Layout and Design
- BE3 Amenity
- HS3 Local Green Space
- HS4 Improvements to Open Spaces, Sports and Recreation Facilities

5.7 Policy DS22 addresses the future development of the former Police HQ in Leek Wootton. It was significantly modified as part of the examination process. In the adopted version of the Plan it sets out the need for comprehensive development within the context of an agreed master plan. Key principles for the development include its relationship to the growth village envelope, the protection and enhancement of heritage assets and the delivery of an appropriate mix of housing.

5.8 The submitted Plan has been prepared within the context of the emerging Local Plan and in doing so it has relied on up-to-date information and research. This approach reflects key elements in Planning Practice Guidance on this matter. The examination process will need to assess the extent to which the policies in the submitted Plan in relation to the Police HQ site have been overtaken by the adoption of the Local Plan.

Site Visit

5.9 I carried out an unaccompanied visit to the Plan area on 4 December 2017.

5.10 I drove into the Plan area from the A46 to the south. I went initially to Hill Wootton and saw its location within the Green Belt. I saw the selection of stone, brick and timber-framed houses. Their design and arrangement contribute towards a charming rural village environment.

5.11 I then drove under the A46 and into Leek Wootton. I saw in different places that its village envelope was very logically drawn around clear-cut boundaries. I walked to the south along Warwick Road to the village school and to the housing allocation identified the Local Plan.

5.12 I spent some time in All Saint's Church. The church grounds were beautifully-maintained and are a real credit to the village. I was attracted to the various Information Panels. Panel 10 on the memorial to William Hobbins and Panel 11 on the lime trees planted in 1845 were particularly interesting. I then took the opportunity to use the interactive display inside the Church. I also saw the Golden Jubilee walnut tree in the Church car park. Its robust health follows on in the same tradition as the lime trees planted 157 years beforehand.

- 5.13 I then spent time looking round the former Police HQ site. As there was a residual Police presence I was escorted around the site. I saw the outside and inside of Woodcote House, the stable block, the other outbuildings and the Lunch.
- 5.14 I then looked at the area proposed for local community use based on the Village Hall and the Recreation Ground. I was able to understand the wider role that it performs in the village and the contribution that it makes to its recreational needs.
- 5.15 I then drove to the north to Kenilworth so that I could understand the setting of the Plan area within the Green Belt.
- 5.16 I finished my visit by driving towards Warwick to see the part of the Plan area to the south of the A46. I saw the listed Saxon Mill and its attractive setting.

6 The Neighbourhood Plan as a whole

- 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 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.
- 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 Leek Wootton and Guy's Cliffe Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the recently-adopted Warwick District Local Plan.
 - Proactively driving and supporting sustainable economic development.
 - taking account of the different roles and characters of different areas including protecting Green Belts;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities.
 - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings.

- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 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 plan area within the context of its historic character. At its heart are a suite of policies that aim to safeguard its character and appearance in its wider

landscape setting and to promote sensitive development appropriate to this character. It sets out to provide a context for the development of the Woodcote site. Table 1 of the Basic Conditions Statement is particularly effective in terms of mapping the Plan policies with the core planning principles in 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 (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (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 Plan area. In the economic dimension, the Plan includes policies for the redevelopment of the former Police HQ (LW5-6), for housing development (LW10-11) and for home working (LW15). In the social role, it includes policies to designate a local green space and to develop a community hub (LW10). In the environmental dimension, the Plan sets out guidance on landscape character (LW1), wildlife and green infrastructure (LW2) and to safeguard its built heritage (LW4).

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 District 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 Local Plan. Table 3 of the Basic Conditions Statement helpfully relates the Plan's policies to policies in the Local Plan. I have recommended specific modifications to the policies in relation to the former Police HQ to ensure that they are in general conformity with the strategic policies in the recently-adopted Local Plan. I am satisfied that as recommended to be modified the submitted Plan is in general conformity with the strategic policies in the development plan.

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. In the case of the two principal policies affecting the former Police HQ at Woodcote (LW5/6) I have incorporated an element of general assessment that addresses both policies in my commentary on policy LW5.
- 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 (Parts 1-5)

- 7.8 These introductory elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the Plan area and the subsequent policies. The Plan is well-presented with a healthy mix of maps and well-chosen photographs. The overall effect is very professional. In particular there is a very clear distinction between the policies and the supporting text. In the event that the Plan is 'made' this will provide clarity and consistency to the decision-maker. In this context the Plan would sit comfortably with a wider development plan context
- 7.9 Part 1 provides a clear context to the neighbourhood planning process. It also provides a useful background to the decision to prepare the Plan. It describes the timetable within which the Plan has been prepared.
- 7.10 Part 3 sets out the planning policy framework for the Plan. It summarises national planning policy and then describes local planning policies. It sets a context of what was then the emerging local plan and how the submitted Plan had been prepared in a complementary fashion.

- 7.11 Part 3 sets out an interesting description of the village. It comments about its current demography and population and its characteristics, buildings and facilities.
- 7.12 Part 4 identifies a series of key planning issues. They include its natural and built heritage assets, the need for new housing and the proposed community hub. Section 5 then sets out a vision and objectives for the Plan. These naturally flow from the earlier parts of the Plan.
- 7.13 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 LW1 – Protecting and Enhancing Local Landscape Character

- 7.14 This policy sets the scene for the wider series of policies in the submitted Plan. It requires that development proposals should demonstrate their relationship to a series of landscape design principles. The principles are distinctive to the Plan area in general, and Leek Wootton in particular. They include the retention of hedge lines, open spaces and the protection of local habitats and wildlife corridors.
- 7.15 I am satisfied that the approach adopted in this policy is appropriate to the context and the setting of the Plan area. The policy takes account of its Green Belt setting.
- 7.16 I recommend a series of modifications so that the policy has the clarity required by the NPPF. In particular I recommend the deletion of criterion 9 of the policy and its repositioning (in a modified format) in the supporting text.

**In the opening part of the policy delete ‘which aim’
In C.5 insert a full stop after ‘enhanced’. Replace the remainder of the criterion with ‘Where appropriate woodland planting on rising ground will be supported’.
In C.7 delete ‘is encouraged’ with ‘where appropriate’
Delete C.9**

At the end of paragraph 6.1.10 add the following additional text:

Policy LW1 sets out the Plan’s approach to the protection of its strong and distinctive landscape character. Eight landscape design principles are included in the policy. The overall ambition of the approach adopted in the policy is to ensure that landscaping schemes associated with new development should retain and reinforce its strong natural and rural character. Key principles are strengthening local distinctiveness and reinforcing the existing sense of place.

Policy LW2 – Protecting and Enhancing Local Wildlife and Green Infrastructure

- 7.17 This policy seeks to safeguard and celebrate local biodiversity and green infrastructure in the Plan area. It is helpfully described in paragraph 6.1.11 and relies heavily on a study undertaken by WDC in 2013. The policy has two parts. The first sets out a requirement that new development should support and enhance local

biodiversity subject to two criteria. The second seeks to protect existing green infrastructure and offers support to the creation of new green infrastructure.

- 7.18 I am satisfied that the first part of the policy has regard to national policy as set out in paragraphs 109-125 of the NPPF. I recommend a series of modifications so that this part of the policy has the clarity required by the NPPF.
- 7.19 I sought clarification from the Parish Council on the second part of the policy. As submitted there is no definition in the Plan on the range and location of the green infrastructure in the Plan area. The response to the Clarification Note did not provide any information on this matter. On this basis I recommend that the second part of the policy is modified so that it more simply offers support for developments which create new green infrastructure (such as woodlands, wetlands and hedgerows)

**Replace the opening element of the first part of the policy to read:
‘Where appropriate new development should incorporate measures which would preserve, support or enhance local biodiversity. In particular new developments should:’**

At the end of the first sentence of the second criterion add ‘as shown in paragraph 6.1.11 and Map 4’

In the second criterion delete the second and third sentences.

**Replace the second part of the policy with the following:
‘Subject to other policies in this Plan new development proposals which include the creation of new green infrastructure will be supported.’**

At the end of paragraph 6.1.14 add the following text:

‘Policy LW2 sets out the Plan’s approach to these important matters. The second criterion of the first part of the policy seeks to ensure the protection of existing wildlife features in the Plan area. [Insert here the two sentences recommended to be deleted from the policy]’

Modify the Policy title by deleting ‘and Green Infrastructure’

Policy LW3 – The Lunch

- 7.20 This policy has a series of related elements. The first protects an area of woodland known as ‘The Lunch’ as a local community resource. The second supports proposals for education and training in woodland and countryside management. The third supports proposals for woodland management to provide fuel for sustainable energy schemes. The fourth requires that new developments on the former Police HQ site provide improved pedestrian and cycle accessibility to the area.
- 7.21 Agents acting for the Warwickshire Constabulary have made detailed representations on this policy. I also sought clarification from the Parish Council and received its own comments on the purpose and intentions of the policy. The different commentaries

relate both to discussions that have taken place on the future of the former Police HQ and the Lunch and to the extent to which the policy is in general conformity with the strategic policies in the recently-adopted Local Plan.

- 7.22 The two commentaries adopt a very different approach. Nevertheless, they both highlight the significant degree of uncertainty on the future use and management of The Lunch in general terms, and the way in which the area relates to the wider development of the adjacent Woodcote site in particular. This uncertainty does not provide a stable context in which I can assess the deliverability or viability of the contents of the policy. To this extent the policy does not have regard to national policy.
- 7.23 In addition whilst the various proposals identified are potentially good examples of sustainable energy and recreation development there is insufficient detail in the policy to allow an assessment of the extent to which they might reasonably fall into the categories of the exceptions to Green Belt policy as set out in paragraph 89 of the NPPF. Equally at this stage in the plan-making process there is no information available to assess the extent to which the various elements of the policy would relate to the broader master plan as envisaged in the policy in the adopted plan (DS22). To this extent the policy does not have regard to national policy and is not in general conformity with strategic policies in the development plan.
- 7.24 Agents acting for the Warwickshire Constabulary have helpfully included a proposed revised policy in its representation. However, the difference between the submitted policy and the revision proposed is very significant and it would effectively be a new policy. Whilst I have the ability to recommend modifications to a policy to ensure that it meets the basic conditions it is not within my remit to re-write the Plan. On this basis I recommend that the policy is deleted. The future use of The Lunch will be determined through the preparation of the master plan as identified in the adopted Local Plan.

Delete policy

Policy LW4 – Protecting and Enhancing Built Heritage

- 7.25 The policy sets out to protect and enhance the built heritage of the Plan area. It requires that new development should demonstrate high quality design which respects the Leek Wootton Conservation Area.
- 7.26 The principal settlements in the Plan area have the characteristics and appearances that warrant such an approach. One of the 12 core planning principles in the NPPF (paragraph 17) is '(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Furthermore, the approach adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy (paragraph 58),

it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60).

- 7.27 In my Clarification Note I sought comments from the Parish Council on the extent to which this general policy overlaps with the Woodcote-specific policies in the submitted Plan and whether the Plan would best have the clarity required by the NPPF if Woodcote was excluded from this policy. The Parish Council has helpfully agreed with this proposal and I recommend accordingly.
- 7.28 I also recommend modifications to some of its detailed elements so that it has the clarity required by the NPPF. They will ensure that the policy can be applied effectively and consistently by WDC throughout the Plan period. The opening part of the policy refers to 'the setting' of the conservation area. It should refer to its 'character and appearance' to have regard to national legislation. The policy would have the clarity required by the NPPF if it referred to 'design principles' as the heading for the eight identified factors. In criterion 7 reference is made to 'sufficient' provision of a series of factors. This approach is unclear and does not provide clarity to either a developer or to WDC. I recommend that it refers to development plan standards. This approach will ensure that the policy remains applicable throughout the Plan period. In criterion 8 reference is made to 'good' connectivity. I recommend a similar approach to that set out for criterion 7 above. In this case I recommend the use of 'appropriate'. Plainly at this stage it is impractical to anticipate the range of sites which may arise and their association to existing foot and cycle networks.

In the opening part of the policy replace 'enhances.... nearby' with 'preserves or enhances the character and appearance of the Leek Wootton Conservation Area'

In the second paragraph add 'design principles' after 'the following'

In criterion 7 delete 'sufficient' and add 'to development plan standards' after 'parking'

In criterion 8 replace 'good' with 'appropriate.'

In 6.2.17 replace 'to enhance the setting' with 'to preserve or enhance the character and appearance'. At its end add the following additional text:

'The policy applies to general developments in the Plan area. It does not include development on the former Police HQ site. Development on that site is controlled by Policy DS22 in the Warwick District Local Plan and policies LW5 and 6 in this Plan.'

Policy LW5 – Design Guidelines for Woodcote

- 7.29 Policies LW5 and 6 sit at the heart of the Plan. They are very detailed policies which are designed to set the scene for the comprehensive redevelopment of the former Police HQ site. The principle of its redevelopment is incorporated within the recently-adopted Local Plan. The principal issue for the examination of the two policies is the

extent to which they are in general conformity with Policy DS22 in the Local Plan. That policy brings the site forward the residential development of the site within the growth village envelope boundary within the context of a master plan to be agreed between the site owners and WDC.

- 7.30 The general conformity issue is affected by the respective timings of the production of the Local Plan and the submitted Neighbourhood Plan. In effect the former has reached the finishing line earlier than the latter. In process terms the submitted neighbourhood plan has to be assessed for its general conformity with the strategic policies in the adopted Local Plan. Policy DS22 is one of the strategic policies. This issue has a significant impact on Policy LW6. That policy was prepared within the context of an emerging local plan which, in its early stages, included discrete proposals for specific parts of the site.
- 7.31 Policy LW5 provides high level policy guidance for the development of the wider Woodcote site. It does so with a high degree of research and understanding of the principal historic buildings and their wider relationship with the remainder of the site. The policy is underpinned by extensive supporting text which I will address shortly.
- 7.32 The high-level policy guidance is entirely appropriate for this stage of the plan-making process. In particular it will not restrict the ability of the emerging master plan to guide the specifics of development on the site. Nevertheless, the policy includes elements of policy, design guidance and narrative. This results in a confusing approach. As such I recommend a series of modifications so that the policy is entirely policy based. This will bring the clarity required by the NPPF. Where necessary I also recommend modifications to the policy elements in the submitted Plan to ensure that they have the clarity required by the NPPF and to allow WDC and developers to be able to interpret those elements in a consistent manner. In particular I recommend the deletion of criterion 17. It proposes a very specific form of development which has yet to be addressed within the context of the emerging master plan as required by Policy DS22
- 7.33 The extensive supporting text to the policy (6.2.18-6.2.29) has also been overtaken to a certain degree by the adoption of the Local Plan. In some cases, the various paragraphs refer to earlier versions of the Local Plan. In other cases, they make detailed reference to earlier studies which no longer have any direct bearing on the Local Plan or the emerging master plan. I recommend modifications accordingly. I also recommend modifications to correct the description of documents where there is a need to do so. In particular I recommend the deletion of paragraphs 6.2.27 to 6.2.30. They refer to an earlier master plan which is not the master plan yet to be prepared as a result of the adoption of the Local Plan. As WDC comment these paragraphs of text ascribe a significance to the work that which was carried out in 2016 and which may fetter the ability of the emerging master plan to address these issues in the round.

**Insert 'Proposals for' at the beginning of the policy. Replace 'is' with 'will be'
At the end of the opening part of the policy add:**

‘Development proposals should have regard to the following design guidelines:’

In the second paragraph delete ‘and Historic Landscape Character Study’

In the paragraph immediately after the ‘Design Requirements for the Site’ delete ‘for example’

In C.10 replace ‘has minimal’ with ‘sets out to restrict its’

In C.14 delete the second sentence

In C.16 delete the second sentence

Delete C.17

Replace C.19 with the following:

‘The proposed new buildings in general, and their materials in particular should respect the character and setting of Woodcote House.’

Make the necessary modifications to paragraph 6.2.18 to reflect the adoption of the Local Plan

Delete paragraph 6.2.19.

In paragraph 6.2.21 replace the first two paragraphs with the following:

‘In January 2015 Warwick District published ‘The Setting of the Heritage Assets at Woodcote House, Leek Wootton’. It was prepared as part of the evolution of the Local Plan. This document forms a starting point for the following considerations which should guide the design process:’

In paragraph 6.2.22 delete the fifth bullet point (the 1960s office block).

In paragraph 6.2.26 delete the final sentence, including the four bullet points.

Delete paragraphs 6.2.27 to 6.2.30 and Map 8.

Policy LW6 – Former Police Headquarters Woodcote

- 7.34 This policy provides further details about the Parish Council’s ambitions for the development of the site. It sits within the context of the housing element of the Plan (Section 6.3). As mentioned earlier this policy was prepared within the context of an emerging local plan which, in its early stages, included discrete proposals for specific parts of the site. In detail it includes policy guidance for the development of parcels of land at The Paddock and east of Broome Close, the main Woodcote building and its stables, and at the Tennis Courts.
- 7.35 As the proposals for the development of the site have been refined in recent years these three principal concentrations of built development have generated a high degree of consistent support. They are sensitively located within the wider site and will assist in reducing the impact of new development on the surrounding Green Belt. Nevertheless, the proposals in the policy for these three components are detailed and prescriptive. In particular they are included without any context of an agreed master plan that is being prepared following the adoption of the Local Plan. The various proposals include no reference to their deliverability and viability. On this basis I recommend that the bulk of the policy is deleted. The introductory element of

the policy largely repeats the overall policy approach set out in policy D22 of the Local Plan. However, on balance I am satisfied that with modifications it should remain in the Plan. It makes appropriate reference to the need for an integrated approach and sets out an appropriate connection to Policy LW5.

- 7.36 As with Policy LW5 this policy is accompanied by extensive supporting text (6.3.1 to 6.3.24). This text has also been overtaken to a certain degree by the adoption of the Local Plan. In some cases, the various paragraphs refer to earlier versions of the Local Plan. In other cases, they make detailed reference to earlier studies which no longer have any direct bearing on the Local Plan or the emerging master plan. I recommend modifications accordingly. I also recommend modifications to reflect the deletion of substantial parts of the policy itself. These paragraphs relate to proposed housing developments at both Woodcote and at land to the east of The Hayes. The recommended modifications to the supporting text in these paragraphs cross-refer to also Policy LW7 (East of the Hayes). The next section of this report comments separately on Policy LW7.

**In the opening part of the policy insert ‘residential’ between ‘new’ and ‘development’ and ‘the provisions of’ between ‘to’ and ‘Policy LW5’
Insert ‘within the context of an agreed master plan’ between ‘approach’ and ‘to ensure’**

Delete the remainder of the policy

Make the necessary modifications to paragraph 6.3.1 and 6.3.8 to reflect the adoption of the Local Plan.

Delete paragraph 6.3.2 and paragraphs 6.3.9 to 6.3.24.

Include a new paragraph 6.3.9 to read:

‘Taking all this information into account the neighbourhood plan follows the approach taken in the Warwick Local Plan 2011 to 2029 in respect of housing development in the Plan area. Policies LW6 and LW7 respectively provide further guidance for the former Police HQ site based on Woodcote and land to the east of The Hayes.’

Policy LW7 – Residential Development at car park east of The Hayes

- 7.37 This policy addresses the proposed residential development of the car park to the east of the Hayes. The site concerned is located in the southern part of Leek Wootton to the west of the Warwick Road. It is a site allocated for residential development in the Local Plan (site H37 within the context of Policy DS11). Planning permission has recently been granted for the residential development of the site (W/17/1923). In its response to my Clarification Note the Parish Council has asked that the policy is retained so that it can guide the determination of any future applications which may arise. I agree that such an approach is appropriate.

- 7.38 I recommend a series of modifications to the policy. As submitted it includes both general policy guidance and some very specific guidance and suggestions. Plainly there is a balance to be struck here within the context of its relationship to the basic conditions. On the one hand the policy should add local distinctiveness to the generality of the approach adopted in the Local Plan. On the other hand, the policy should not be so restrictive as to prevent the practical development of the site and its (albeit modest) contribution to boosting the supply of housing land in both the Plan area and the wider District.
- 7.39 In this context I recommend the deletion of any reference to an apartment block as this would bring particular restrictions to the design and layout of any proposed development of the site. I do so likewise in relation to the communal amenity area. I also recommend that the residual elements of the policy should sit as criteria within the context of the policy. This would bring the clarity required by the NPPF and would make the policy capable of consistent application by WDC. I also recommend deletion of the direct reference to the local plan policy in the title of the policy.

Replace the opening part of the policy to read:

Proposals for approximately five dwellings on the site as shown on Map 2 will be supported subject to the following criteria:

Thereafter include the following criteria:

- 1. The resulting scheme is of a high-quality design which reflects the distinctive character of Leek Wootton in general, and The Hayes in particular;**
- 2. [Insert here the third paragraph of the submitted policy]**
- 3. [Insert here the fourth paragraph of the submitted policy]**
- 4. The proposal should comply with development plan policies in relation to car parking, cycle parking and the provision of open space**

Modify the title of the policy to read:

'Policy LW7 – Residential development at car park east of The Hayes'

Policy LW8 – Infilling Housing Development in Leek Wootton Village

- 7.40 In the wider context of the Plan this is an important policy. It sets out the policy criteria against which any proposals for infill development in Leek Wootton would be assessed.
- 7.41 The policy itself is well-constructed. It supports infill development subject to four criteria which respect the distinctive character of the Plan area. The first criterion, addressing the relationship of proposed new development to the character and density of surrounding buildings, will be particularly important throughout the Plan period. I recommend modifications to the fourth criterion which addresses heritage assets. As submitted this part of the policy does not fully have regard to national policy (in the NPPF paragraphs 126-141) which addresses the scale and nature of the potential harm to heritage assets. I recommend modifications to criteria 2 and 3 so that they have the clarity necessary to allow them to be applied consistently. As submitted their respective references to 'adequate' and 'suitable' would be difficult for

both the developer and WDC to apply in a meaningful way. I also recommend a technical modification to ensure that any proposed development has to meet all the criteria in the policy.

- 7.42 Paragraph 6.3.28 of the Plan comments on two particular potential infill sites that the Parish Council considers to be inappropriate for future development. This approach has generated representations both from WDC and Deeley Homes. In summary they comment that it is inappropriate for a neighbourhood plan to predetermine any applications which may come forward on these sites. I take a similar view. A neighbourhood plan should be positively-prepared. In any event any planning applications on these or indeed any other sites will be determined on their individual merits and on the basis of development plan policies in general, and this policy in particular.

In C.2 delete 'adequate' and add 'to development plan standards' at the end of the criterion

In C.3 replace the submitted wording with 'Vehicular access is provided in accordance with development plan standards'

In C.4 replace the submitted wording with 'The development takes account of its potential impact on heritage assets in accordance with paragraphs 133-135 of the NPPF'.

Insert 'and' at the end of (the modified) C.4

Delete 6.3.28 and replace with the following:

'The Plan proposes no additional housing sites beyond the Local Plan allocations. Policy LW8 sets out a series of criteria against which any potential infill proposals would be assessed should they come forward.'

Policy LW9 – Housing in Hill Wootton

- 7.43 This policy fulfils the same role for Hill Wootton as Policy LW8 does for Leek Wootton. In this case it reflects the different status of Hill Wootton in the strategic settlement hierarchy.
- 7.44 The policy in the submitted plan seeks to establish a balanced approach to new development. It identifies that new residential development will be supported where its scale and design respect its location within the Green Belt and the character of Hill Wootton.
- 7.45 In the circumstances of the submitted Plan and its location within the Green Belt the starting point for an assessment of the policy must be against national policy. Section 9 of the NPPF is devoted to the government's approach towards protecting Green Belt land. Paragraph 79 comments that 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

- 7.46 Paragraph 87 of the NPPF consolidates this approach in commenting that ‘inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’. Paragraph 89 comments further that ‘a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt’. It then identifies exceptions to this approach. In relation to this policy one of the exceptions is ‘limited infilling in villages and limited affordable housing for local community needs under policies set out in the Local Plan.’
- 7.47 The adopted Local Plan addresses the overlapping issues in the neighbourhood area of the Green Belt and the identification of Hill Wootton as one of a series of Limited Infill villages. Policy H11 and its supporting text emphasises the importance and spatial extent of the Green Belt together with its strategic function. It restricts development to infill sites within such villages, restricts the size of schemes to two dwellings and makes comments about the potential effects of such proposals on the integrity of the village concerned.
- 7.48 Taking all these matters into account I recommend a series of modifications to the policy. In particular I recommend that its emphasis should be on restraint in accordance with national Green Belt policy rather than a positive promotion of housing where it respects Green Belt designation. Whilst the distinction between the two approaches may be subtle it gets to the heart of Green Belt policy in paragraph 89 of the NPPF where housing is regarded as inappropriate development subject to clearly-defined exceptions. These modifications are recommended in the first part of the policy.
- 7.49 The second part of the policy makes specific reference to the potential for the refurbishment and/or redevelopment of traditional farmsteads in Hill Wootton. They are an important part of its character and appearance. The approach adopted represents one of the exceptions to the application of Green Belt policy as set out in paragraph 89 of the NPPF. However, I recommend that the policy is expanded so that it properly addresses the heritage significance of these buildings. As submitted this part of the policy may have unintended consequence of allowing the redevelopment of a heritage asset.

Replace the first paragraph of the policy to read:

New residential development in Hill Wootton will be strictly controlled to reflect its location within the Green Belt.

Limited village infill housing development will be supported within the built-up form of Hill Wootton where the criteria in Policy 11 of the Warwick Local Plan 2011 to 2029 are met.

In the second part of the policy:

Insert ‘The’ at its beginning

Replace ‘is’ with ‘will be’

Replace ‘old’ with ‘traditional’

After ‘farmstead buildings’ include ‘in the built-up form of Hill Wootton’

After ‘where schemes’ add ‘respect the status and integrity of heritage assets and’

Policy LW10 – Supporting a Local Community Hub Facility in Leek Wootton

- 7.50 This policy has three principal components. The first safeguards land for use as a local community hub at the Recreation Ground and land to its north. The second component supports the development of new recreation and sporting facilities at the Woodcote site. The third component designates the existing recreation area at Woodcote as local green space. I will address these three components in turn.
- 7.51 The proposal for a community hub reflects the existing popularity and patronage of the existing Sports Club and the Village Hall. The playing fields are well-maintained and well-used. Within the proposed community hub area shown on Map 10 both the recreation area (in its southern part) and the arable field (in its northern part) are outside the village envelope and sit in the Green Belt. This part of the policy supports the improvement and/or redevelopment of the Sports Club building, investment in the playing pitches, allotments and recreational provision and other community related uses (including health, local community and retail).
- 7.52 The principle of the proposed package is appropriate. It clearly relates to community needs as identified in the submitted Plan and will assist in the wider sustainability of the Plan area. The format of the policy raises several issues in terms of the regard which it has to national policy in general, and Green Belt policy in particular. In the first instance it does not have the clarity required by the NPPF on the scale of the ‘other suitable local community and retail type uses’ that would be supported. This may lead to pressures for developments of a scale which would be inappropriate in the Plan area. In the second instance the policy wording provides a degree of support for built development in the Green Belt. Some of the proposed uses may be exceptions to Green Belt policy as set out in paragraph 89 of the NPPF. In certain circumstances this may reflect their location within the wider site and the extent to which they are incorporated within redeveloped buildings. Some of the proposed uses would however conflict with Green Belt policy. I recommend modifications to this part of the policy to ensure that it has regard to national policy. In particular I recommend that references to other suitable local community and retail type uses are deleted and replaced in the supporting text. As the existing supporting text identifies there is no detailed plan for their development at this stage.
- 7.53 The second part of the policy sets out support for proposals for additional recreation and sports provision at Woodcote. It identifies the potential to accommodate a multi-purpose facility to meet the needs of the various sports clubs using the existing sports pitches. There is no supporting text in the Plan to provide a context to this part of the policy. In any event it may have been overtaken given the limited current use of the recreation area within the Woodcote site.
- 7.54 Plainly the matter overlaps with the emerging master plan for the wider Woodcote site. In order to bring consistency with the approach that I have recommended to Leek Wootton and Guy’s Cliffe Neighbourhood Plan – Examiner’s Report

Policy LW6 and to ensure that the approach is in general conformity with strategic policies in the development plan I recommend that this component of the policy is deleted. The proposals in the policy for sports facilities are very general and without any up to date evidence. Importantly they are included without the context of an agreed master plan that is being prepared following the adoption of the Local Plan. The various suggestions include no reference to their deliverability and viability.

- 7.55 The third component of the policy proposes the designation of the existing recreation area within the Woodcote site as local green space (LGS). Paragraph 6.4.13 of the Plan correctly identifies paragraphs 76-78 of the NPPF as the context for the designation of any proposed LGS. The Plan carries out its own assessment of the site against the three criteria in the NPPF.
- 7.56 National policy identifies that any proposed LGS has to meet all the three criteria set out in paragraph 77 of the NPPF. I am satisfied that the site is within close proximity to the community that it serves. It occupies a central position within Leek Wootton and most households would be able to walk to the site comfortably. I am also satisfied that the site is local in scale and not an extensive tract of land. In assessing the extent to which the site is 'demonstrably special to the local community and holds a particular local significance I sought clarification from both the Parish Council and the Warwickshire Constabulary. The former advised that there is no public use of the proposed LGS. The latter advised the only recreational use of the site is by Police employees on an informal basis. I was also advised that the site is currently used for Police operational purposes (training dogs, specialist support team training and as a designated Secure Landing Zone).
- 7.57 Having considered all the information before me as part of the examination I do not consider that the site has the characteristics or the uses to justify that it is 'demonstrably special to the local community and holds a particular local significance'. Whilst there has been significant recreational use of the parcel of land in the past its current use for recreational purposes is limited. At the time of the examination its use was primarily for Police operational purposes. Whilst I recognise that there is a visual relationship between the open area and Woodcote House itself I do not consider that there is any evidence to support the Plan's assertion that maintaining the openness of this area (through its designation as LGS) would help to protect the setting of the listed building. On this basis I recommend that this part of the policy is deleted. I also recommend the consequential deletion of the related supporting text.
- 7.58 In recommending this modification I am aware that the emerging master plan will set out the context for the wider redevelopment of the Woodcote site. I am also aware that earlier iterations of the master plan retained the recreation area as open space within the context of the proposed blocks of built development focused on Woodcote House, the stables, the tennis courts and land at The Paddock and to the east of Broome Close. Nevertheless, I am obliged to assess the proposed designation of the LGS based on its current characteristics and uses rather than what may be the case in the future. In the event that the site is safeguarded in the future for open

space/recreational use and takes on its own range of uses and activity in the context of the redevelopment of the wider site it could be proposed for LGS within any review of a 'made' neighbourhood plan.

**Replace the second paragraph of the policy (its first component) with:
'Proposals for the improvement and/or redevelopment of the Sports Club building and for the development of allotments and playing pitches within the local community hub will be supported.**

Proposals to incorporate a village shop and café, health and community facilities within a redeveloped Sports Club building will be supported where the incorporation of such uses does not result in a new building which is materially larger than the existing building.'

Delete the second (paragraphs 4/5) and third (paragraph 6) components of the policy

At the end of paragraph 6.4.9 add the following new sentence:

Policy LW10 takes account of the location of the wider community hub site in the Green Belt.

At the end of paragraph 6.4.11 add the following new sentence:

'Policy LW10 addresses these important issues within the round. It offers flexibility for a local shop and other community and health facilities within a redeveloped Sports Club building. One of the exceptions in national Green belt policy is the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces. The combination and range of uses will be a matter of discussion as proposals emerge. However, there will be an expectation that the principle use of the building will be for the various facilities associated with the Sports Club. The Plan recognises that proposals for new buildings in this location for retail, community or health purposes would represent inappropriate development in the Green Belt'.

Make the necessary modifications to paragraph 6.4.12 to reflect the adoption of the Local Plan

Delete paragraphs 6.4.12 to 6.4.15

Policy LW11 Minimising the Impacts of Traffic from new developments

7.59 Policies LW11 and LW12 address traffic related issues. I comment on some of the general aspects of the joint supporting text (6.5.1 to 6.5.17) in this policy heading.

7.60 Policy LW11 addresses measures to minimise the impact of traffic which will arise from new development. It has three separate components. The first sets out a requirement for developers to identify traffic levels arising from their proposals and to propose mitigation measures. The second offers support to new developments which would reduce the impact of congestion and traffic in Leek Wootton village. The third requires new developments to incorporate a variety of measures. These include

surfacing, the safeguarding of existing footpaths and the creation of new footpaths. I will address these three components in turn.

- 7.61 The first component is a process issue rather than a policy in its own right. The level of detail that is required to support any planning application is a matter for WDC based on its own published standards. For certain proposals it may seek advice from Warwickshire County Council in its capacity as the highways authority. On this basis I recommend the deletion of this part of the policy. It offers no specific guidance to developers and is not distinctive to the Plan area.
- 7.63 The second part of the policy also fails to meet the basic conditions. It is unclear on the scale and nature of development that would be supported. At the same time, it fails to make any connection between proposed developments and measures to reduce congestion and traffic levels in Leek Wootton village centre. Applied literally the policy could have significant unintended consequences. It falls short of having the clarity required by the NPPF. On this basis I recommend its deletion.
- 7.64 The third part of the policy adopts a traditional policy format that requires development to meet a series of criteria. I recommend however that its opening element is modified so that it establishes a basis against which WDC can assess and determine planning applications.
- 7.65 The second criterion correctly identifies that existing footpaths should be retained. However, it then becomes prescriptive on a series of new footpaths which should be created. I recommend a modification to this latter element so that it takes on a more permissive approach.
- 7.66 The third criterion refers to car parking standards. They replicate current WDC standards. WDC advise that these standards may be subject to change. On this basis I recommend that this criterion is expressed in more general terms. This approach will also have the benefit of future-proofing this part of the Plan
- 7.67 The fourth criterion refers to planting schemes and other measures to provide noise barriers. It makes specific reference to reducing the impact of noise from traffic on the A46. In relation to the latter point I recommend that this issue is addressed in the supporting text rather than the policy. By definition the policy extends across the Plan area and not all potential development sites will be affected by the noise profile of the A46.

Delete the first and second components of the policy

In the third component of the policy replace ‘required to’ with ‘supported where they’. At the start of the modified introduction to the policy add ‘Subject to the provisions of other development plan policies’

In C.1 replace ‘must’ with ‘should’ (first and second sentences)

In C.2 delete the second sentence and replace with ‘Where appropriate new footpaths should be created to connect with existing footpaths and to the village centre’

Replace C.3 with ‘Car parking should be provided to development plan standards’

In C.4 delete ‘to reduce...A46’

Make the necessary modifications to paragraph 6.5.17 to reflect the adoption of the Local Plan.

At the end of paragraph 6.5.17 (as modified) add the following:

‘Policy LW11 addresses a series of criteria which new development is expected to meet including accessibility and car parking. Policy LW12 sets out the range of schemes which the Parish Council will support through its spending of the local element of the WDC Community Infrastructure Levy. Specific non-land policies [insert at this point your revised numbering system] are included later in the Plan to highlight the community’s support for traffic management schemes and the need for developers to liaise with Highways England on development that may affect the existing operation of the A46.’

Add a new paragraph of supporting text to read:

‘Policy LW11 sets out a requirement for a series of traffic related measures for new development. Its fourth criterion addresses a requirement for the creation of planting schemes and other measures to reduce any potential noise nuisance from existing road traffic. This criterion will particularly apply where developments may be affected by the existing traffic profile on the A46’

Policy LW12 – Traffic Management and Transport Improvements

- 7.68 This policy sets out the Plan’s approach to traffic management and transport improvements. It has three related components. The first supports proposals for road safety and traffic calming. Particular support is offered to traffic calming on Warwick Road (as shown on Map 12) and to a one-way route in Hill Wootton (Map 13). The second part of the policy identifies a series of projects towards which developer contributions and Community Infrastructure Levy payments could be applied throughout the Plan period. The third component refers to the potential increases of traffic on the A46 and the need for discussions to take place with Highways England.
- 7.69 The first and the third components of the policy do not address land use issue. The first relates to highway works that are the responsibility of the County Council. The third relates to the potential impact on traffic levels on the A46 that may follow on from the implementation of traffic calming measures. They would be matters for discussion and agreement between the County Council and Highways England. Planning Practice Guidance recognises that the production of neighbourhood plans may generate issues of this nature. However, it suggests that they are included in a separate, discrete part of the Plan that would not form part of the development plan in

the event that the Plan was made. I recommend that this approach is adopted in this instance. I suggest that they could be included in a new Section 7 of the Plan, and with the submitted Section 7 becoming Section 8.

- 7.70 The second part of the policy needs to be modified so that it properly addresses the need for such contributions and the direct relationship between the contribution sought and the development concerned. On this basis the policy would then have regard to national policy by taking account of the provisions of the Community Infrastructure Regulations. I recommend accordingly.

Delete the first and third components of the policy

**At the start of the second part of the policy add:
'Where the need directly arises from proposed development'**

Reposition the deleted parts of the policy (together with Maps 12 and 13) to a separate non-land use part of the Plan at the end of the policies.

Policy LW13 – New Communications Technologies

- 7.71 This policy offers support for new and improved mobile telecommunications infrastructure. The policy is subject to the proposed works meeting two criteria. The first is in relation to visual amenity and character. The second is in relation to heritage assets including the Leek Wootton Conservation Area.
- 7.72 The policy takes a balanced approach to this important matter. It has regard to national policy. It meets the basic conditions.

Policy LW14 – Supporting Investment and Improvements in Local Education Facilities

- 7.73 This policy offers support for improved local educational facilities in the Plan area. It offers particular support to development at the Leek Wootton School. The supporting text in paragraphs 6.6.1-6.6.3 provide the context to the policy and identify that in 2015 there were 138 children on the School roll.
- 7.74 I recommend that the policy is simplified and given the clarity required by the NPPF. As submitted the policy suggests that there are a variety of education facilities in the Plan area whereas the supporting text refers only to the Church of England Primary School in Leek Wootton. I also recommend that the second part of the policy's reference to sustainable construction should be repositioned into the supporting text. As submitted neither the policy nor the text define the nature of 'sustainable construction'. On this basis this part of the policy does not have the clarity required by the NPPF. In addition, in some circumstances a 'sustainable construction' may not be appropriate for the circumstances of the improvements proposed. In any event the energy efficiency of any new buildings will be controlled by the Building Regulations

**In the first part of the policy delete ‘and in particular educational provision’.
In the second part of the policy delete ‘of sustainable construction and’**

Add the following additional text at the end of paragraph 6.6.2:

Policy LW14 provides a supportive context within which improvements can take place at the school. Its second part requires that future proposals should take account of its sensitive position at the southern end of the village and adjacent to the Green Belt. Where appropriate any extensions to the school should promote sustainable construction methods.

Policy LW15 – Home Working

- 7.75 This policy offers support for homeworking. It recognises that this component of economic activity is likely to be an increasingly attractive option for many local residents.
- 7.76 I sought clarity from the Parish Council on the wording of the policy. As submitted it refers only to ‘new housing developments’. On this basis it would exclude the majority of the existing dwellings in the neighbourhood area from the support offered by this policy to this type of sustainable working pattern. The Parish Council confirmed that its intention was to support the generality of home working. To take account of the responses to the Clarification Note I recommend that the policy should be widened in terms of its application. I also recommend that the policy should recognise that in many cases home working will not require express planning permission as the homeworking element will be incidental to the overall residential use of the property.
- 7.77 I recommend the deletion of the third criterion of the policy that seeks to concentrate working from home within the Leek Wootton village envelope. It is unnecessary as existing and proposed residential properties in Leek Wootton are within that Envelope. In addition, its approach would exclude existing properties in Hill Wootton. I also recommend some technical modifications to the second criterion in the policy.

Replace the opening component of the policy with the following:

‘Insofar as planning permission is required proposals for homeworking in residential properties will be supported where:’

Delete the third criterion

Insert ‘; and’ after the first criterion

Replace the second criterion to read:

‘The proposed development can be accommodated satisfactorily within the capacity of the local highway network and car parking to development plan standards is provided within the curtilage of the premises concerned’.

Other matters

- 7.78 There are various instances where the submitted Plan refers to policy numbers in what was then the emerging Local Plan. In obvious places where I have recommended other modifications I have identified the inconsistencies with the policies (and their numbering) in the adopted Plan. There are however several other references in the Plan to policy numbering that has now been superseded. I recommend that these matters are corrected/updated throughout the Plan as required.

Make the necessary modifications throughout the Plan to Local Plan policies and policy numbers to reflect the adoption of the Local Plan.

- 7.79 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 WDC 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.

- 7.80 There are a series of issues in the introductory sections of the Plan which need to be modified so that the Plan meets the basic conditions. In some cases, they are free-standing issues. In other cases, they are consequential matters that arise from recommended modifications set out elsewhere in this report. These matters are listed below:

Paragraphs 2.1 to 2.7 – these paragraphs need to be extensively updated to reflect the adoption of the Local Plan.

Paragraphs 3.7 to 3.10 – these paragraphs have generated representations from the Warwickshire Constabulary. Their significance in the Plan is also affected by the recommended deletion of Policy LW3 which refers to this parcel of land. To bring the clarity required by the NPPF I recommend that the paragraphs are modified to read as follows:

3.7: To the north of the village there is an extensive area of woodland known as ‘The Lunch’. It is currently part of the Woodcote Estate. It has not been actively managed since 1948. It would benefit from the introduction of a woodland management plan.

3.8: Part of the site is now a local wildlife site. Its future role and maintenance regime will be addressed in the emerging master plan for the former Police HQ.

3.9: The Lunch area may provide opportunities for woodland management as part of future engagement with education facilities in the local area. This could restore public access and provide wider access to the Jubilee Walk footpath network.

3.10: The Lunch contributes to the openness of the Green Belt. It provides a natural buffer between Leek Wootton and Kenilworth.

Vision and Objectives (Section 5) – the specific reference to ‘The Lunch’ in objective 1 is recommended for deletion given the wider series of recommended modification on this area in the Plan.

Delete reference to ‘The Lunch’ in Objective 1

Vision and Objectives (Section 5) – the specific reference to particular junctions in objective 5 (third bullet point) is not supported by any direct evidence.

Delete ‘e.g. B4115’ in Objective 5 (third bullet point) and insert ‘area’ after ‘neighbourhood’

Vision and Objectives (Section 5) – the specific reference to noise nuisance in objective 5 (fourth bullet point) is not supported by any direct evidence. I have made separate recommended modifications on this matter within the context of policy LW11.

Delete the fourth bullet point of Objective 5.

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 2029. 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 Leek Wootton and Guy's Cliffe Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended modifications to the policies in the Plan. Whilst it remains fundamentally unchanged in its role and purpose the modifications take account of the recently-adopted Local Plan.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to Warwick District Council that subject to the incorporation of the modifications set out in this report the Leek Wootton and Guy's Cliffe Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.5 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 approved by the District Council on 5 November 2014.

8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. I am particular grateful to Lorna Coldicott at WDC for her support throughout the examination period, to the Parish Council for its responses to my questions of clarification, and to the Warwickshire Constabulary for arranging my visit to Woodcote and its grounds.

Andrew Ashcroft
Independent Examiner
15 January 2018