

A REPORT TO RUGBY BOROUGH COUNCIL
OF THE EXAMINATION OF
THE CLIFTON UPON DUNSMORE NIGHBOURHOOD PLAN 2011-2041
UNDERTAKEN BY
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INDEPENDENT EXAMINER
FEBRUARY 2026

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Summary and Overall Recommendation

As the Independent Examiner into the Clifton upon Dunsmore Neighbourhood Plan, I have been instructed by Rugby Borough Council, in its capacity as the Local Planning Authority, to present my professional assessment of the Submitted Version of the Plan, in terms of compliance with the 'Basic Conditions' as set out in extant legislation, regulations and guidance.

I confirm that I am independent of the Qualifying Body (which comprises Clifton upon Dunsmore Parish Council) and the Local Planning Authority. Furthermore, I do not have any interest in any land or property that may be affected by the Plan.

I hold relevant professional qualifications and have experience of the planning regime, gained over the past 35 years in both the public and private sectors, to enable an independent judgement of the documents before me. I am also a member of the National Panel of Independent Examiners Referral Service, endorsed at the time of convening by HMGov Department of Housing, Communities and Local Government.

I have undertaken a thorough examination of the Clifton upon Dunsmore Neighbourhood Plan. This has comprised a review of all documents presented to me by the Local Planning Authority, a review of documents available for public review on the respective Parish website and documents relating to the Development Plan held on the Council's website plus national guidance, regulations and statute.

*It is my considered opinion that, only with modification, the said Plan meets the Basic Conditions and human rights requirement, as set out in the respective legislation and guidance. **I have highlighted where I consider modifications are required and have indicated the nature of those changes. These have been set out in bold throughout my Report. Suggested modified text is presented in bold italics.***

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

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

I have no concerns with the defined Plan area or the manner of its confirmation and consider that this area is appropriate as the extent of any Referendum. Finally, I refer to several abbreviations throughout my Report and for the avoidance of any confusion these are set out in Appendix B.

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

February 2026

1.0 INTRODUCTION

1.1 THE NEIGHBOURHOOD DEVELOPMENT PLAN REGIME

- 1.1.1 The Neighbourhood Development Planning regime provides local communities with the ability to establish specific land use planning policies which can influence how future development comes forward in their area and how land can be used. It not only provides the opportunity for local people to shape their locality, but it also provides guidance for developers and landowners when considering new proposals and for decision makers when determining planning applications.
- 1.1.2 Any Neighbourhood Development Plan should be clear, not only in its goals and ambitions, but also in how any policies are presented. The background behind how policies have emerged should be easy to understand and robust in terms of identifying specific policy and the evidence it relies upon.
- 1.1.3 This Report provides the findings of my Examination into the Clifton upon Dunsmore Neighbourhood Plan, which is hereon referred to as the Plan or NP.

1.2 APPOINTMENT AND ROLE OF THE INDEPENDENT EXAMINER

- 1.2.1 I was appointed by Rugby Borough Council, as the Examiner of the NP in November 2025. I was issued with the relevant documentation and formally began the examination in December.
- 1.2.2 In examining any NP, I am required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, (TCPA) to establish whether:
- *The Neighbourhood Development Plan has been prepared and submitted for examination by a Qualifying Body.*
 - *The Neighbourhood Development Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to Neighbourhood Development Plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA).*
 - *The Neighbourhood Development Plan meets the requirements of Section 38B of the PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area).*
 - *The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the PCPA.*

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

the Plan is sound, where changes could be made that would result in removing ambiguity and make the document more user friendly for all parties, this should be considered. This reflects relevant paragraphs of the NPPG and the first basic condition.

- 1.2.9 It should also be noted that it is not the role of the Examiner to add policies, even if this is suggested by statutory consultees or stake holders during the Regulation 14 or 16 stages of the Plan's preparation. Where relevant, comments on Regulation 16 representations are noted later in this report.

1.3 THE EXAMINATION PROCESS

- 1.3.1 Examinations should preferably be conducted by written representations unless there is sufficient reason to hold a hearing to explore controversial or ambiguous matters. In this case, I have been able to consider the Plan by way of the key documents, relevant background information, the evidence base, and written representations. I have not felt it necessary to hold a hearing to complete my findings.

- 1.3.2 My examination findings have resulted from my assessment of the documents noted at Appendix A and the written submissions from interested parties at both the Regulation 14 and 16 stages of the NP revision process and are in addition to my reference to the following documents, which set out extant legislation, regulation and guidance.

- The National Planning Policy Framework (NPPF) has been revised at various times since its initial introduction in 2012. In December 2024 a significantly revised version of the NPPF was issued which modified the version issued in 2023 and, inter alia, updated policy on economic development, housing and environmental protection. Corresponding, updated Planning Practice Guidance was also issued. A further small clarification was issued in February 2025, and a revised version was issued in December 2025 for consultation, but it is the December 2024 version that is accepted as being relevant to plan-making post March 2025.
- The NPPF 2024 implementation date for 'plan making purposes' was the 12th March 2025 and the advice issued by HMGov has been that while any plan examination before this date can refer to the extant national policy relevant at the time of that plan's submission, examinations after March 2025 should be in the context of the December 2024 version of the NPPF. If the NP had been submitted to the LPA at its Regulation 15 stage, after 12th March 2025, then an examination needs to proceed in the context of the Dec 2024 version of the NPPF.
- In this case, the NP was submitted to the LPA at its Regulation 15 stage in September 2025, and the documents before me correctly relate to the 2024 version of the NPPF.

- Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Act 2017 and associated guidance and regulations
- The Neighbourhood Planning (General) Regulations (2012) and additions

1.3.3 Finally, I confirm that I undertook an unaccompanied site visit to the Plan area in December 2025.

2.0 BACKGROUND TO THE CLIFTON UPON DUNSMORE NEIGHBOURHOOD PLAN

- 2.1 The parish of Clifton upon Dunsmore lies within the borough of Rugby, to the east of the town of Rugby within Warwickshire. The area includes the village of Clifton upon Dunsmore, Hillmorton Locks and an area known as Houlton. The latter is the location for considerable new housing development at the site of the former 'Rugby Radio Station'. Most of the community currently lives within the main settlement of Clifton upon Dunsmore but this will change as Houlton is developed.
- 2.2 Clifton upon Dunsmore is currently served by range of commercial, retail, leisure and community facilities, reflective of its size and character.
- 2.3 I note that Clifton upon Dunsmore Parish Council is the Qualifying Body (QB). It made an appropriate application to pursue the NP to Rugby Borough Council, and I am advised that all necessary protocols were followed under the salient regulations of the Neighbourhood Development Planning (General) Regulations 2012.
- 2.4 The NP before me, has been prepared by the Clifton upon Dunsmore Neighbourhood Plan Steering Committee, on behalf of the Qualifying Body and further to guidance from external consultants, YourLocale. Various sub-groups were formed addressing specific elements of the Plan.
- 2.5 After the NP area was formally designated by Rugby BC, a series of consultation events were held and the vision and objectives for the NP were explored. A draft plan was prepared which, following a Regulation 14 consultation in 2025, was amended to take account of comments. The ensuing version (Regulation 15 Submission) was submitted to the LPA later in 2025, for the Council to take the Plan forward to a Regulation 16 consultation which took

place between September and November 2025. Representations received under Regulation 16 have been forwarded to me as the appointed Examiner, together with comments from the QB, and the evidence to support the NP. All key documents are available on the LPA and Parish websites.

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

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

- **The Qualifying Body (QB)**

3.2 From the documentation before me, I am advised that Clifton upon Dunsmore Parish Council is a properly constituted body, i.e., a Qualifying Body for the purpose of pursuing a neighbourhood development plan. This is in accordance with the Localism Act (2011) and recognised in the National Planning Policy Framework (as amended) and accompanying Planning Practice Guidance. Accordingly, I find this addresses the necessary requirements.

- **The Plan Area**

3.3 The Plan area comprises the single parish of Clifton upon Dunsmore, and I am advised that this area has not previously been the subject of a neighbourhood plan.

- **The Plan Period**

3.4 Any Neighbourhood Plan, must specify the period during which it is to have effect. I note that this is indicated on the cover of, and within the text of the submission documents and concerns the period 2011 to 2041. The adopted local plan covers the period 2011-2031 and I am advised that the emerging local plan (Regulation 19 consultation) was launched at the end of January 2026 with the plan period proposed as 2025-2042. Hence the proposed NP period of 2011 to 2041 falls just within the emerging local plan period.

3.5 Some Reg 16 submissions have highlighted this anomaly and that the draft NP documents relate to a different end date in some places. I have assumed that these are typographical mistakes and indeed this has been confirmed by the QB.

Hence, to avoid any confusion, I advise that all references to the NP period refer to the period between 2011 and 2041.

3.6 As both the QB and the local authority will be aware the adoption of any Local Plan can be protracted. Indeed, the LP for Rugby, when eventually formally adopted, might refer to an extended timescale. But for the purposes of my examination of the NP, I fully understand and accept why the time period has been presented as concluding in 2041. This matter is at the discretion of the QB and even if it does not directly reflect the finally approved timescale of the Local Plan, this would not make the NP non-compliant.

- **Excluded Development**

3.7 From my review of the documents before me, the proposed policies within the NP do not relate to any of the categories of excluded development, as defined by statute and extant regulations, or to matters outside the Neighbourhood Development Plan area. I find that in terms of excluded development; the Plan meets legal requirements.

- **Development and Use of Land**

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

3.9 I note that aspirations in the form of 'community actions' have been included within the text of the NP. While I note the rationale, I explain later in this report how such aspirations need to be referenced, to avoid confusion.

3.10 Where I felt that any proposed policy, or part of that policy was ambiguous, unnecessarily duplicated other policies or statutory regulations, or concerned matters that do not relate to the development or use of land or property, I have recommended that it be modified.

- **Public Consultation**

3.11 Planning legislation requires public consultation to take place during the production of Neighbourhood Plans or any period proposing amendments to a Plan. Any public consultation should be open and accessible, and any information presented should be easy

to understand and to comment on. It should enable all sections of the local community to comment on and hence shape the proposals which may have a bearing on where they live, work or spend their leisure time.

- 3.12 As a requirement of the salient regulations of the Neighbourhood Development Planning (General) Regulations 2012 as amended, a Consultation Statement has been prepared. It was duly submitted to the Council and made available via the Parish's website with a hard copy sent to me.
- 3.13 It is a comprehensive document and explains the context and outcomes of the community engagement events. It sets out in text and table form, the process from the designation of the NP area in 2022, up to the SEA/HRA screening opinion exercise in 2024. Inter alia, a variety of social platforms were used to invite dialogue with the local community, and meetings held to ascertain the stance of residents, employer/ees and other relevant third parties within the area.
- 3.14 A Housing Needs Assessment (HNA) was undertaken by AECOM in 2023 reflecting the 2011 census. This concluded that starter homes and bungalows were required to address the local need and a call for sites was instigated. I note that the HNA did not address the Houlton development area which is subject to its own masterplan.
- 3.15 A range of consultees were approached and listed in the Consultation Statement. A series of appendices contains salient details. I note that Appendix 16 is a proforma used during the plan's preparation and while it indicates which organisations were approached, it does not indicate if / when any of them responded. This has had to be crossed-checked manually.
- 3.16 The Regulation 14 stage of proceedings was held between February and April 2025 after which changes were made to the draft NP. The general response by the QB was that until the emerging LP was formally adopted it was not inclined to consider additional land allocations over and above those already promoted through the extant LP. A summary of the comments and responses offered by the QB is set out in Appendix 17 of the Consultation Statement. I consider that comments on the draft version of the NP were appropriately assessed and addressed by the QB but very few changes were made to the emerging plan.
- 3.17 A Submission Version of the Updated Plan was duly prepared and submitted to the LPA in September 2025 and as noted above, a further public consultation period was held, culminating in November 2025, which invited Regulation 16 submissions.
- 3.18 I have reviewed the representations to the Submission Version of the Plan, namely the Stage 16 representations, and stress that my role has not been to undertake a detailed analysis of the points, or strength of case presented but moreover assess the general process and approach taken.
- 3.19 I note that one Regulation 16 party, the master developers of Houlton, has indicated concern that limited engagement was pursued with them by the QB. This is refuted by the QB. I

consider that sufficient outreach was made by the QB through various platforms and the party in question clearly were able to make formal submission through the statutory NP process.

- 3.20 I have also reviewed documentation presented by the QB to explain and indeed support the submitted policies and where the QB are happy to accept modifications. I consider that the various consultation initiatives and the approach adopted by the QB have been appropriate.
- 3.21 In summary, I conclude that an appropriate consultation exercise was undertaken and that stakeholders had the opportunity to input into the Plan's preparation. As such, Regulations 14 and 16 have been addressed.

4.0 THE BASIC CONDITIONS AND HUMAN RIGHTS

4.1 BASIC CONDITIONS STATEMENT

- 4.1.1 I have reviewed the undated Basic Conditions Statement (BCS) which was written as the draft version of the NP was proceeding and refers to the adopted Local Plan for the area, and the 2024 version of the NPPF.
- 4.1.2 I find the BCS to be clear and helpful.

4.2 NATIONAL POLICY, ADVICE AND GUIDANCE

- 4.2.1 The current version of the NPPF (Dec 2024) explains that a presumption in favour of sustainable development means that Neighbourhood Plans should support the strategic development needs set out in the Development Plan and plan positively to support appropriate local development. I find the Table on pages 6 to 11 of the BCS, cross referencing the NPPF to the proposed policies helpful.
- 4.2.2 Given the guidance found within the extant Planning Practice Guidance (PPG) which accompanies the extant NPPF, I have considered the extent to which the NP policies meet the first basic condition in Section 5 below and, **subject to some modifications, I find the Plan compliant.**

4.3 THE DEVELOPMENT PLAN AND STRATEGIC POLICY

- 4.3.1 Neighbourhood Plans should be aligned with the strategic needs and priorities of the wider local area, i.e., they must be in general conformity with the strategic policies of the Development Plan. The NPPF advises that they should not promote less development than is set out in the Development Plan or undermine its strategic policies. Neighbourhood Plans

should provide a practical framework within which decisions on planning applications can be made with predictability and efficiency.

- 4.3.2 The Development Plan pertinent to this examination includes the Rugby Borough Local Plan 2011-2031, which was adopted formally in June 2019. I note that LP is the subject of review. A 'Preferred Option' documents was issued in March 2025 and the Regulation 19 consultation commenced on January 30th 2026. It is expected that new residential sites will be promoted by landowners and developers at Clifton upon Dunsmore, but these have not yet been the subject of deliberation at inquiry. Indeed, the emerging local plan may be the subject of change further to current planning legislation and the anticipated new version of the NPPF.
- 4.3.3 Although a little out of date, the extant strategic policies within the adopted LP relate to clear spatial objectives and specific policies, which have guided the submission version of the NP before me. While third parties may find it frustrating, the current NP process clearly advises QBs to take adopted strategic policies into account when preparing their NPs. Table 1 within the Clifton upon Dunsmore BCS includes a commentary on how the NP policies reflect strategic policies. I find this helpful. However, having reviewed the extant local plan I find that while most of the drafted NP policies are generally compliant, as noted later in this report, some need modification.
- 4.3.4 Notwithstanding this, I consider that the QB technically progressed matters appropriately and subject to some modifications, as detailed below; the NP policies are in general conformity with the relevant adopted strategic policies of the Development Plan.

4.4 SUSTAINABLE DEVELOPMENT

- 4.4.1 Any Neighbourhood Plan should contribute to the achievement of sustainable development. The 2024 NPPF explains that there are three dimensions to sustainable development: economic, social and environmental. I consider that the approach taken and explained in the Basic Conditions Statement reflects this and is robust.
- 4.4.2 Whilst there is no legal requirement for any Plan to be accompanied by a separate Sustainability Appraisal, it is helpful for it to acknowledge and explain how its policies have reflected sustainability matters in all forms, as expressed in the NPPF. I note that this has been reflected at para 3.7 onwards in the BCS.

4.5 EUROPEAN UNION (EU) OBLIGATIONS AND CONVENTIONS

- 4.5.1 Notwithstanding the decision by the UK to leave the European Union, any Neighbourhood Development Plan must still be compatible with certain obligations adopted through

European statute, as they have been incorporated into UK law. Any NP would not be compliant otherwise. In this regard, I find this particular NP compliant.

- **Strategic Environment Assessment**

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

4.5.3 I note that an SEA and Habitats Regulation Assessment Preliminary screening was undertaken by the LPA, and an SEA screening opinion request was then made to the LPA. I have noted Table 3 and subsequent sections 4 and 5 of the Consultation Statement. The BCS confirms that a determination was issued by the LPA which advised that the proposed policies within the NP were not expected to have significant environmental effect. Hence an SEA was not required.

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

- **Habitat Regulations and Environmental Impact Assessment**

4.5.5 Similarly, further to a screening assessment, a formal opinion issued by the LPA did not consider that a Habitats Regulation Assessment (HRA) was required as the NP was unlikely to have a significant effect on any designated sites.

4.5.6 I concur and **find that the NP meets the legal requirements of the EU and HRA Regulations and conclude that, in this respect, the Plan is compliant.**

- **Human Rights and Equality Impact Assessment**

4.5.7 The Basic Conditions Statement refers to compliance with the European Charter on Human Rights (ECHR) or the Human Rights Act 1998 at paragraph 3.13.

4.5.8 I am unaware of any matters proposed in the NP that challenge issues of human rights, and I conclude that the Plan does not breach and is otherwise compatible with the ECHR. I am not aware of any other European Directives which apply to this particular Neighbourhood

Development Plan and **hence am satisfied that the Plan is compatible with EU obligations, and those replicated in UK legislation.**

4.5.9 With regard to equality, The Equality Act (2010) places a duty on all authorities to have regard to the need to, inter alia, eliminate discrimination and advance equality. I have found no direct reference to action by the QB or the LPA on this matter but on review of the documents before me find that, subject to some modifications, the policies proposed would serve to reduce existing inequalities, provide a high-quality public realm with few if any negative impacts on any protected characteristics.

4.5.10 **I am content that the Equality Impact is acceptable and there are no negative impacts.**

5.0 ASSESSMENT OF THE CLIFTON UPON DUNSMORE NEIGHBOURHOOD PLAN POLICIES

5.1 GENERAL COMMENTS

5.1.1 I am aware that some consultees, during the preparation of the NP and at the Regulation 14 and 16 stages, suggested additional initiatives, inclusion of references, and amended policies and text. Some changes were included in the Reg 15 version of the NP, but many were not. This was at the discretion of the QB. I should stress that it is not the role of the Examiner to add further detail or policies that may have been considered by the QB through the Plan preparation, but not included in the Submission Version, unless it is considered that their omission makes the NP non-compliant.

5.1.2 In terms of considering the NP against the Basic Conditions, I have found that the Plan is compliant with Basic Conditions 4 and 5. The following sections of this Report assess its compliance with:

- Basic Condition 1 (Compliance with National Policy reflected in the 2024 NPPF);
- Basic Condition 2 (Delivery of Sustainable Development); and
- Basic Condition 3 (General Conformity with the extant Development Plan)

5.1.3 I wish to stress that my examination has comprised a review of the proposed policies and supporting evidence. It has not comprised a forensic review of the rationale behind the policies, but where I have found that the evidence base for the proposed amendments is unacceptably weak or erroneously interpreted, or in conflict with adopted core strategic policies, I have suggested appropriate modifications.

5.2 THE OVERALL PRESENTATION AND FORM OF THE PLAN

5.2.1 Before I set out my specific findings on each of the policies within the NP, it is important to note that the NPPF and the PPG advise that plans should provide a practical basis on which

decisions on planning applications can be made with a high degree of predictability and efficiency. I consider that this can be interpreted as 'having a clear document'.

5.2.3 The form of the Plan comprises;

- Introductory sections (1 through to 3) set out the context for the Plan, how the NP was prepared, together with an overview of the consultations undertaken. There is an overly extensive section providing the history of the village. The vision and objectives for the period up to 2041 is set out which helpfully sets the scene for the subsequent policies.
- Each of the subsequent sections (4 through to 6) address specific themes and comprise a contextual overview explaining the background to specific policies and commenting on the evidence base.
- Section 4 addresses housing and built environment
- Section 5 addresses the natural, historic and social environment
- Section 6 addresses community sustainability
- Section 7 comments on monitoring and review
- Section 8 comprises acknowledgements
- Five appendices are attached to the Submission NP.

5.2.4 As noted earlier, the NP area encompasses a large urban extension site on the site of the former Rugby Radio Station and now known as Houlton. This development benefits from a masterplan and outline planning consent, issued in 2014, for over 6,000 dwellings and other land uses. Some 1000 units have come forward to date together with a primary school, a secondary school, and a supermarket to serve local needs.

5.2.5 Many of the policies within the NP apply to the whole NP area. Some however exclude Houlton. It is unclear in places whether respective policies apply across the whole area or not. **Given its strategic value, an outline planning approval, agreed design codes for the area, and ongoing development of housing units and infrastructure, some of the NP policies should exclude Houlton. If not, I agree with some Regulation 16 submissions, there is a risk of conflict with the ongoing delivery of this strategic site. I highlight places of ambiguity below.**

5.2.6 My concern over the format of the submission version of the NP is that while the text is clear, well numbered and relatively jargon free, the maps and illustrations are not always helpful. The main indicative map at Fig 1 indicating the Designated Area is adequate in delineating the extent of the NP area but it is outdated and fails to indicate much if any of the new development at Houlton to the south of the area. **While I note this is indicated at Fig 3, it would be helpful to have a more up to date, initial map at Fig1.**

- 5.2.7 Paragraph 4.6 addresses the settlement boundary around Clifton upon Dunsmore and Fig 2 illustrates the extant boundary. I note this is dated 2024 and up to date.
- 5.2.8 My further comment on the format of the NP relates to the setting out of the formal policies. While these have been highlighted in a different (blue) font, it would help any user of the NP if these policies were boxed and more clearly defined. **I offer this comment for consideration by the LPA and QB. By itself, it does not make the plan non-compliant with the Basic Conditions, but should it be addressed, I consider a clearer and more user-friendly document would be created.**
- 5.2.9 Similarly, there are some references to both the 2011 and 2021 Census data through the NP. Given the date of the Regulation 14 and 16 stages of the NP, ideally these should have all been updated to reflect the 2021 Census data, to provide for consistency.
- 5.2.10 **I accept, however, that this might have been difficult where data has been referenced in supporting reports. Providing the date of the census information is clear then the use of both 2011 and 2021 census information is acceptable.**
- 5.2.11 The overview of Clifton upon Dunsmore is interesting but is primarily a history lesson with little context given as to the current form and nature of the area. I note that text later in the Plan comments on community and commercial facilities, and the classification of Clifton upon Dunsmore as a 'large village', one of only '6 Service Centres' across the Borough. **It would be helpful to have had a brief summary of this context at this stage of the NP, i.e. an overview of the size and mix of the community, the extent of employment and commercial provisions, relationship with adjacent areas, and availability of public transport.**
- 5.2.12 Again, this is simply offered as a suggestion to the QB and LPA to improve the document. As drafted, it does not make the NP non-compliant.
- 5.2.13 Finally, I am aware of some typographical errors highlighted by Regulation 16 parties. Reflecting these I advise that the following are addressed;
- **At paragraph 6.29, SUE GP LLP should be referenced as the 'Master Developer'**
 - **At paragraph 6.44, 'playgroup' should be more accurately referenced as a 'nursery'**

5.3 ASSESSMENT OF POLICIES

- 5.3.1 I now turn to the specific policies, having reviewed the evidence base, and the approach taken by the QB in preparing the policies, and in light of the guidance and advice found in the relevant version of the NPPF and PPG, and the adopted strategic policies.

SECTION A - GENERAL POLICIES

POLICY G1 – SETTLEMENT BOUNDARIES

- 5.3.3 I note that the settlement boundary around Clifton upon Dunsmore, as indicated on Fig 2, is a very marginally amended boundary that reflects that currently found within the extant Local Plan. It does not consider additional land which may be included as formal allocations within the emerging Local Plan. I note that some Regulation 16 representations have suggested that this makes the NP non-compliant. It does not, and given the current guidance, I concur with the QB on the matter of the settlement boundary for both Clifton upon Dunsmore and Houlton.
- 5.3.4 In relation to Houlton, the settlement boundary is based on the approved masterplan for the site. While I accept that this area was not identified in the extant local plan and has yet to be formally confirmed in the emerging local plan, the masterplan presents the best guide for a settlement boundary for Houlton for the purposes of this NP.
- 5.3.5 There is local concern as to the overallocation of new housing development at Clifton upon Dunsmore when this may not be required. Specific reference is given in the NP to the significant development underway at Houlton and the local strength of feeling that this area, the settlement of Clifton upon Dunsmore and the main town of Rugby each have their own individual character. A defined boundary around Clifton upon Dunsmore and Houlton assists this.
- 5.3.6 As noted earlier, once the emerging Local Plan for the area is adopted, the settlement boundaries, as currently proposed, may change reflecting new development allocations. I am content that the QB appears to fully realise that should this NP proceed to a successful referendum AND any additional land within the emerging Rugby LP be confirmed following adoption of that LP, then the NP will become outdated, and the emerging LP will take precedence.
- 5.3.7 On this basis, I accept that the boundaries as proposed have been prepared following consultation and have taken into account land clearly developed or identified within a masterplan, since the boundary was originally set in 2011, and in the case of Clifton upon Dunsmore, allows for 'limited organic growth' as confirmed at paragraph 4.8 of the NP.
- 5.3.8 The text of the policy itself is clear although the use of 'carefully controlled' is unnecessarily restrictive. **It should be replaced with 'carefully assessed to accord with'.**
- 5.3.9 **Only with this modification do I find Policy G1 compliant.**

POLICY G2 – BUILDING DESIGN

- 5.3.10 I note that design guidance was commissioned by the QB as part of the NP preparation. Design Guidance and Codes for Clifton upon Dunsmore was prepared by Aecom with assistance from Locality. I have reviewed the document at Appendix 2 of the NP and find this to be extensive.
- 5.3.11 I also note that the Houlton area is not covered by this guidance or indeed by Policy G2, as this area is subject to its own masterplan and design code.
- 5.3.12 There is a significant amount of guidance within Appendix 2. It has been at the discretion of the QB how this might assist any user of the NP and as noted earlier in my report, it is not the role of the Examiner to write new or expanded policies on behalf of the QB, however comprehensive and helpful the evidence base.
- 5.3.13 Nevertheless, the policy correctly references the character of the area, and the existence of the design guidelines and codes provides a clear means of achieving an acceptable standard of new development.
- 5.3.14 One Regulation 16 submission from the County Council Flood Risk team, has suggested that **all relevant developments should be expected to include sustainable drainage systems and that above ground attenuation features should be designed to be multifunctional and consider the four pillars of SuDS which are water quality, water quantity, amenity and biodiversity.**
- 5.3.15 I understand that the QB are happy to add these points to the criteria within Policy G2 or the supporting text. Either would be appropriate and I leave this entirely at the discretion of the QB and LPA. As mentioned elsewhere in this report the role of the Examiner is not to rewrite policies unless they are flawed, misleading or non-compliant without modification.
- 5.3.14 As written, **I find that POLICY G2 is compliant without modification but would not object to the proposed additional guidance from the County Council, as noted above, to be included within the policy.**

SECTION B - HOUSING

- 5.3.15 This section of the NP is supported by clear text which sets the context for the policies relating to new residential development.
- 5.3.16 I note the references to the consultation and survey work undertaken on behalf of the QB and the explanation addressing the housing needs for the area. It is always difficult to balance the consultation responses from the community with the ongoing housing needs for an area, especially when those needs are not finalised given the status of the emerging LP. The context for this NP is also influenced by the significant development at Houlton.

- 5.3.17 I note that a Housing Needs Assessment was undertaken in 2023 and while this made specific recommendations and indeed a call for sites was issued, the QB has been minded to not identify specific additional housing sites within the NP. As noted earlier in my report, the QB appears to understand as and when the LP progresses to a point of adoption, additional sites may be confirmed which could expand Clifton upon Dunsmore. Until that point, however, it contends that the current housing need will be satisfactorily addressed. As is common in rural areas such as this, the QB does not wish to over-supply housing land when this may not be needed. While this may be frustrating for landowners and promoters, providing the extant strategic policy is appropriately reflected, this is at the discretion of the QB, and such a stance does not make the NP non-compliant.
- 5.3.18 The conundrum for any QB and indeed any LPA is that when NPs are presented for examination in advance of revised strategic policies and specifically in advance of housing needs being discussed at a LP inquiry and that LP subsequently being adopted, rarely can the NP have the vision or pragmatism to anticipate future needs.
- 5.3.19 I must be guided by the fact that the emerging housing need for Clifton upon Dunsmore has yet to be formally endorsed by any LP Inspector and that the QB in this situation has used figures from the extant LP which remain relevant.
- 5.3.20 I reiterate my comments above and must stress that the QB has to accept that as and when the emerging LP is formally adopted, there might be an increased need for housing land at Clifton upon Dunsmore, as a rural settlement, and that requirement will take precedent over the NP. The housing allocations in and around Clifton upon Dunsmore may therefore be deemed outdated and additional sites could be pursued by developers or landowners who would not be bound by an outdated NP.
- 5.3.21 I should stress that it is not the role of a NP Examiner to preside over a beauty parade of sites promoted by individual developers. That is the role of the Inspector overseeing the LP Inquiry. I therefore stand by my comments above, and it remains the discretion of the QB to progress its NP at this point in time.
- 5.3.22 So, for the avoidance of doubt, I have reviewed the evidence base for this section of the NP, which includes the community's support for specific types of housing size and tenure, and the Clifton upon Dunsmore Housing Needs Assessment prepared by AECOM on behalf of the QB. I have also had regard to Regulation 16 submissions and find as follows with regard to specific policies;

POLICY H1 – HOUSING MIX

- 5.3.23 Policy H1 is straightforward and reasonably clear. It reflects the response from the community consultation in terms of the nature of additional housing. Having reviewed the evidence at Appendix 1 comprising the housing needs assessment undertaken by AECOM, I

note the proposed mix of units supported by the community, including support for bungalows.

- 5.3.24 The accompanying text does not, however, explain how the policy might apply to Houlton. This contrasts with Policy G2 above. It is unclear whether policy H1 applies to whole NP area. Some Regulation 16 parties are concerned with the inconsistency of how Houlton is treated by the NP. I concur.
- 5.3.25 Clarity needs to be provided as to whether the policy applies to the whole of the NP area or whether Houlton is excluded as it already benefits from a masterplan and development guidance. **I advise that Houlton should be excluded and appropriate explanatory text needs to be added to the accompanying text between paragraphs 4.32 and 4.42.**
- 5.3.26 **Providing the above is addressed, I find Policy H1 compliant without modification.**

POLICY H2 – WINDFALL SITES

- 5.3.27 This policy is clear and is accompanied by appropriate supporting text. However, paragraph 4.45 of the NP refers confusingly to 'Paragraph 4.13' but without context. **It is assumed that this actually refers to paragraph 4.13 of the NPPF and as such the text should be amended accordingly.**
- 5.3.28 **With this minor modification, I find Policy H2 compliant.**

POLICY H3 – AFFORDABLE HOUSING

- 5.3.29 The accompanying text to this policy refers to extant LP policy which accepts that rural exception sites can come forward adjacent to a development boundary if a local need is proven. The text continues to describe the work of Clifton Parish Housing and its almshouses.
- 5.3.30 Policy H3 reflects this. As written, rural exceptions sites for affordable units could be developed adjacent to both Clifton upon Dunsmore and Houlton settlement boundaries. I find this acceptable.
- 5.3.31 At the end of the policy reference is made to 'First Homes'. However, little explanation is given to this in the accompanying text. As written, it is vague and relies on any user's prior knowledge.
- 5.3.32 **I advise that additional explanation of 'First Homes' is given in the preceding text or that the reference to First Homes in Policy H3 is deleted.**

5.3.33 **Only with this modification do I find Policy H3 compliant.**

SECTION C – THE NATURAL, HISTORIC AND SOCIAL ENVIRONMENT

5.3.34 This section of the NP is supported by text which provides context for the subsequent policies which are relatively wide-ranging. There are separate elements addressing the geology, natural environment, historic environment, environmental designations, open space, biodiversity and habitats vistas, rights of way, flood risk and renewable energy. I note the extensive work undertaken by subgroups of the QB undertaking useful research and assessment to support the proposed policies. I have reviewed the evidence base and particularly the information presented at Appendices 3 and 4.

POLICY ENV1 – LOCAL GREEN SPACES

5.3.35 This policy proposes two areas within the NP area, as Local Green Spaces. The supporting text refers to NPPF 2024, and the criteria set out to guide such allocations. I note that 267 potential sites lie within the NP area and of these 139 have local significance or above. I note that Appendix 3 of the NP indicates each plot of land and the subsequent tables set out how each site was assessed. It is unfortunate that these tables refer to NPPF 2021 and not the most up to date version of the NPPF. However, I accept that the criteria used to assess the sites has not changed significantly, and hence the reference is not unduly worrying.

5.3.36 I acknowledge the evidence contained at Appendix 4 which explains the approach taken, the criteria used and the scoring system. What is not clear is why only the sites proposed have come forward under Policy ENV1 when the scoring system used by the QB indicated that potentially other sites were as suitable. I accept that it is at the QB discretion to propose sites as LGS, even if more suitable sites could have come forward but I have concerns with the policy as presented.

5.3.37 There is little explanation of what is meant by 'very special circumstances'. **To assist any user of the NP, this should be addressed in the accompanying text.**

5.3.38 My further concern with this is that the LGS designation for one site replicates existing land classification. In the case of Clifton Recreation Ground, this is already a long-standing designated play area served by associated and established structures.

5.3.39 Houlton Park is an area recently confirmed within the masterplan for the area as formal open space. As indicated on the LPA website, and as Regulation 16 parties have highlighted, the final details of the whole development area are not completely fixed. While I concur with the QB as to the classification of this area as LGS, agreement needs to be reached as to the exact delimitation of the area. The plan presented by the master developer and the area indicated at figure 5.2 do not tally.

- 5.3.40 The guidance is clear that duplication of designations should be avoided even though a community feel that specific LGS is warranted, I accept that identification as open or play space in a masterplan is not a statutory classification, but I have not been presented with the evidence that its parameters are fixed or accurate.
- 5.3.41 I find that Clifton Recreation Ground (070) proposed under Policy ENV1 already benefits from protection and an LGS classification would simply duplicate such protection, adding very little.
- 5.3.42 **I recommend that it be deleted from Policy ENV1. However, should the LPA and QB be minded, the site could instead be included under Policy ENV2. I would support this.**
- 5.3.43 I am not persuaded by the evidence before me as to the extent of Houlton Park (536/537). **Until this is clarified, this site should not be included under Policy ENV1.**
- 5.3.44 Until clarification is presented with regard to the exact extent / boundaries of Houton Park and its designation as LGS, **Policy ENV1 would not apply to any sites and hence can be deleted.**

POLICY ENV2 – IMPORTANT OPEN SPACES

- 5.3.45 This policy presents an extensive list of sites that have emerged from an assessment of the whole of the NP area. They are clearly of local value to the community and have been the subject of assessment in much the same way as if they were being considered as LGS. I fully understand the stance of the QB in wanting to reflect the vision of the NP and the community's comments through the NP preparation stages and promote the protection and/or enhancement of specific important open spaces.
- 5.3.46 Indeed, as indicated earlier, some of the sites proposed under Policy ENV2 could have come forward under Policy ENV1. This was, however, at the QB's discretion. By classifying them as 'Important Open Spaces' under three forms of classification, any development proposals will need to be very carefully assessed and the loss of the sites in question be the subject of particular review.
- 5.3.47 Many sites already benefit from local classification, inter alia, for environmental value, or as designated open space as part of development sites, or indeed as formal playing areas as part of a broader masterplan, such as at Houlton.
- 5.3.48 **Figures 6.1 and 6.2 are difficult to read in hard copy format. They should be presented at a larger scale so individual sites can be clearly identified.**
- 5.3.49 Some sites identified, be they under environmental regulations, national, local or extant local policy or land subject to a masterplan and/or planning conditions, are already afforded

a high degree of protection from inappropriate development and hence the additional classification under Policy ENV2 could be seen to duplicate this.

- 5.3.50 However, I accept that their classification as 'important open space' emphasises the community's stance on not wishing to see these sites lost to development without careful consideration. Some sites proposed under Policy ENV2 are in close proximity to the general community and in some cases hold a particular local significance and could be deemed 'special' in terms of wildlife or historic value.
- 5.3.51 As noted above with respect to land within Houlton, Regulation 16 representations argue that there is some ambiguity as to the exact location of the sites highlighted given that all the definitive development areas have yet to be confirmed through a full planning permission. However, I note that the masterplan and development submissions for this development were accompanied by a series of environment reports and assessments which were site specific.
- 5.3.52 The plans for some of this major new development have progressed and some development has already taken place. While some amendments and modifications will understandably still take place, I consider that the approach taken by the QB in assessing sites suitable to be classified as important open spaces is appropriate.
- 5.3.53 **That said, I do have concerns over sites that are already subject to statutory designations or protection. This includes land identified as cemeteries (and normally consecrated land) and allotments (protected under the Allotments Act 1925) which benefit from a high degree of protection against inappropriate development. These would include the following;**
- Site 061 – Newton Rd allotments**
- Site 064 - St Mary's Churchyard**
- Site 069 – North Rd Allotments**
- Site 076 and 077 – Newell Close Allotments**
- Site 573 – Avon St Allotments**
- Site 592 – Clifton upon Dunsmore cemetery**
- 5.3.54 **Unless the QB can confirm that these sites do NOT benefit from being consecrated land or protected under the Allotments Act 1925, then they should be deleted from Policy ENV2 as the policy duplicates extant protection.**
- 5.3.55 I have further concerns over section 2.3 (a) of Policy ENV2 which appears to duplicate the protection afforded under approved development schemes and the masterplan in a catch-all manner. **As sites of value to the community have already been identified in section 2.1**

and 2.2 of this policy, I see little need to duplicate this. Hence element 2.3(a) of the policy should be deleted.

5.3.56 Section 2.3 (b) anticipates further development coming forward and suggests that section 2.1 of Policy ENV2 would automatically apply to any open space element. This pre-empts any conditions, covenants or legal agreements that might accompany development consents. **I find this approach vague and unhelpful and as such should be deleted.**

5.3.57 **Only with the above modifications do I find Policy ENV2 compliant.**

POLICY ENV3 – SITES AND FEATURES OF NATURAL ENVIRONMENTAL SIGNIFICANCE

5.3.58 While this policy is accompanied by helpful text and relies on the evidence base at Appendix 3, Figure 7 remains difficult to read. While indicating a range of land classifications, it doesn't clearly identify specific sites.

5.3.59 The land classifications are already designations under statutory legislation or identified by Natural England as having priority habitats or as having biodiversity or ecological value and identified as local wildlife sites by the County Council.

5.3.60 I have several concerns;

- The sites indicated at Appendix 7 are difficult to distinguish and should be listed out for clarity.
- Reference is made to NPPF 2023 which is unfortunate. This should have been updated prior to the Submission NP coming forward.
- Even with updated references, it is unclear what additional value the policy brings other than emphasising and highlighting these sites. Reference is made to delivering 10% biodiversity net gain but, this is already adopted as national policy and hence is superfluous.
- It is unclear why the sites were not simply included under Policy ENV2 (2.2) Again this would have been at the QB's discretion.

5.3.61 Nevertheless, I accept that the policy does not undermine any other policy or guidance but does reflect LP strategy at a local level. There is benefit of collating several important classifications in one place, for the assistance of any user of the NP.

5.3.62 **For this reason, I accept that the policy can remain BUT for clarity and ease of use, I advise that the sites in question are numbered and listed out with site locations provided.**

5.3.63 **I also consider that the second paragraph of the policy is difficult to follow and should be modified to remove ambiguity. It should read;**

If significant harm to biodiversity cannot be avoided, through relocating the proposed development to an alternative site with less harmful impact, or through adequate mitigation on or off site, then that development will not be supported.

5.3.64 **Only with these modifications, do I find Policy ENV3 compliant.**

POLICY ENV4 – BIODIVERSITY AND HABITAT CONNECTIVITY

5.3.65 This section again includes helpful accompanying text, but the references are to elderly DEFRA guidance which has been updated. It further confirms the national position regarding the Environment Act 2021 and Climate Change Act 2008. While relatively useful to set the context for the policy, this simply emphasises that the areas to which the policy is to apply, are already afforded a high degree of protection from inappropriate development. No specific sites are, or indeed could be, specifically identified as they haven't come forward yet. It is anticipating a scenario yet to arrive.

5.3.66 I have concerns over the reference to trees 'regarded as significant by the community' as this could simply reflect sentimental value as opposed to measurable ecological value. Given all my comments, and the lack of any specific local reference, other than an extremely general catch-all approach to any future development within the NP area, I see no benefit of the policy over and above extant national and local policy.

5.3.67 **As such Policy ENV4 can be deleted.**

POLICY ENV5 – SITES OF HISTORIC ENVIRONMENTAL SIGNIFICANCE

5.3.68 This policy again consolidates national designations and county classifications primarily in terms of archaeological matters, either in situ or anticipated to be in situ given existing surveys. While I accept the approach taken by the policy, I find it heavy handed given the extant national 'protections' in place against inappropriate development. I am also aware that.

5.3.69 The supporting text refers to Figure 8. I believe this is typographical error and the reference should be to Figure 9. **This should be amended.** This figure, like other maps in the NP, is very difficult to read in hard copy, identifies several sites of historic value. **While these are contained within Appendix 3, and paragraph 5.31 of the NP contains a list of statutorily protected heritage assets, it would be more helpful to any user of the NP if the sites subject to Policy ENV5 are listed out after paragraph 5.23.**

5.3.70 I am aware that concern has been raised as to the inclusion of some land formally part of the Rugby Radio Station site that has now been approved for development, and no historic element requiring protection was determined. **Hence the inclusion of this land (Sites 523**

and 524) under Policy ENV5 is confusing. These sites should be removed from Figure 9 and not included in any list.

5.3.71 **Only with these modifications do I find Policy ENV5 compliant.**

POLICY ENV6 – RIDGE AND FURROW

5.3.90 The commentary section of the NP, supporting Policy ENV6, reflects the clear emphasis on the historical character of the NP area and the value of 'ridge and farrow' fields. There is an extensive amount of supporting text which is unproportional when considering other land use policies within the NP. However, I accept this is a matter of 'design and content' taken by the QB and does not make the policy non-compliant.

5.3.91 I note that the subsequent formal policy in the NP only addresses the non-designated heritage assets of ridge and furrow earthworks and there is an argument to include the sites identified at Figure 10.3 with those listed under Policy ENV5.

5.3.92 However, I note the specific supporting evidence for the policy protecting ridge and farrow areas, the composition of the policy wording, and the results of the consultation work undertaken through the Plan's preparation.

5.3.93 While I accept the principle of the policy. Its wording suggests a very heavy-handed protection approach. As this policy concerns non-designated heritage assets, this would conflict with the NPPF. This advises that a balanced judgement should be adopted when considering development proposals.

5.3.94 While the second paragraph of the policy includes the word 'balanced' it fails to guide any user of the NP. I consider it should be modified to read as follows;

Any loss or potential damage arising from a development proposal (or a change of use requiring planning permission, should be avoided unless the need for and benefits arising from development in that location outweigh the loss, or mitigation can take place and relevant planning conditions can be applied to ensure that any historic value at the site, can be enhanced and/or protected.

POLICY ENV7 – IMPORTANT VIEWS

5.3.95 This element of the NP generated significant comments during the consultation process which is not unusual for settlements such as Clifton upon Dunsmore where there is a strong community feeling of 'belonging' and pride in the village. The supporting text to Policy ENV7 expresses this well and Figure 11 illustrates the key views into and out of the settlement.

- 5.3.96 I have reviewed the evidence presented by the QB at Appendix 5. While I generally endorse the positions identified as being of value, I have concerns as to the robustness of the evidence and the overall validity of the policy in that it could be used to reject any form of development across a wide range of locations.
- 5.3.97 I am aware that concern has been raised by some Regulation 16 parties and concur that the application of NP Policy ENV7 could undermine sustainable development. There is clearly some debate as to the accuracy of some of the evidence set out in Appendix 5 and having undertaken a site visit, I concur. I have specific concern over the ambiguity and lack of justification supporting the following proposed 'protected views' as set out in Appendix 5. As presented, this simply comprises a set of photographs and a very brief description.
- 5.3.98 As mentioned previously in this report, as and when the revised emerging Local Plan is formally adopted it will take precedent in terms of sustainable development and the QB may need to undertake a review of its housing allocations and indeed all policies that potentially conflict with the LP.
- 5.3.99 If Policy ENV7 remains in the NP without modification, it would prove frustrating to all parties. Hence, to enable future sustainable development to take place and to not unnecessarily hinder future development proposals, but to acknowledge the stance of the NP and the evidence supporting it, the first paragraph should be modified to read;
- The following views (Figure 11, details Appendix 5)) are important to the setting and character of both Clifton upon Dunsmore and Houlton. Development proposals should respect them. Development proposals which could have a significant adverse visual harm on the identified views will be required to explain the need for and benefits arising from development in that location and that appropriate mitigation can take place and/or relevant planning conditions be applied, to address any impact.***
- 5.3.100 **Only with this modification do I find Policy ENV7 compliant.**

COMMUNITY ACTION 1 – FOOTPATHS

- 5.3.101 This element of the NP reflects the QB's aspiration to provide additional and enhance existing footpaths within the NP area. It is highlighted in a different coloured font to the formal policies but nevertheless may prove confusing to any user of the NP. **Including a 'COMMUNITY ACTION' within the body of the NP is confusing to users and implies that it carries the same weight as specific policies. This is not the case and comment on this at the end of Section 5 of this report.**

POLICY ENV8 – FOOTPATHS, BRIDLEWAYS AND CYCLEWAYS

- 5.3.102 Figure 12 is a helpful indication of the apparently sparse extent of rights of way within the NP area. However, it fails to identify at least one extant public footpath between Hillmorton Locks and the A5 via Houlton. The policy itself is clear in its intent but in part simply duplicates extant statutory regulations.
- 5.3.103 This first element is technically unnecessary as such rights of way are afforded protection under extant statute. The second paragraph is vague. It refers to situations if approved plans are changed and footpaths / cycleways do not provide usable routes to '*other destinations*'. This is ambiguous and is not helpful to any user of the NP. The final element of the policy is more helpful in that it emphasises the need to respect rights of way and compliments the second elements, which encourages enhancement.
- 5.3.104 **I accept the inclusion of the first paragraph provided that all statutory rights of way are indicated at Figure 12, including the omission noted above. The second paragraph can be deleted as the third paragraph covers the intent sufficiently.**
- 5.3.105 **Only with these modifications do I find Policy ENV8 compliant.**

POLICY ENV 9 – FLOOD RISK RESILIENCE AND CLIMATE CHANGE

- 5.3.106 The supporting text of this policy very clearly reflects the vision of the NP and the stance of the QB and the responses from the consultation process with regard to climate change and the impact on flooding. It notes the relevant LP policies and the Environment Agency's guidance relevant at the time of the NP's preparation.
- 5.3.109 In this case, there is a requirement placed on developers to consider the impact of development in susceptible areas. I note the stance of some Regulation 16 parties that this should better reflect the sequential approach to siting new development, as presented in updated guidance. The criteria, as currently set out in the text presented to me, is heavy handed and little distinction is made between the scale of development and the need to prove that its need outweighs harm other than a cutoff point of one residential unit, or it comprises employment or agricultural development.
- 5.3.110 I have, however, reviewed the evidence base, and I accept that the approach taken in the policy assists in emphasising the importance of addressing climate change, which is clearly important to the community and relates to specific areas within the NP area. **I am advised that the Environment Agency updated the National Flood Risk Mapping in March 2025, and it would be important to include the most up to details within Figure 13.**
- 5.3.111 It is unfortunate that some of the bullet points are unnecessarily repetitive. To be compliant, I advise that the policy is modified as follows;

- **The first bullet point should be modified to read *'if in areas of flood risk as indicated in Figure 13, should apply the sequential approach to development to ensure that there are no suitable, 'reasonably available' alternative sites in a lower flood risk area. '***
- **The last bullet point is vague and ambiguous and again can be deleted.**

5.3.112 **Only with these modifications do I find Policy ENV9 compliant.**

POLICY ENV10 – RENEWABLE ENERGY GENERATION INFRASTRUCTURE

5.3.113 The supporting text to this policy refers to NPPF 2023. **For consistency, this should be updated to reference the NPPF 2024 and relevant paragraphs.** However, I don't consider this matter detracts from the essence of the policy.

5.3.114 The text continues with reference to evidence relating to an assessment in 2011 of sites suitable for wind power and suggests that part of the NP area could accommodate small/medium turbines. I have not been able to locate this evidence, and it has not been presented as a specific appendix to the Plan other than the inclusion of maps at Figures 14.1 and 14.2. **These are difficult to read in hard copy and are devoid of any meaningful key. If these figures are to remain in the NP, their legibility needs to be improved. Up to date evidence has been issued to accompany the emerging local plan and I would suggest that the QB may wish to consider this and make appropriate reference in the text, thus updating the elderly 2011 assessment.**

5.3.115 Paragraph 5.48 references Policy ENV12 which **I believe to be a typographical error and should be referenced as Policy ENV10.**

5.3.116 The list of criteria set out within the policy is clear, albeit rather generic with no cross reference to less sensitive landscape areas within the NP area. Indeed bullet (i) refers to any solar photovoltaic development needing to avoid the 'best and most versatile agricultural land. **However, no map is presented that classifies agricultural land across the NP area. These matters should be addressed to provide clarity to any user of the NP.**

5.3.117 Given the omission of the evidence relating to wind turbines and landscape sensitivity, I have some difficulty being able to confirm the compliance of the last element of Policy ENV10 which relates to the size of turbines. **Only if this can be addressed and it presents no matters of ambiguity, would this element of the policy be compliant.**

5.3.118 **Hence, only with the above matters addressed, do I find Policy ENV10 compliant. Otherwise bullet (i) and the last paragraph would need to be deleted.**

D - SUSTAINABILITY

- 5.3.119 This section of the NP presents substantial commentary accompanying several policies relating to extant and anticipated community facilities, transport, business and employment provisions, leisure, retail, farming and communications.
- 5.3.120 Paras 6.1 to 6.6 provide introductory context for the subsequent policies and complements much of the information presented in the initial section of the NP. Reference is made to facilities and amenities enjoyed and valued by the community, including community space and meeting places, places of worship, medical facilities, play and open spaces and allotments. This overview of community provision is a helpful indication of the activity found across the NP area and the value this has for local residents, and other stakeholders.

COMMUNITY ACTION 2 – COMMUNICATION

- 5.3.121 This element of the NP highlights the QB's support for the enhancement of communications to maximise knowledge and use of community facilities. It is a very general comment and reflects an aspiration on the part of the QB. It highlighted in a different coloured font to the formal policies but nevertheless may prove confusing to any user of the NP. **I comment on this at the end of section 5 of this report.**

POLICY CF1 – THE RETENTION OF COMMUNITY FACILITIES AND AMENITIES

- 5.3.122 This policy appears to expand upon Policy ENV2 in its protection of specific open spaces, while identifying some of the community amenities listed in the preceding text. While I find it technically unnecessary to duplicate protection of the allotments and play facilities, I can accept the context of these being identified community assets and presenting this additional policy.
- 5.3.122 Reflecting the consultation comment and the evidence base, the text of the policy emphasises the need to retain the key community facilities which are listed out in the body of the text. It is relatively clear and unambiguous. **However, I consider that an appropriate map illustrating the location of these facilities at an appropriate scale would considerably help any user of the NP.**
- 5.3.123 **With this modification, I find Policy CF1 compliant.**

POLICY CF2 – NEW OR IMPROVED COMMUNITY FACILITIES

- 5.3.124 While this policy could have been included with Policy CF1, I accept that having two individual policies is at the discretion of the QB and emphasises the encouragement for

additional community facilities to serve Clifton upon Dunsmore and Houlton although reference is made to Policy GP2 which excludes Houlton. The ambiguity as to whether policies within the NP apply to Houlton is confusing.

5.3.125 Houlton is being developed in accordance with a clear masterplan and hence I consider that there is little need for Policy CF2 to apply to Houlton. **Hence, I advise that appropriate supporting text is included, to expressly state this.**

5.3.126 The list of provisions in the bullet points, although very generic, is appropriate and reflects extant national guidance and saved strategic policies. Bullet (b) refers to 'disturbance'. It is vague but it is assumed this refers to noise. **If this is the case, then environmental regulations would take precedence, and this element of the bullet point is not needed.**

5.3.127 **Only with these modifications, do I find Policy CF2 compliant.**

POLICY CF3 – THE CANAL

5.3.128 Hillmorton Locks and the North Oxford Canal are features of note within the NP area. They are of historic value, attracting commerce and high volumes of visitors annually.

5.3.129 I consider Policy CF3 to be relevant and reflective of community values **and requires no modification to be compliant.**

POLICY E1 – SCHOOLS

5.3.130 Unless privately offered, state education provision is normally controlled by the County Council and in the case of Houlton, managed by an educational trust. I note the additional existence of two Church of England primary schools and play groups.

5.3.131 The policy is clear and unambiguous – albeit primarily presented as guidance to the County Council and Church authorities who would be the main instigators of additional education related development.

5.3.132 **I find Policy E1 compliant without modification.**

TRANSPORT

5.3.133 This section of the NP refers to a proposed new rail station close to, but beyond, the NP area; road junctions noted by the community as being regular sites of accidents; the flow and speed of traffic, parking, public bus services, and electric vehicle charging.

POLICY T1 – TRAFFIC MANAGEMENT

- 5.3.134 This policy is clear in its aims, but some elements are vague, or unnecessarily duplicate other policies, or ambiguous;
- The use of the word 'rural' is unusual and potentially confusing. **I advise that it is removed.**
 - The opening sentence refers to 'all development' and technically this would include minor works. **It would be more appropriate to rephrase this as '*.....all development that has the potential to result in additional traffic must;.....***
 - The reference to 'village' in (a) presumably refers to Clifton upon Dunsmore but leaves Houlton unreferenced. **This is at the discretion of the QB but given the agreed details pertaining to Houlton associated with the masterplan, it would be consistent to expressing note that Houlton is excluded from Policy T1.**
 - Bullet (e) duplicates Policy ENV 8 with regard to the protection of and replacement of footpaths and cycle ways. **This bullet point can be deleted.**
 - Bullet (f) is vague with little explanation of what is meant by 'interconnectivity'. **It can be deleted.**
 - The last sentence is very general. There is no definition of 'major' development and it simply repeats the preceding bullet points. **It can be deleted.**
- 5.3.135 **Only with these modifications, do I find Policy T1 compliant.**

POLICY T2 – OFF ROAD PARKING SPACES

- 5.3.136 This policy clearly reflects concerns raised by the community, even though the elements raised in the supporting text at paragraphs 6.69 to 6.71 discuss matters that are principally under the auspices of the County Council.
- 5.3.137 The policy itself duplicates bullet (b) of Policy T1 and proposes design guidance that has not been fully evidenced. It is unclear whether the garage dimensions proposed at (c) reflect either the County Council Highway guidance or any guidance issued by the Borough Council.
- 5.3.138 While I have not been presented with any evidence base to technically support the policy neither have I seen any Regulation 16 representations that challenge this policy.
- 5.3.139 Again, there is continued confusion as to whether this policy applies to Houlton, or like Policy G2, it does not.
- 5.3.140 On balance, given that any NP should reflect national and strategic policy, and that it should not present ambiguity, I am not persuaded that **Policy T2 assists any user of the NP over and above Policy T1. My concern is that the design specifications have not been justified.**

5.3.141 **Hence, I recommend that in the absence of more robust evidence and clarity, Policy T2 is deleted.**

COMMUNITY ACTION 3 – PUBLIC TRANSPORT

5.3.142 This refers to the intent of the QB to support the existing bus services and the Rugby Parkway train station proposals. This element of the NP presents a general comment and aspiration on the part of the QB. It is highlighted in a different coloured font to the formal policies but nevertheless may prove confusing to any user of the NP. **I comment on this at the end of section 5 of this report.**

POLICY T3 – ELECTRIC VEHICLES

5.3.143 I note the helpful supporting text to the policy and find it clear and pragmatic. While I am aware that there are nationally approved building regulations addressing the provision of charging points, the phrasing of Policy T3 reflects the consultation evidence.

5.3.144 **I consider that Policy T3 is appropriate and compliant without modification.**

BUSINESS AND EMPLOYMENT

5.3.145 This section of the NP provides an overview of the local economy which complements the text in the introductory section of the NP. The main leisure, food and drink, employment and retail facilities are highlighted. The section concludes with commentary on communications.

POLICY BE1 – SUPPORT FOR EXISTING BUSINESSES AND EMPLOYMENT

5.3.146 **The approach of the policy is clear, and I find that it is compliant without modification.**

POLICY BE2 – SUPPORT FOR NEW BUSINESSES AND EMPLOYMENT

5.3.147 I have reviewed the evidence base for this policy and note the results of the community survey. While the aspirations of any community in terms of balancing an increase in economic activity in area and the control in the increase of respective traffic flows can be difficult to translate into compliant land use policies, I accept the approach adopted in this NP.

5.3.148 I consider that some of this policy duplicates the approach taken in previous policies but not to the point that it is superfluous. Indeed, it is helpful for any user to have a policy that guides development of new commercial activity and consolidates guidance found elsewhere in the NP.

5.3.149 **I consider Policy BE2 to be compliant without modification.**

POLICY BE3 – SHOP FRONTAGE AND SIGNAGE

5.3.150 The erection of signage is covered by specific advertising guidance and statutory regulations, and the replacement of existing shop frontages would be specifically controlled if the property in question was statutorily listed or in a Conservation Area.

5.3.151 However, I note the substantial work undertaken by the QB with regard to design and accept that this policy reflects the results from the community survey.

5.3.152 **My small modification is that the phrase 'poor or inappropriate design' is ambiguous and would present confusion to users of the NP. It should be omitted.**

5.3.153 **With this minor modification, I find Policy BE3 compliant.**

POLICY BE4 – HOME WORKING

5.3.154 The erection of additional accommodation within the hereditament of one's home may require formal planning consent if this is not covered by permitted development rights or the property requires specific listed building or conservation area consent. However, it is possible to work from within one's home without specific planning permission. Hence the need for Policy BE4 is questionable.

5.3.155 While I accept the QB's wish to support home working, I consider this policy duplicates other policies within the NP and/or introduces controls that are ultra vires given permitted development rights.

5.3.156 **I see little need to retain Policy BE4 and hence it can be deleted.**

POLICY BE5 – TOURISM

5.3.157 The evidence for this policy is weak and as written it is vague and very general. No sites or activities have been specifically highlighted. The design, nature and impact of tourism related development would be covered by other policies within the NP and/or extant statute, planning guidance and regulations.

5.3.158 **As such, I consider that Policy BE5 simply reiterates other NP policies and extant guidance, is not site specific and hence should be deleted.**

POLICY BE6 – FARMING AND AGRICULTURE

5.3.159 Given the character of the Clifton upon Dunsmore parish, namely primarily in agricultural use, the value of this policy is noted. The community clearly considers farm diversification is important but again, the policy presents very general elements that are covered elsewhere in the NP.

5.3.160 However, rather like policy BE2, there is some value in bringing elements together under one policy for the ease of use by any potential developer or landowner.

5.3.161 **For this reason, I see merit in Policy BE6 and advise that it can remain without modification.**

POLICY C1 – COMMUNICATION INFRASTRUCTURE

5.3.162 This policy encourages appropriate improved communication infrastructure which could be helpful to a range of providers / developers who would need specific consent.

5.3.163 It should be noted that some infrastructure can be erected under permitted development rights. Nevertheless, I consider the policy helps emphasis the need for well-designed structures / infrastructure.

5.3.164 **I find POLICY C1 compliant without modification.**

COMMUNITY ACTION 4 – COMMUNITY TRANSPORT

5.3.165 This element of the NP presents a general comment and aspiration on the part of the QB to support the possible provision of a community transport service. It is highlighted in a different coloured font to the formal policies but nevertheless may prove confusing to any user of the NP. **I comment on this below.**

COMMUNITY ACTIONS

5.3.166 While I accept that the QB has been keen to include 'community actions' within the NP, **for the avoidance of confusion on the part of any user, I consider that a separate section of the NP should be created after paragraph 6.125 and the four actions should be listed out.**

This section should be titled 'Community Action' and supported by additional text to clarify the nature of the actions and aspirations detailed.

5.3.168 As the LPA and the QB will be aware, the actions are an intent of activity but are beyond the remit of the NP. As such, **I recommend that the following additional text is added;**

A number of community actions are set out below. These have been identified as being of importance to the local community but are not subject to any formal NP policy. They are highlighted in this section of the NP for information purposes only.

6.0 PLAN MONITORING AND REVIEW

6.1 The short section explaining the actions of the Parish Council monitoring the effectiveness of the NP and reviewing it, when necessary, is clear. However, I strongly advise that the NP is reviewed once the emerging Local Plan is adopted.

6.2 Similarly, the NP has been prepared in light of the NPPF issued in 2024. As noted above, at the beginning of my examination report, this is currently the subject of further change. Indeed, the imminent Planning and Infrastructure Bill is also progressing through both Houses of Parliament and as and when enacted, may also have bearing on the NP policies presented in the current submission draft NP.

6.3 As such, it must be anticipated that a review of the NP, should it be supported at referendum and be 'made' may need to be reviewed within a relatively short time scale. **Hence, I suggest that a review may be needed within 24 months rather than the 4 years indicated at paragraph 8.3.**

6.4 Given the quality of the NP presented to me and the nature of the work undertaken to date, I have no reason to doubt the ability of, or the commitment by the QB to ensure that appropriate monitoring and a review of the NP will take place at the appropriate time and be of a high standard.

6.5 I find the approach taken by the QB and the commitment to future reviews of the NP to be in accordance with current guidance and endorsed.

7.0 REFERENDUM

- 7.1 Further to my comments and the proposed modifications above, I recommend to Rugby Borough Council that the Clifton upon Dunsmore Neighbourhood Plan proceed to a Referendum. I am required, however, to consider whether the Referendum Area should reflect the approved Neighbourhood Area or whether it should extend beyond this, in any way.
- 7.2 As noted earlier, the Neighbourhood Area reflects the parish of Clifton upon Dunsmore without any additions and deletions and hence **I am content that this defined NP area should also reflect the area for any forthcoming Referendum.**

8.0 SUMMARY AND RECOMMENDATION

- 8.1 I find that the Clifton upon Dunsmore Neighbourhood Plan is a well-written document, albeit requiring some modifications to proposed policies and accompanying explanatory text and figures.
- 8.2 The Plan has been the subject of effective consultation, and the resulting vision, objectives and ensuing policies reflect the findings of those consultations. Drafts of the NP have been the subject of appropriate amendments, which have taken on board relevant comments from statutory consultees and key stakeholders.
- 8.3 Generally, I find that the key issues of importance to the local community have been reflected in the vision and objectives of the NP and that the subsequent policies are appropriate and compliant. They have been prepared and presented well and supported by the evidence base.
- 8.4 I have reviewed the adopted Local Plan and saved strategic policies and the version of the NPPF relevant to this NP. I repeat my comments from the start of my report and confirm that I have reviewed the comments raised during the Regulation 14 and 16 stages of the NP preparation but do not feel that the issues raised present sufficient weight to require deletion or further modification of policies, over and above those suggested within this report.
- 8.5 In summary, the Plan complies with the legal requirements set out in Paragraph 8(1) and 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and the relevant regulations relating to the preparation of a Neighbourhood Development Plan. I do not have any concerns over the defined Plan Area nor with that area forming the basis for any Referendum.

8.6 **Hence, I recommend that further to the proposed modifications detailed above, the Clifton upon Dunsmore Neighbourhood Plan can proceed to a referendum.**

Dr Louise Brooke-Smith, OBE, FRICS, MRTP.

February 2026

Appendix A - Documents reviewed by the Examiner.

- National Planning Policy Framework (The Framework) (2024) as used by the QB.
- Planning Practice Guidance (Paragraphs: 001 Reference ID: 41-001-20190509 (and onwards relating to Neighbourhood Plans) – and as revised.
- Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act (2011)
- The Neighbourhood Development Planning (General) Regulations (2012) and additions
- The Neighbourhood Planning Act 2017 and associated guidance and regulations.
- Draft Version of the Clifton upon Dunsmore Neighbourhood Plan
- Clifton upon Dunsmore Neighbourhood Plan (Submission Draft) and all associated supporting documents and evidence base
- Documents identified on pages of the LPA and respective Parish Council Websites
- Regulation 14 and Regulation 16 submissions and responses and supporting evidence.
- Response to the Regulation 16 submissions by the QB
- Rugby Borough Council Local Plan (adopted 2019)
- Rugby Borough Council emerging Local Plan (Proposed Submission Plan and associated documents).

Appendix B – Examiner's use of Abbreviations

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|---|---------------|
| • Clifton upon Dunsmore Neighbourhood Plan; | CuDNP |
| • Plan / The Neighbourhood Plan; | NP |
| • Local Plan | LP |
| • Qualifying Body; | QB |
| • Rugby Borough Council; | RBC / Council |
| • Local Planning Authority; | LPA |
| • County Council | CC |
| • National Planning Policy Framework; | NPPF |
| • Planning Practice Guidance; | PPG |
| • Basic Conditions Statement; | BCS |