

**BRANDON & BRETTFORD NEIGHBOURHOOD DEVELOPMENT PLAN
2018 - 2031**

**The Report of the Independent Examiner to Rugby Borough Council on the
Brandon & Bretford Neighbourhood Plan**

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20th December 2018**

Summary

I was appointed by Rugby Borough Council, in agreement with the Brandon & Bretford Parish Council, in October 2018 to undertake the Independent Examination of the Brandon & Bretford Neighbourhood Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 30th November 2018.

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

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Rugby Borough Core Strategy 2011.

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

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

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Introduction

This report sets out the findings of the Independent Examination of the Brandon & Bretford Neighbourhood Plan 2018-2031. The Plan was submitted to Rugby Borough Council by Brandon & Bretford Parish Council in their capacity as the 'qualifying body' responsible for preparing the Neighbourhood Plan.

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 incorporated within the National Planning Policy Framework (NPPF) in 2012 and this continues to be the principal element of national planning policy. Shortly prior to the commencement of this Examination a new NPPF was published (July 2018) but the transitional arrangements in para 214 Appendix 1 on Implementation apply and thus this Examination is unaffected by the changed NPPF; accordingly all references to the NPPF in this Report are to the original 2012 NPPF document.

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

The Role of the Independent Examiner

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

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

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

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

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

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

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

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

In undertaking this examination I have considered the following documents:

- Brandon & Bretford Neighbourhood Development Plan as submitted
- Brandon & Bretford Neighbourhood Development Plan Basic Conditions Statement (undated)
- Brandon & Bretford Neighbourhood Development Plan Consultation Statement with Appendices (undated)
- Brandon & Bretford Neighbourhood Development Plan Environmental Assessment of Plans and Programmes Regulations 2004 Regulation 9 Screening Determination (23rd May 2018)
- Content at:
https://www.rugby.gov.uk/info/20004/planning_strategy/312/brandon_and_bretford_neighbourhood_plan/2
- Content at:
<http://www.pariah-council.com/brandonandbretford/index.asp?pageid=671073>
- Representations made to the Regulation 16 public consultation on the Brandon & Bretford Neighbourhood Development Plan
- Rugby Borough Core Strategy 2011
- Local Plan Saved Policies 2009
- Brandon Conservation Area Appraisal (Rugby Borough Council) (undated)
- National Planning Policy Framework (NPPF) (March 2012)
- Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance (PPG) (March 2014 and subsequent updates)

I carried out an unaccompanied visit to the Plan Area on 30th November 2018. I looked at Brandon & Bretford and their hinterland. I also viewed the character of the Brandon Village Conservation Area and all the various sites and locations identified in the Plan document.

The legislation establishes that, as a general rule, neighbourhood plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity, I was satisfied that the Brandon & Bretford Neighbourhood Plan could be examined without the need for a public hearing and I advised Rugby Borough Council accordingly. The Qualifying Body has helpfully responded to my enquiries so that I may have a thorough understanding of the thinking behind the Plan, and the correspondence has been shown on the Rugby Borough Council neighbourhood planning website for the Brandon & Bretford Neighbourhood Plan.

Brandon & Bretford Neighbourhood Area

A map showing the boundary of the Brandon & Bretford Neighbourhood Area has been provided within the Neighbourhood Plan. Further to an application made by Brandon &

Bretford Parish Council, Rugby Borough Council approved the designation of the Neighbourhood Area on 12th May 2016. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

Consultation

In accordance with the Neighbourhood Planning (General) Regulations 2012, the qualifying body has prepared a Consultation Statement to accompany the Plan.

The Planning Practice Guidance says:

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

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

I can see that an inclusive approach to community engagement and a range of formal and informal approaches and media has been used to invite and obtain participation. I note that in November 2016 questionnaires and a pre-paid envelope were distributed to all households and businesses within the Neighbourhood Area with guidance on how to complete the questionnaire and contact telephone numbers for help and advice. There was also an open day at Brandon Club where help was available to assist residents in completing the questionnaire. Of 315 residential addresses given a questionnaire 117 were returned, 10 of which were completed online; a return rate of 37%. Of the 20 businesses contacted 10 responded; a return rate of 50%.

A 14 person Neighbourhood Plan Steering Group comprised of residents from the Neighbourhood Area and Parish Councillors met to progress the Plan either as a whole or as subsidiary groups to focus on specific areas. A further public meeting was held in August 2017 to present the results of the questionnaire. Articles in the Village Newsletter and notices detailing the meetings of the Steering Group kept the community informed as to progress.

The six week public consultation period on the Pre-Submission Brandon & Bretford Neighbourhood Development Plan ran from Friday 23rd March to 11th May 2018. Leaflets & notices were placed on the notice boards and leaflets dropped to 330 residents and businesses in the Parish. Notices were placed on the Parish website (with full documentation) and the Parish Facebook page. A hard copy of the full documentation was placed at Wolston Library for those without access to internet with further copies at the Brandon Club, Royal Oak pub, Brandon Hall Hotel and the Queens Head pub in Bretford. Emails and letters were sent to notify local councils and businesses of the Draft Neighbourhood Plan.

A summary report of the analysis of the responses and the recommendations relating to them was prepared and has been included as one of the Appendices to the Consultation Statement.

I am therefore satisfied that the consultation process accords with the requirements of the Regulations and the Practice Guidance and that, in having regard to national policy and guidance, the Basic Conditions have been met. In reaching my own conclusions about the specifics of the content of the Plan I will later note points of agreement or disagreement with

Regulation 16 representations, just as the Qualifying Body has already done for earlier consultations. That does not imply or suggest that consultation has been inadequate, merely that a test against the Basic Conditions is being applied.

Representations Received

Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 16, was undertaken by Rugby Borough Council from Tuesday 4th September 2018 to Tuesday 16th October 2018. I have been passed representations – 14 in total including 3 late submissions that I accepted - received from the following:

- Network Rail
- Canal & River Trust
- Warwickshire County Council Health
- Wood Plc on behalf of National Grid
- Wolston Parish Council
- Natural England
- Highways England
- Warwickshire Wildlife Trust
- Save Brandon Stadium Campaign Group
- Framptons on behalf of Brandon Estates Ltd
- Oxalis Planning on behalf of Rural Development Holdings Ltd
- The Coal Authority
- Joint Burial Committee of Wolston Parish Council
- Environment Agency

The Neighbourhood Plan

The Brandon & Bretford Parish Council is to be congratulated on its extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2031. I can see that a sustained effort has been put into developing a Plan with the Vision that:

“The Parish of Brandon & Bretford will aspire to retain, protect and enhance all of the special qualities which make it a desirable place to live, whilst promoting and supporting change where that brings benefits to the residents of the Parish and to the wider community. It aims to respect and add to the distinctive qualities and character of the Parish for current and future generations to enjoy”. The Plan document is simply presented with a distinctive combination of text, illustrations and Policies that are, subject to the specific points that I make below, well laid out and helpful for the reader. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that.

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

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

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

Basic Conditions

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

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

The submitted Basic Conditions Statement has very helpfully set out to address the issues in the same order as above and, where appropriate, has tabulated the relationship between the policy content of the Plan and its higher tier equivalents. I note that the Local Plan is the Rugby Borough Core Strategy 2011 and the Local Plan Saved Policies 2009.

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

The Plan in Detail

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

Front cover

A neighbourhood plan must specify the period during which it is to have effect. I note that there is a clear reference to the Plan end date on the front cover and this is helpfully prominent.

List of Contents

In passing I would just mention that there has been a rather overgenerous use of capital letters within this listing.

Appendices and Abbreviations (page 3)

The listed Appendices were not included within my copy of the Plan but were available on-line; I don't believe that the Appendices are essential to the reading of the Plan document and therefore, whilst they can remain on the website as useful supporting material, the list should be deleted from the Contents. I note that under "Abbreviations" SSSI has wrongly been interpreted as "Special Site of Scientific Interest".

Recommendation 1:

1.1 Delete the list of "Appendices" on page 3.

1.2 On page 3 under the heading "Abbreviations" correct the long-form for SSSI as 'Site of Special Scientific Interest'

1. Introduction

This section has largely served its consultative stage purpose and is no longer wholly appropriate for a Plan on the verge of being a part of the Development Plan. I suggest that only paragraph 1.1 is retained and this is merged within section 2 to be a replacement for para 2.2. Paragraph 1.1 helpfully refers to the need to keep the Plan under review but it would further be appropriate to commit to review at least once every five years for progress against the Plan Objectives.

Recommendation 2:

Under the heading "1. Introduction":

2.1 Delete this section apart from para 1.1 which should be moved to replace para 2.2 under the heading “2. The Neighbourhood Development Plan”; renumber the Plan sections accordingly.

2.2 Reword the last sentence of para 1.1 as: ‘The Neighbourhood Development Plan (The Plan) will be subject to review at least every five years to ensure that it remains consistent with the direction of the Plan Objectives, national and local strategic planning policies.’

2. The Neighbourhood Development Plan

Parts of para 2.1 are now inappropriately worded for a post-consultation document. In the rewording of this paragraph I suggest that it is amended to incorporate a reference to the map (presently on page 5) which defines the Neighbourhood Area. In paragraph 2.3 care is needed to ensure that the wording exactly follows the requirements set down in the Basic Conditions.

Recommendation 3:

Under the heading “2. The Neighbourhood Development Plan”:

3.1 Reword para 2.1 as follows:

‘Neighbourhood Development Plans were introduced by the 2011 Localism Act to develop a community-led planning framework for future development. They are about the use and development of land, guiding development proposals that may be brought forward within the lifetime of the Plan. The designated Neighbourhood Area for the Brandon & Bretford Neighbourhood Plan is shown on the adjacent Map 1.’

3.2 Move the map and illustration presently on page 5 to be adjacent to section 2 and retitle the map as ‘Map 1: The Neighbourhood Area’.

3.3 Replace para 2.2 as per Recommendation 2 above.

3.4 In para 2.3 replace the second and third sentences with: ‘Policies within the Plan must be in general conformity with the strategic policies of the Development Plan for Rugby Borough. The Plan must also have regard to national planning policies and advice which are primarily set out in the National Planning Policy Framework (NPPF) and the national Planning Practice Guidance (PPG).’

3.5 In para 2.4 under “Emerging Development Plan policy” delete “expected to be submitted Summer 2017”.

3. Brandon and Bretford – History

4. Present Day Character Appraisal of the Parish

These sections lack sources for reference documents. In para 3.1 there is a reference to “The Warwickshire Historic Environment” which I take to be a reference to the Warwickshire Historic Environment Record (HER) for which the source would be:

www.heritagegateway.org.uk/gateway/chr/herdetail.aspx?crit=&ctid=93&id=4747

In para 4.5 there is a rather abrupt reference to the Village Design Statement (VDS) which without a source reference is difficult to access; I believe the appropriate source would be:

www.rugby.gov.uk/downloads/file/478/brandon_village_design_statement

In para 3.13 there is a reference to “Coventry Stadium” whereas all the other references in the Plan refer to the stadium as “Brandon Stadium”; for some the dual titling will not be understood and there ought to be a brief clarification.

Recommendation 4:

4.1 Under the headings “3. Brandon and Bretford – History” and “4. Present Day Character Appraisal of the Parish” add appropriate source references.

4.2 In para 3.13 after “Coventry Stadium” add ‘(also known as Brandon Stadium)’.

5. Future Development Issues

This section needs to be updated to 2018. In this respect there is a substantial overlap with Policies PDS1 & PDS2 which are positioned at the end of the Plan. The core issue at the heart of both is the Green Belt designation of the whole Parish other than the Brandon Inset Area. This designation derives from the strategic policy of the Rugby Borough Council and it is not for the Neighbourhood Plan to challenge or reinterpret that policy; a Basic Condition is that there must be “general conformity”. I appreciate that it is a purpose of the Neighbourhood Plan to uphold the Green Belt designation but by entertaining and being drawn into current challenges to it, there is the strong potential to undermine the strategic policy position of the local planning authority. Para 136 of the NPPF 2018 says: “Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.” Even within the new Rugby Local Plan which is on the verge of adoption, the local strategic policies do not establish “the need” to change the Green Belt boundary within the Parish. Neither does the draft Neighbourhood Plan, in its perusal of the local issues, (inappropriately) establish “the need”.

Accordingly, in updating section 5 I believe that the opportunity should be taken to ensure that the content (including that presently covered as Policies PDS1 & PDS2) is pertinent to a prospective Development Plan document effective to 2031 and that there is general compliance with the Rugby Borough strategic policies (and their responsibility to determine planning applications).

Recommendation 5:

Under the heading “Future Development Issues”:

5.1 Move the first sentence of para 5.4 to the end of para 5.3.

5.2 Reword paras 5.4 to 5.7 as follows:

‘5.4 At the time of drafting this Plan there are two as yet undetermined planning applications for development on the sites of the former Oakdale Nurseries (application reference R18/0167) and the former Brandon Stadium (application reference R18/0186) both of which are at Brandon Hill. Neither of these applications envisages the reuse of existing buildings. Both of these sites are within the designated Green Belt (see adjacent Map 2). In the preparation of the Rugby Borough Local Plan, currently expected to be adopted early in 2019, no need is identified that would warrant the alteration to the Green Belt within the Parish. The NPPF para 89 says:

“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:[inter alia]

- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

The NPPF Glossary defines “previously developed land” as: “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: [inter alia] land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”

Evidently a number of factual considerations and planning judgements are involved in determining whether either or both of the proposals the subject of applications might be considered not inappropriate in the Green Belt.

5.5 The public consultation undertaken in connection with this Plan indicates that there is a community wish that the established uses of these sites should be retained ie the use of Oakdale Nurseries as a plant nursery or garden centre (a time-expired planning consent R11/0786 allowed for the latter description) and the use of Brandon Stadium as a celebrated sports facility for speedway and stock car racing. The community is not persuaded by the arguments that these uses are not or cannot be made viable at their locations.

5.6 The planning applications submitted as outline envisage a “Care Village residential retirement development” for the Oakdale Nursery site and a “residential development of up to 137 dwellings (Use Class C3)” for the Brandon Stadium site. The community is neither persuaded that these are appropriate uses for the selected locations in an attractive landscape within the Green Belt nor that a need for these developments within the Neighbourhood Area at the scale proposed has been established.’

5.3 Take in para 12.16 as para 5.7 (adding a source for the Landscape Sensitivity Study) and add: ‘The same Study identified the surrounds to the Brandon Stadium itself as having high-medium sensitivity to housing development. The draft Local Plan for Rugby Borough establishes that there are, and seeks to allocate, sufficient sites for these housing uses at locations in keeping with strategic policy priorities.’

5.4 Renumber the existing para 5.7 as 5.8.

Vision Statement for the Parish of Brandon and Bretford

The second sentence of the Vision Statement starts with “It” but in the context it is unclear to what “It” refers; the Qualifying Body has confirmed that this should read ‘The Neighbourhood Plan’. As has been noted earlier the Plan must be in general conformity with the “strategic policies” of the Development Plan and I am concerned that the use of the title “*Strategic Objectives*” might be read to imply that they derive from the higher level plan. This can quite simply be avoided, to ensure clarity, if the title is amended to ‘Overarching Objectives’. Also, for accuracy, the “Local Facilities” Objective, should match with that used on page 51, thus avoiding the double sentence.

In a number of Policies there is the use of ‘subject to being in accordance with other policies in the Plan, the Development Plan and the NPPF’ or some variant; this is unnecessary and it is potentially confusing where this caveat or any part of it is omitted – the question arises: is that intentional or accidental? It is more appropriate for the Plan to note in an introductory paragraph that the Plan should be read as a whole with the Plan policies operating in conjunction as appropriate; specific cross-referencing can then be confined to vital connections between specific policies”. The foot of the “Vision Statement” page is probably the most helpful place to add such a note.

Recommendation 6:

Under the heading “Vision Statement for the Parish of Brandon and Bretford”:

6.1 In the second sentence of the Vision Statement replace “It” with ‘The Neighbourhood Plan’.

6.2 Replace “Strategic Objectives” with ‘Overarching Objectives’; bring all subsequent references into line with this change.

6.3 Under the sub-heading “Local Facilities”, replace the wording of the Objective with that used on page 51.

6.4 At the foot of the page add: ‘N.B. This Plan should be read as a whole as several or all Policies may apply to any development proposal within the Neighbourhood Area’.

Policies for Brandon and Bretford

6. Housing

Paras 6.1 and 6.2 provide an introduction to the Policies that follow. However, the reference to “dwellings that are required for forestry and agriculture” merely notes a selective part of the national policy position and can be omitted. The previous sentence with its double mention of “inset area” could be improved to ensure clarity and conformity with the strategic Development Plan policy.

As noted earlier, references to the Green Belt in section 5 need a map; the housing policies are not the only ones that need to have regard for the Green Belt. The map on page 24 would therefore serve a wider purpose if moved to an earlier location but it needs a key and a source added.

Recommendation 7:

Under the heading “6. Housing”:

7.1 *Reword the second sentence of para 6.1 as: ‘Brandon Village is defined in the Rugby Core Strategy as a “Local Needs Settlement” (in the draft Rugby Local Plan “Rural Village”) where development will be permitted within the existing boundary only. In Bretford Village, which is washed over by Green Belt, only limited infilling within the built up area is supported by national policy’.*

7.2 *Delete the third sentence of para 6.1.*

7.3 *Move the map headed “Area designated [as] Green Belt” to within section 5 and add to the title ‘Map 2:’ as well as adding a key and a source.*

Policy H1 Brandon – Green Belt Inset Area

The NPPF (para 55) says: “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”. Within Brandon Village boundary is a location supported for development within the Rugby Core Strategy. Accordingly this Policy is appropriately worded except, having regard to my Recommendation 6.4 above, the reference to “other policies” should be replaced with, as suggested by the explanatory text that follows the Policy, a reference to the influence of the Conservation Area.

Recommendation 8:

Under the heading “Policy H1 Brandon – Green Belt Inset Area”:

8.1 *Partially reword Policy H1 as follows:*

‘Within the Green Belt Inset Area for Brandon Village (see Map 3) proposals for new dwellings will be supported in principle, subject to appropriate regard being demonstrated for the Conservation Area that covers much of the Village.’

8.2 *Ensure here, and for all subsequent Policies, that the sub-heading “Explanation” has a font size more in keeping with the other text.*

8.3 *Improve the legibility of the related map on page 25 by reducing the thickness of the boundary lines; retitle as ‘Map 3: Brandon Inset Area and Conservation Area’ as well as adding source references showing where the two boundaries are defined.*

As partly reworded Policy H1 meets the Basic Conditions.

Policy H2: Development of Brownfield Land

The NPPF (para 17) encourages “the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”. The Rugby Core Strategy Spatial Vision (p 7) says: “Development will be accommodated in ways which reduces our carbon footprint as well as protecting and enhancing the area”. The thrust of Policy H2 is therefore appropriate subject to the incorporation of the NPPF expectation that land “of high environmental value” (which is not limited to Green Belt) will be excluded. However, criterion b does not acknowledge the expectation of Policy LF1 and Policy CS13 of the Rugby Borough Core Strategy for community facilities or Policy E1 and Policy ED6 of the Core Strategy – Saved Local Plan Policies for employment land that reuse for existing purposes will first have been examined (and the sub-clause structure is in some instances ambiguous). Criterion c fails to explain how an enhancement in “character” might be achieved. A justification for criterion d in relation to brownfield sites is not established and therefore it should be deleted.

Recommendation 9:

9.1 Reword Policy H2 as follows:

‘Proposals for the redevelopment of brownfield land to create new homes will be supported in principle subject to the following:

- a. the land is not of high environmental value;*
- b. the residential use is compatible with the surrounding uses and means of access;*
- c. the impact, including visual impact, on the surrounding landscape and properties is assessed as acceptable;*
- d. no loss or displacement, complete or partial, of employment, community, sport or recreation uses unless it can be demonstrated:
 - i. that the existing uses are no longer viable or required in accordance with other Development Plan policies, and*
 - ii. on the basis of an objective assessment, the benefits of residential development outweigh the loss of the current use;**
- e. the site in its setting and its appearance are enhanced; and*
- f. there is no conflict with national Green Belt policy where applicable.’*

9.2 Replace the present content of para 6.5, as this matter has been addressed in an earlier Recommendation, with: ‘Policy GP3 of the draft Rugby Borough Local Plan says, with some caveats, that: “The Council will support the redevelopment of previously developed land where proposals are compliant with the policies within this Local Plan”.’

9.3 Delete the “Brandon on the Hill” illustration as inappropriate at this point in the Plan.

As partly reworded Policy H2 meets the Basic Conditions.

Policy H3 Affordable Housing

This Policy explicitly references the Development Plan and NPPF contexts acknowledging the interim position pending the adoption of the new Local Plan (although the NPPF reference has now become out of date and could therefore be omitted to avoid confusion). However it fails to acknowledge the possibility of new affordable housing being provided as infill which would accord with Policy H1.

Recommendation 10:

Reword Policy H3 as follows:

‘The provision of affordable housing will be supported as infill within the Brandon Inset Area, as part of any appropriate redevelopment of brownfield land and as a rural exception site

adjacent to the village boundaries of Brandon and Bretford, all in accordance with the relevant adopted policies in the Development Plan and the NPPF.'

As partly reworded Policy H3 meets the Basic Conditions.

Policy H4: Specialist Accommodation for the Elderly and Infirm

Both the NPPF and the Rugby Borough Core Strategy acknowledge the need to meet specialist housing needs. Since the Neighbourhood Plan only establishes the general principle that accommodation will be needed for an ageing population, Policy H4 will need to operate within the context of other Development Plan policies. The two criteria set down in the Policy need correction since any development will contribute to *meeting* local housing need and it is not the "ability" of future residents that is at issue but rather accessibility at any identified location.

Recommendation 11:

11.1 In the first paragraph of Policy H4 replace "this Plan" with 'the Development Plan'.

11.2 In the second paragraph reword the criteria as follows:

- 'a. establishing that the accommodation proposed will meet identified specialist housing requirements; and*
- b. establishing that suitable access will be available to essential services including public transport, shops and health care.'*

As partly reworded Policy H4 meets the Basic Conditions.

Policy H5 Use of Garden Land within the Inset Boundary of Brandon Village

I note that, in common with Policy H1, Policy H5 only applies within the Brandon Inset Boundary. The Qualifying Body has none-the-less expressed a wish that the two are separated. The Policy needs to be reworded to be a positive expression of local guidance.

Recommendation 12:

Reword Policy H5 as follows:

'Within the Inset Boundary of Brandon Village any proposals involving the loss of garden land will be required to demonstrate that:

- a. the character of the local area is retained or enhanced;*
- b. the established settlement pattern is respected;*
- c. the amenities of the host dwelling and neighbouring properties are respected;*
- d. the visual impact on the host dwelling and neighbouring properties is addressed; and*
- e. appropriate arrangements for vehicular access and off-road parking are achieved.'*

As reworded Policy H5 meets the Basic Conditions.

7. Economy

Policy E1: Protecting and Supporting Existing Businesses

The expectations of Policy E1 accord with Core Strategy Policy ED6. The opening of the Policy needs to be reworded to be a positive expression of local guidance.

Recommendation 13:

Reword the opening paragraph of Policy E1 as follows:

'Proposals for the change of use or the redevelopment of land or premises that are in employment use or which were last used for employment will be supported where it can be demonstrated that the following requirements are met:'

As partly amended Policy E1 meets the Basic Conditions.

Policy E2 Fostering New Employment Opportunities

I note that the Spatial Vision for the Rugby Borough Core Strategy says: “Whilst the majority of new sustainable housing and employment development will be focused on Rugby Town, local needs in the rural areas of the Borough will be fulfilled”. The strategic basis for locating new employment is therefore not quite as open as Policy E2 implies. The Policy also needs to be reworded to be a positive expression of local guidance.

Recommendation 14:

14.1 Reword Policy E2 as follows:

‘Proposals for the development of new employment opportunities will be supported where they:

- a. are appropriate in type and scale for their rural location and in keeping with national Green Belt Policy where applicable;*
- b. have appropriate regard for the character of the area and the amenities of neighbours;*
- c. do not, without mitigation, result in the loss of green infrastructure; and*
- d. include appropriate arrangements for vehicular access and off-road parking.’*

14.2 Delete the reference to Appendix 3 as per earlier Recommendation.

As partly amended Policy E2 meets the Basic Conditions.

8. Conservation of Built and Natural Heritage

Policy CON1 Built Heritage Assets

I can appreciate the local concern to retain the buildings that show the history and heritage of the Parish. However, the Policy wording must be carefully consistent with the approach set down in the NPPF where protections are afforded according to the “significance” of heritage assets. The Policy also needs to be reworded to be a positive expression of local guidance. A listing of designated heritage assets within the Parish would assist those in following the Policy guidance.

Recommendation 15:

15.1 Reword Policy CON1 as follows:

‘Development proposals that affect a heritage asset and its setting, whether designated or not, or the Brandon Conservation Area must demonstrate appropriate regard for the asset and its significance and within Conservation Area for the character and appearance of the Area (see adjacent Map 4).

Proposals that would contribute appropriately to the restoration or enhancement of a heritage asset or the Brandon Conservation Area will be supported in principle.’

15.2 Improve the scale of the map on page 33 and incorporate the locations of the Listed Buildings and Ancient Monuments with a schedule of these as part of the key; retitle the map as ‘Map 4: Heritage Assets and the Brandon Conservation Area’; add a key and a source.

As partly reworded Policy CON1 meets the Basic Conditions.

Policy CON2 Environmental Heritage Assets

I can appreciate the local concern to retain the natural features of the Parish but the Policy needs some rewording to be a positive expression of local guidance. Additionally, the discrepancies between the text and the key to the map need correction and the map needs to be produced at a scale where the locations are readily identifiable. Since the status of sites with “potential” to be Local Wildlife Sites is not established they should be omitted from the map/key but the source of the map should be shown for reference.

Recommendation 16:

16.1 Reword the first paragraph of Policy CON2 as follows:

‘Development proposals must have appropriate regard for any potential impact, directly or indirectly, on the Sites of Special Scientific Interest (SSSI), the designated Local Wildlife Sites (LWS) and the Plantation on an Ancient Woodland Site (PAWS) shown on the adjacent Map 5.’

16.2 Bring the details in the text, on the map and in the schedule into line (including reference to the PAWS); enlarge the scale of the map, add ‘Map 5:’ to its title, and also add a source and a key.

As partly reworded Policy CON2 meets the Basic Conditions.

9. Built and Natural Environment

Policy BNE1 Respecting Local Character

The pre-ambule to this Policy quotes a Core Planning Principle from the NPPF but an equally supportive para 58 says: “Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.” It is therefore appropriate for the Neighbourhood Plan to address such matters but I note some overlap and confusion between Policy BNE1 which addresses “local character” and Policy BNE2 which addresses “Design Principles”. It would seem that BNE1b & BNE2e address the same topic but the character and design content are transposed; BNE1f is a design matter. I also note a further disaggregation of these Policies into sub-topics through Policies BNE3, BNE4 & BNE6.

Recommendation 17:

17.1 In Policy BNE1 criterion a replace “and respecting” with “by respecting”.

17.2 Replace BNE1 criterion b with BNE2 criterion e.

17.3 Move BNE1 criterion f to Policy BNE2.

17.4 Delete the final paragraph which is merely the negative of the same policy.

As partly reworded Policy BNE1 meets the Basic Conditions.

Policy BNE2 Design Principles, BNE3 Designing Out Crime & BNE4 Lighting

Policy BNE2 is about “Design Principles” but subsequent Policies are also said to address design matters. Very little of this content is locally specific so it adds nothing to national policy whilst potentially hiding that which is local. I believe that Policies BNE2, BNE3 & BNE4 should be merged in order that they can “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17).

Recommendation 18:

18.1 As noted above, replace BNE2 criterion e with BNE1 criterion b.

18.2 Delete criterion c as it is addressed within Policy BNE5.

18.3 Incorporate Policies BNE3 & BNE4 as new criteria, after renumbering, e & f; part of BNE4 was addressed within BNE1 so reword BNE4 as: ‘In order to preserve the rural character of the villages and the surrounding countryside, lighting should be kept to a minimum commensurate with safety considerations.’

18.4 Renumber subsequent BNE Policies accordingly.

As partly reworded Policy BNE2 meets the Basic Conditions.

Policy BNE5 Replacement Dwellings

I am advised that this Policy was drafted in part to accord with Policy H5 in the soon to be adopted Rugby Borough Local Plan, but Policy H5 has since been redrafted and it only applies to replacement of dwellings within the Countryside and Green Belt. Therefore the second paragraph of Policy needs to be revised to sustain the accord with the format derived from the Local Plan Examination.

Recommendation 19:

19.1 Reword the second paragraph of Policy BNE5 as follows:

'The replacement of dwellings within the Green Belt will be permitted provided that:

- a. the form and bulk of the new dwelling is not materially larger than that of the original dwelling or that which could be achieved as permitted development;*
- b. the new dwelling is not more intrusive in the landscape than that which it replaces;*
- c. the new dwelling has substantially the same siting as the existing;*
- d. the existing dwelling to be demolished is not of historic merit; and*
- e. the proposal accords with the Design Principles in Policy BNE2.'*

19.2 Delete para 9.9 in the supporting text and renumber subsequent paragraphs accordingly.

As partly reworded Policy BNE5 meets the Basic Conditions.

Policy BNE6 Protection of Natural Features

Whilst I can see that the natural environment is important to the community, the wording of Policy BNE 6 lacks any local detail whilst the "Explanation" text provides some that would benefit the Policy

Recommendation 20:

Under the heading "Policy BNE6 Protection of Natural Features":

"20.1 Replace the last sentence of the first paragraph with: 'Where applicable, proposals should seek to contribute to the aims of the Princethorpe Woodlands Living Landscape Area'; add a source reference to the related webpage in para 9.12 of the "Explanation" text.

20.2 Replace the last sentence of the second paragraph with: 'Proposals should have regard to the Warwickshire, Coventry and Solihull Biodiversity Action Plan which aims to create, enhance and restore habitats for biodiversity'; add a source reference to the related webpage in para 9.13 of the "Explanation" text.

20.3 At the beginning of the fourth paragraph replace "opportunity to open up" with 'opening up of'.

As partly reworded Policy BNE6 meets the Basic Conditions.

Policy BNE7 Local Green Space

I have noted and the Qualifying Body has acknowledged that all but one of the areas proposed for designation as a 'Local Green Space' are in the Green Belt and would therefore gain nothing from the designation (that provides protection equivalent to the Green

Belt); the one exception is Brandon War Memorial Green. From my visit to the Neighbourhood Area I am satisfied that the War Memorial Green, in accordance with the criteria set out in para 77 of the NPPF, “is in reasonably close proximity to the community it serves” and “is local in character and is not an extensive tract of land”; the Qualify Body has detailed to me why the War Memorial Green “is demonstrably special to a local community and holds a particular local significance”. The Policy and “Explanation” text wording therefore need amendment to cover only one designation and a map that clearly delineates the exact boundary of the designated area must be added.

Recommendation 21:

21.1 Reword Policy BNE7 as follows:

‘Brandon War Memorial Green as shown on the adjacent Map 6 is designated as a Local Green Space’.

21.2 Add a map precisely delineating the Brandon War Memorial Green titled: *‘Map 6: Brandon War Memorial Local Green Space’.*

21.3 Replace the second sentence of para 9.14 with: *‘The Brandon War Memorial Green satisfies the NPPF criteria for Local Green Space designation as it “is in reasonably close proximity to the community it serves”, “is local in character and is not an extensive tract of land” and it is also “demonstrably special to a local community and holds a particular local significance” because historically it has been the centre and focal point for the village of Brandon, it is the site of Brandon and Bretford War memorial, memorial trees, benches and a red, original BT telephone box, it is the setting for Tiddly Bank Cottage (16th century thatched cottage) and is within close proximity of the old school house, coach house, Victorian terraced cottages, shop and bakery.’*

As reworded Policy BNE7 meets the Basic Conditions.

Policy BNE8: Valued Open Spaces and Vistas

Although illustrated with some photographs, Policy BNE8 does not identify with a justification any specific, characteristic or valued views or vistas. Accordingly a less specific wording is required and the related map of public rights of way is not relevant here.

Recommendation 22:

22.1 Retitle Policy BNE8 as *‘Valued rural character and setting’* and reword the Policy as follows:

‘Development proposals should identify, assess and address their impact on the valued rural character and setting of the Neighbourhood Area; rural aspects should include, but are not limited to, inter-visibility and ready access between the built and countryside areas, visual and actual separation between distinct settlements, respect for the patterns and scale of rural settlements, and respect for distinct features of the landscape and the settings of heritage assets.’

22.2 Delete para 9.19 and the related map on page 44 (but also see later Recommendation).

As partly reworded Policy BNE8 meets the Basic Conditions.

10. Infrastructure

Policies INF1 – INF5

None of the issues addressed in these policies is particular to the Neighbourhood Area. Since neither the Neighbourhood Plan nor the draft Local Plan seeks to allocate sites for development in the Area it might be argued that their relevance here is less than for many areas. Further, whilst several of the Policies seem to aim to mimic national guidance none shows a complete regard for national or Core Strategy policy equivalents; in particular

Policies INF2 & INF3 offend the requirement that Neighbourhood Plan policies “relate to the development and use of land in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004”. The Qualifying Body has agreed that Policies INF1 – INF5 should be moved to a Plan Annex for community projects through which, perhaps, with altered wording the Parish Council might assume a watching brief for infrastructure priorities and investment.

Recommendation 23:

Either delete Policies INF1 – INF5 or move them to an Annex where, with suitable rewording, they can provide the basis for community projects.

11. Local Facilities

Policy LF1 Community Facilities

It is important for Policies to be clear about where they apply and therefore the “such as” sampling approach is insufficient. The earlier descriptive content provided details of the facilities that the community value, whether presently open or closed, and these should be incorporated into the Policy wording.

Recommendation 24:

Reword Policy LF1 as follows:

‘Proposals which assure the retention, enhancement or improvement of valued community facilities will be supported; if the relocation of a facility is involved the new location must be equally well located for the community it serves. Proposals that would diminish or remove a community facility will be required to demonstrate that the facility is no longer needed or viable and that there is no realistic prospect of viability being improved with either the current or other community use(s). New community facilities will in principle be supported. The current community facilities are: the public house and village hall in Bretford and the public house, the Brandon Club, the Brandon Hall Hotel, and the Brandon Stadium (presently closed) in Brandon.’

As reworded Policy LF1 meets the Basic Conditions.

Policy LF2 Safe Walking, Cycling and Horse Riding

It would appear that the first paragraph of this Policy is actually a statement of fact whereas the last sentence of the “Explanation” is a better statement of Policy than the negative version in paragraph 2 of the Policy. It would be helpful to the understanding of the Policy if the map of Rights of Way included after para 9.19 was relocated here and it would be further helpful if the Neighbourhood Area was superimposed.

Recommendation 25:

25.1 In Policy LF2 delete the first paragraph and replace it with the last sentence of para 11.8; delete the second paragraph of the Policy.

25.2 Relocate the map from page 44 (ideally with the Neighbourhood Area superimposed) to be adjacent to this Policy; add ‘Map 7:’ to the title and add a source reference.

As partly reworded Policy LF2 meets the Basic Conditions.

12. Potential Development Sites

Policies PDS1 & PDS2

Three substantial representations were made regarding these policies, from the Save Brandon Stadium Campaign Group, and from agents representing the owners of the two sites the subject of these two Policies. I would observe that no Neighbourhood Plan Policy is required to support the existing uses on the two sites since they have established planning consents. On the other hand the owners’ representations argue that the two Plan Policies

should provide a positive framework for the redevelopment of these two sites. However, as I have noted earlier, these two sites are within the Green Belt and as such the obligation of general conformity with the strategic policies of the Core Strategy does not allow the Neighbourhood Plan licence to amend or interpret strategic policy, or not without a proportionate body of evidence, even if that is what the community had indicated is desirable. Accordingly, as noted earlier, Policies PDS1 & PDS2 need to be deleted in order that the Basic Conditions are met; the issues around these two sites have been noted earlier when reviewing the content under the heading “Future Development Issues”.

Recommendation 26:

Delete Policies PDS1 & PDS2.

Other matters raised in representations

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

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

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

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal. A Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion for the Brandon & Bretford Neighbourhood Plan has been used to determine whether or not the content of the Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plan and Programmes Regulations 2004. In accordance with Regulation 9 of the SEA Regulations 2004, the Parish Council, as the responsible authority, determined in May 2018 that an environmental assessment of the emerging Brandon and Bretford Neighbourhood Plan was not required as it is unlikely to have significant environmental effects. In making this determination, the Parish Council had regard to Schedule 1 of the Regulations and carried out consultation with the consultation bodies who concurred with the screening opinion. Particularly in the absence of any adverse comments from the statutory bodies or the Local Planning Authority, I can confirm that the Screening undertaken was appropriate and proportionate and confirm that the Plan has sustainability at its heart.

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

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

Conclusions

This Independent Examiner's Report recommends a range of modifications to the Policies, as well as some of the supporting content, in the Plan. Modifications have been recommended to effect corrections, to ensure clarity and in order to ensure that the Basic Conditions are met. Whilst I have proposed a significant number of modifications, the Plan itself remains fundamentally unchanged in the role and direction set for it by the Qualifying Body.

I therefore conclude that, subject to the modifications recommended, the Brandon & Bretford Neighbourhood Plan:

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

On that basis I *recommend* to the Rugby Borough Council that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Brandon & Bretford Neighbourhood Plan to proceed to referendum.

Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Rugby Borough Council on 12th May 2016.

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

Rec.	Text	Reason
1	<p>1.1 Delete the list of “Appendices” on page 3.</p> <p>1.2 On page 3 under the heading “Abbreviations” correct the long-form for SSSI as ‘Site of Special Scientific Interest’.</p>	For clarity and correction
2	<p>Under the heading “1. Introduction”:</p> <p>2.1 Delete this section apart from para 1.1 which should be moved to replace para 2.2 under the heading “2. The Neighbourhood Development Plan”; renumber the Plan sections accordingly.</p> <p>2.2 Reword the last sentence of para 1.1 as: ‘The Neighbourhood Development Plan (The Plan) will be subject to review at least every five years to ensure that it remains consistent with the direction of the Plan Objectives, national and local strategic planning policies.’</p>	For clarity and correction
3	<p>Under the heading “2. The Neighbourhood Development Plan”:</p> <p>3.1 Reword para 2.1 as follows: ‘Neighbourhood Development Plans were introduced by the 2011 Localism Act to develop a community-led planning framework for future development. They are about the use and development of land, guiding development proposals that may be brought forward within the lifetime of the Plan. The designated Neighbourhood Area for the Brandon & Bretford Neighbourhood Plan is shown on the adjacent Map 1.’</p> <p>3.2 Move the map and illustration presently on page 5 to be adjacent to section 2 and retitle the map as ‘Map 1: The Neighbourhood Area’.</p> <p>3.3 Replace para 2.2 as per Recommendation 2 above.</p> <p>3.4 In para 2.3 replace the second and third sentences with: ‘Policies within the Plan must be in general conformity with the strategic policies of the Development Plan for Rugby Borough. The Plan must also have regard to national planning policies and advice which are primarily set out in the National Planning Policy Framework (NPPF) and the national Planning Practice Guidance (PPG).’</p> <p>3.5 In para 2.4 under “Emerging Development Plan policy” delete “expected to be submitted Summer 2017”.</p>	For clarity and correction

4	<p>4.1 Under the headings “3. Brandon and Bretford – History” and “4. Present Day Character Appraisal of the Parish” add appropriate source references.</p> <p>4.2 In para 3.13 after “Coventry Stadium” add ‘(also known as Brandon Stadium)’.</p>	For clarity and correction
5	<p>Under the heading “Future Development Issues”:</p> <p>5.1 Move the first sentence of para 5.4 to the end of para 5.3.</p> <p>5.2 Reword paras 5.4 to 5.7 as follows: ‘5.4 At the time of drafting this Plan there are two as yet undetermined planning applications for development on the sites of the former Oakdale Nurseries (application reference R18/0167) and the former Brandon Stadium (application reference R18/0186) both of which are at Brandon Hill. Neither of these applications envisages the reuse of existing buildings. Both of these sites are within the designated Green Belt (see adjacent Map 2). In the preparation of the Rugby Borough Local Plan, currently expected to be adopted early in 2019, no need is identified that would warrant the alteration to the Green Belt within the Parish. The NPPF para 89 says: “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:[inter alia]</p> <ul style="list-style-type: none"> ● limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.” The NPPF Glossary defines “previously developed land” as: “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: [inter alia] land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.” <p>Evidently a number of factual considerations and planning judgements are involved in determining whether either or both of the</p>	For clarity and correction and to meet Basic Conditions 1 & 3

	<p>proposals the subject of applications might be considered not inappropriate in the Green Belt.</p> <p>5.5 The public consultation undertaken in connection with this Plan indicates that there is a community wish that the established uses of these sites should be retained ie the use of Oakdale Nurseries as a plant nursery or garden centre (a time-expired planning consent R11/0786 allowed for the latter description) and the use of Brandon Stadium as a celebrated sports facility for speedway and stock car racing. The community is not persuaded by the arguments that these uses are not or cannot be made viable at their locations.</p> <p>5.6 The planning applications submitted as outline envisage a “Care Village residential retirement development” for the Oakdale Nursery site and a “residential development of up to 137 dwellings (Use Class C3)” for the Brandon Stadium site. The community is neither persuaded that these are appropriate uses for the selected locations in an attractive landscape within the Green Belt nor that a need for these developments within the Neighbourhood Area has been established.’</p> <p>5.3 Take in para 12.16 as para 5.7 (adding a source for the Landscape Sensitivity Study) and add: ‘The same Study identified the surrounds to the Brandon Stadium itself as having high-medium sensitivity to housing development. The draft Local Plan for Rugby Borough establishes that there are, and seeks to allocate, sufficient sites for these housing uses at locations in keeping with strategic policy priorities.’</p> <p>5.4 Renumber the existing para 5.7 as 5.8.</p>	
6	<p>Under the heading “Vision Statement for the Parish of Brandon and Bretford”:</p> <p>6.1 In the second sentence of the Vision Statement replace “It” with ‘The Neighbourhood Plan’.</p> <p>6.2 Replace “Strategic Objectives” with ‘Overarching Objectives’; bring all subsequent references into line with this change.</p> <p>6.3 Under the sub-heading “Local Facilities”, replace the wording of the Objective with that used on page 51.</p> <p>6.4 At the foot of the page add: ‘N.B. This Plan should be read as a whole as several or all Policies may apply to any development proposal within the Neighbourhood Area’.</p>	For clarity and correction

7	<p>Under the heading “6. Housing”:</p> <p>7.1 Reword the second sentence of para 6.1 as: ‘Brandon Village is defined in the Rugby Core Strategy as a “Local Needs Settlement” (in the draft Rugby Local Plan “Rural Village”) where development will be permitted within the existing boundary only. In Bretford Village, which is washed over by Green Belt, only limited infilling within the built up area is supported by national policy’.</p> <p>7.2 Delete the third sentence of para 6.1.</p> <p>7.3 Move the map headed “Area designated [as] Green Belt” to within section 5 and add to the title ‘Map 2:’ as well as adding a key and a source.</p>	For clarity and correction
8	<p>Under the heading “Policy H1 Brandon – Green Belt Inset Area”:</p> <p>8.1 Partially reword Policy H1 as follows: ‘Within the Green Belt Inset Area for Brandon Village (see Map 3) proposals for new dwellings will be supported in principle, subject to appropriate regard being demonstrated for the Conservation Area that covers much of the Village.’</p> <p>8.2 Ensure here, and for all subsequent Policies, that the sub-heading “Explanation” has a font size more in keeping with the other text.</p> <p>8.3 Improve the legibility of the related map on page 25 by reducing the thickness of the boundary lines; retitle as ‘Map 3: Brandon Inset Area and Conservation Area’ as well as adding source references showing where the two boundaries are defined.</p>	For clarity and correction and to meet Basic Condition 1
9	<p>9.1 Reword Policy H2 as follows: ‘Proposals for the redevelopment of brownfield land to create new homes will be supported in principle subject to the following:</p> <ul style="list-style-type: none"> a. the land is not of high environmental value; b. the residential use is compatible with the surrounding uses and means of access; c. the impact, including visual impact, on the surrounding landscape and properties is assessed as acceptable; d. no loss or displacement, complete or partial, of employment, community, sport or recreation uses unless it can be demonstrated: <ul style="list-style-type: none"> i. that the existing uses are no longer viable or required in accordance with other Development Plan policies, and 	For clarity and correction and to meet Basic Conditions 1 & 3

	<p>ii. on the basis of an objective assessment, the benefits of residential development outweigh the loss of the current use;</p> <p>e. the site in its setting and its appearance are enhanced; and</p> <p>f. there is no conflict with national Green Belt policy where applicable.’</p> <p>9.2 Replace the present content of para 6.5, as this matter has been addressed in an earlier Recommendation, with: ‘Policy GP3 of the draft Rugby Borough Local Plan says, with some caveats, that: “The Council will support the redevelopment of previously developed land where proposals are compliant with the policies within this Local Plan”.’</p> <p>9.3 Delete the “Brandon on the Hill” illustration as inappropriate at this point in the Plan.</p>	
10	<p>Reword Policy H3 as follows: ‘The provision of affordable housing will be supported as infill within the Brandon Inset Area, as part of any appropriate redevelopment of brownfield land and as a rural exception site adjacent to the village boundaries of Brandon and Bretford, all in accordance with the relevant adopted policies in the Development Plan and the NPPF.’</p>	For clarity and correction
11	<p>11.1 In the first paragraph of Policy H4 replace “this Plan” with ‘the Development Plan’.</p> <p>11.2 In the second paragraph reword the criteria as follows: ‘a. establishing that the accommodation proposed will meet identified specialist housing requirements; and b. establishing that suitable access will be available to essential services including public transport, shops and health care.’</p>	For clarity and correction
12	<p>Reword Policy H5 as follows: ‘Within the Inset Boundary of Brandon Village any proposals involving the loss of garden land will be required to demonstrate that: a. the character of the local area is retained or enhanced; b. the established settlement pattern is respected; c. the amenities of the host dwelling and neighbouring properties are respected; d. the visual impact on the host dwelling and</p>	For clarity and correction and to meet Basic Condition 1

	neighbouring properties is addressed; and e. appropriate arrangements for vehicular access and off-road parking are achieved.'	
13	Reword the opening paragraph of Policy E1 as follows: 'Proposals for the change of use or the redevelopment of land or premises that are in employment use or which were last used for employment will be supported where it can be demonstrated that the following requirements are met.'	For clarity and correction and to meet Basic Condition 1
14	14.1 Reword Policy E2 as follows: 'Proposals for the development of new employment opportunities will be supported where they: a. are appropriate in type and scale for their rural location and in keeping with national Green Belt Policy where applicable; b. have appropriate regard for the character of the area and the amenities of neighbours; c. do not, without mitigation, result in the loss of green infrastructure; and d. include appropriate arrangements for vehicular access and off-road parking.' 14.2 Delete the reference to Appendix 3 as per earlier Recommendation.	For clarity and correction and to meet Basic Conditions 1 & 3
15	15.1 Reword Policy CON1 as follows: 'Development proposals that affect a heritage asset and its setting, whether designated or not, or the Brandon Conservation Area must demonstrate appropriate regard for the asset and its significance and within Conservation Area for the character and appearance of the Area (see adjacent Map 4). Proposals that would contribute appropriately to the restoration or enhancement of a heritage asset or the Brandon Conservation Area will be supported in principle.' 15.2 Improve the scale of the map on page 33 and incorporate the locations of the Listed Buildings and Ancient Monuments with a schedule of these as part of the key; retitle the map as 'Map 4: Heritage Assets and the Brandon Conservation Area'; add a key and a source.	For clarity and correction and to meet Basic Conditions 1 & 3
16	16.1 Reword the first paragraph of Policy CON2 as follows: 'Development proposals must have appropriate regard for any potential impact, directly or indirectly, on the Sites of Special	For clarity and correction and to meet Basic Condition 1

	<p>Scientific Interest (SSSI), the designated Local Wildlife Sites (LWS) and the Plantation on an Ancient Woodland Site (PAWS) shown on the adjacent Map 5.’</p> <p>16.2 Bring the details in the text, on the map and in the schedule into line (including reference to the PAWS); enlarge the scale of the map, add ‘Map 5:’ to its title, and also add a source and a key.</p>	
17	<p>17.1 In Policy BNE1 criterion a replace “and respecting” with “by respecting”.</p> <p>17.2 Replace BNE1 criterion b with BNE2 criterion e.</p> <p>17.3 Move BNE1 criterion f to Policy BNE2.</p> <p>17.4 Delete the final paragraph which is merely the negative of the same policy.</p>	For clarity and correction and to meet Basic Condition 1
18	<p>18.1 As noted above, replace BNE2 criterion e with BNE1 criterion b.</p> <p>18.2 Delete criterion c as it is addressed within Policy BNE5.</p> <p>18.3 Incorporate Policies BNE3 & BNE4 as new criteria, after renumbering, e & f; part of BNE4 was addressed within BNE1 so reword BNE4 as: ‘In order to preserve the rural character of the villages and the surrounding countryside, lighting should be kept to a minimum commensurate with safety considerations.’</p> <p>18.4 Renumber subsequent BNE Policies accordingly.</p>	For clarity and correction and to meet Basic Condition 1
19	<p>19.1 Reword the second paragraph of Policy BNE5 as follows: ‘The replacement of dwellings within the Green Belt will be permitted provided that: a. the form and bulk of the new dwelling is not materially larger than that of the original dwelling or that which could be achieved as permitted development; b. the new dwelling is not more intrusive in the landscape than that which it replaces; c. the new dwelling has substantially the same siting as the existing; d. the existing dwelling to be demolished is not of historic merit; and e. the proposal accords with the Design Principles in Policy BNE2.’</p> <p>19.2 Delete para 9.9 in the supporting text and renumber subsequent paragraphs accordingly.</p>	For clarity and correction and to meet Basic Condition 1
20	Under the heading “Policy BNE6 Protection	For clarity and correction and to meet

	<p>of Natural Features”:</p> <p>“20.1 Replace the last sentence of the first paragraph with: ‘Where applicable, proposals should seek to contribute to the aims of the Princethorpe Woodlands Living Landscape Area’; add a source reference to the related webpage in para 9.12 of the “Explanation” text.</p> <p>20.2 Replace the last sentence of the second paragraph with: ‘Proposals should have regard to the Warwickshire, Coventry and Solihull Biodiversity Action Plan which aims to create, enhance and restore habitats for biodiversity’; add a source reference to the related webpage in para 9.13 of the “Explanation” text.</p> <p>20.3 At the beginning of the fourth paragraph replace “opportunity to open up” with ‘opening up of’.</p>	Basic Conditions 1 & 3
21	<p>21.1 Reword Policy BNE7 as follows: ‘Brandon War Memorial Green as shown on the adjacent Map 6 is designated as a Local Green Space’.</p> <p>21.2 Add a map precisely delineating the Brandon War Memorial Green titled: ‘Map 6: Brandon War Memorial Local Green Space’.</p> <p>21.3 Replace the second sentence of para 9.14 with: ‘The Brandon War Memorial Green satisfies the NPPF criteria for Local Green Space designation as it “is in reasonably close proximity to the community it serves”, “is local in character and is not an extensive tract of land” and it is also “demonstrably special to a local community and holds a particular local significance” because historically it has been the centre and focal point for the village of Brandon, it is the site of Brandon and Bretford War memorial, memorial trees, benches and a red, original BT telephone box, it is the setting for Tiddly Bank Cottage (16th century thatched cottage) and is within close proximity of the old school house, coach house, Victorian terraced cottages, shop and bakery.’</p>	For clarity and correction and to meet Basic Condition 1
22	<p>22.1 Retitle Policy BNE8 as ‘Valued rural character and setting’ and reword the Policy as follows:</p> <p>‘Development proposals should identify, assess and address their impact on the valued rural character and setting of the Neighbourhood Area; rural aspects should include, but are not limited to, inter-visibility and ready access between the built and</p>	For clarity and correction and to meet Basic Condition 1

	<p>countryside areas, visual and actual separation between distinct settlements, respect for the patterns and scale of rural settlements, and respect for distinct features of the landscape and the settings of heritage assets.’</p> <p>22.2 Delete para 9.19 and the related map on page 44 (but also see later Recommendation).</p>	
23	<p>Either delete Policies INF1 – INF5 or move them to an Annex where, with suitable rewording, they can provide the basis for community projects.</p>	<p>For clarity and correction and to meet Basic Condition 1</p>
24	<p>Reword Policy LF1 as follows: ‘Proposals which assure the retention, enhancement or improvement of valued community facilities will be supported; if the relocation of a facility is involved the new location must be equally well located for the community it serves. Proposals that would diminish or remove a community facility will be required to demonstrate that the facility is no longer needed or viable and that there is no realistic prospect of viability being improved with either the current or other community use(s). New community facilities will in principle be supported. The current community facilities are: the public house and village hall in Bretford and the public house, the Brandon Club, the Brandon Hall Hotel, and the Brandon Stadium (presently closed) in Brandon.’</p>	<p>For clarity and correction and to meet Basic Conditions 1 & 3</p>
25	<p>25.1 In Policy LF2 delete the first paragraph and replace it with the last sentence of para 11.8; delete the second paragraph of the Policy.</p> <p>25.2 Relocate the map from page 44 (ideally with the Neighbourhood Area superimposed) to be adjacent to this Policy; add ‘Map 7:’ to the title and add a source reference.</p>	<p>For clarity and correction</p>
26	<p>Delete Policies PDS1 & PDS2.</p>	<p>For clarity and correction and to meet Basic Conditions 1 & 3</p>