

**Appendix 2: Examiner's Report on Ruddington
Neighbourhood Plan 2017 – 2028**

Ruddington Neighbourhood Plan 2017-2028

A report to Rushcliffe Borough Council

**David Kaiserman BA DipTP
MRTPI Independent Examiner**

31 March 2021

Executive summary

I was appointed by Rushcliffe Borough Council on 20 January 2021, with the agreement of Ruddington Parish Council, to carry out the independent examination of the Ruddington Neighbourhood Plan.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary. I made an unaccompanied visit to the area covered by the Plan on 15 February 2021.

Ruddington is a large village about five miles south of the centre of Nottingham, at the last census having a population of well over 7,000. It has a significant industrial heritage, especially in relation to framework knitting and its connections with the Great Central Railway. It was clear from my visit that the village has grown significantly since the end of the Second World War. Ruddington is also home to an important business park. It sits within open countryside and is separated from neighbouring built-up areas by statutory Green Belt.

Part 1 of the Rushcliffe Local Plan, adopted in 2014, is the Core Strategy for the area and designates Ruddington as one of six “Key Settlements” identified for growth within the Local Plan period (ie up to 2028). Ruddington is required to provide a minimum of 250 new dwellings within that period, on land either in, or adjacent, to the village. No specific allocations are put forward within the neighbourhood plan as contributions towards the need for housing land – indeed, no reference to the need for housing land is made within the Plan document. This is a matter which is the subject of a specific recommendation in my report. The bulk of the Plan deals with detailed measures designed to secure high quality design, protect important local open spaces and local views, conserve and enhance the natural and built environment, support the local economy and services, and address issues relating to access, parking and connectivity.

I have concluded that, subject to the modifications set out in the report, the Ruddington Neighbourhood Plan would meet the basic conditions, and I therefore recommend that, as modified, it should proceed to a referendum.

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Introduction

1. This report sets out the findings of my examination of the Ruddington Neighbourhood Plan (the RNP), submitted to Rushcliffe Borough Council (RBC) by Ruddington Parish Council on 7 May 2020. The Neighbourhood Area for these purposes is the same as the Parish boundary.
2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and this intention was given added weight in the National Planning Policy Framework (NPPF), first published in 2012. The current edition of the NPPF is dated June 2019, and it continues to be the principal element of national planning policy. Detailed advice is provided by national Planning Practice Guidance on neighbourhood planning, first published in March 2014.
3. The main purpose of the independent examination is to assess whether or not the Plan satisfies certain “basic conditions” which must be met before it can proceed to a local referendum, and also whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes both to policies and any supporting text.
4. In the present case, my examination concludes with a recommendation that, subject to the modifications set out in my report, the Plan should proceed to referendum. If this results in a positive outcome, the RNP will ultimately become a part of the statutory development plan, and thus a key consideration in the determination of planning applications relating to land lying within the Parish.
5. I am independent of the Parish Council and do not have any interest in any land that may be affected by the Plan. I have the necessary qualifications and experience to carry out the examination, having had 30 years’ experience as a local authority planner (including as Acting Director of Planning and Environmental Health for the City of Manchester), followed by over 20 years’ experience providing training in planning to both elected representatives and officers, for most of that time also working as a Planning Inspector. My appointment has been facilitated by the independent examination service provided by Penny O’Shea Consulting.

Procedural matters

6. I am required to recommend that the Ruddington Neighbourhood Plan either
 - be submitted to a local referendum; or
 - that it should proceed to referendum, but as modified in the light of my recommendations; or
 - that it not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.
7. In carrying out my assessment, I have had regard to the following principal documents:
 - the submitted RNP
 - a number of background documents submitted alongside the Plan
 - the post Regulation 14 consultation recommendation report (February 2020)
 - the Basic Conditions Statement (May 2020)
 - the Strategic Environmental Assessment Screening Opinion (December 2019)
 - the representations made in relation to the RNP under Regulation 16

- selected policies of the adopted Rushcliffe Local Plan
 - relevant paragraphs of the National Planning Policy Framework
 - relevant paragraphs of national Planning Policy Guidance.
8. It is expected that the examination of a draft neighbourhood plan will not include a public hearing, and that the examiner should reach a view by considering written representations¹. In the present case, I have concluded that no hearing was necessary. One of the representations included a request for a hearing, and I will explain my reasons for denying that request shortly. The recommendations in my report are therefore based on consideration of the written representations, supplemented by my visit to the village and the area around it.
9. My unaccompanied visit took place on 15 February 2021, when I looked at the overall character and appearance of the Parish, together with its setting in the wider landscape, those areas affected by specific policies in the Plan, and the locations referred to in the representations. I refer to my visit as necessary elsewhere in this report.
10. I have addressed the policies in the order that they appear in the submitted plan. My recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in ***bold italic print***.

A brief picture of the Neighbourhood Plan area

11. Ruddington is a large village lying about five miles south of the centre of Nottingham. It is separated from the surrounding urban areas of West Bridgford, Clifton, Keyworth and smaller villages by statutory Green Belt, the boundaries of which are drawn tightly around Ruddington's built-up area. I was able to see the importance of its nineteenth-century industrial base from my visit to the village, together with a wide range of historic dwellings and other buildings associated with it, especially close to the village core. It was also clear to me that a great deal of post-war development has taken place around the edge of the settlement, a process which is ongoing. There is little consistency of built form, materials or layout; the village centre is largely made up of narrow, winding streets, which add to its particular character and which have been recognised in its status as a designated conservation area.
12. To the south of the main part of the village is a popular country park which sits next to an important business park and the well-known transport museum, focused on the village's links with the Great Central Railway, which is now part-restored as a tourist attraction.

The basic conditions

13. I am not required to come to a view about the "soundness" of the plan (in the way which applies to the examination of local plans). Instead, I must principally address whether or not it is appropriate to make it, having regard to certain "basic conditions", as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065 of Planning Practice Guidance. I deal with each of these conditions below in the context of the RNP's policies but, in brief, all neighbourhood plans must:
- have regard to national policy and guidance (Condition a);
 - contribute to the achievement of sustainable development (Condition d);
 - be in general conformity with the strategic policies in the development plan for the local area

¹ Paragraph 9(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

(Condition e);

- not breach, and otherwise be compatible with, EU obligations, including human rights requirements (Condition f);
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and
- comply with any other prescribed matters.

14. The Basic Conditions Statement (BCS) is dated May 2020 and, as with the Plan itself, was prepared by the Parish Council's RNP Working Group with the assistance of planning consultants Urban Imprint. Appendix 2 is a spreadsheet intended to show how each policy of the Plan relates to relevant sections of the NPPF, while Appendix 3 uses the same approach in relation to the strategic policies of the Local Plan.
15. These checklists contain no analysis or commentary. While the document states that each of them "demonstrates how the final proposed policies all link back to specific chapters in the NPPF/comply with all of the strategic policies of the development plan and (are) in line with the aims of Local Plan Part 2", they in fact simply assert with a colour-code where a plan policy either "complements" an NPPF paragraph or Core Strategy policy (green) or is not applicable (blue). A third possibility in the spreadsheets (red) is a policy "where a conflict may occur" with the NPPF or Local Plan, although none are identified.
16. This approach is an extremely limited one. Nevertheless, the BCS indicates that the RNP has at least "had regard" to national policy (in particular to the objective of achieving sustainable development); and for this reason, and because it does not reveal any conflict with strategic policies, the minimum statutory requirements are met.

Other statutory requirements

17. A number of other statutory requirements apply to the preparation of neighbourhood plans. These are:
- that the Parish Council is the appropriate qualifying body (Localism Act 2011) able to lead preparation of a neighbourhood plan;
 - that what has been prepared is a Neighbourhood Development Plan, as formally defined by the Localism Act; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan;
 - that the plan period must be stated; and
 - that no "excluded development" is involved (this primarily relates to development involving minerals and waste and nationally significant infrastructure projects).
18. All but the third of these have been satisfied in this case. The RNP is intended to cover the period from 2017 to 2028, although this is not made as clear as it might be in the document itself². I have taken what I assume to be the appropriate timescale from the BCS at section 1c³. ***I recommend that the period which the Plan is intended to cover be set out clearly at an appropriate point in the document, and that this be included within the Plan's title.***
19. I have also borne in mind the particular duty, under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of

² there is reference to the end-date under the "Review" section (paragraph 15.5)

³ I note that the SEA screening report uses a start-date of 2018

“preserving or enhancing the character or appearance” of any conservation area.

20. A screening report is required in order to determine whether a neighbourhood plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the qualifying body’s responsibility to undertake any necessary environmental assessments, but it is the local planning authority’s responsibility to engage with the statutory consultees.
21. In December 2019, RBC, acting on behalf of the Parish Council, published the relevant Screening Opinion. The report notes that both parts of the Local Plan had already been subject to a full SEA and Sustainability Appraisal, as well as appropriate assessment in relation to the Habitats Regulations, and that the conclusions of these processes were taken into account for the purposes of the exercise on the RNP. The report concludes that, subject to any observations from the three statutory bodies involved, a full SEA is not required for the RNP and that, overall, the policies proposed in the Plan would have a neutral or even a positive environmental impact.
22. In the event, neither Natural England nor the Environment Agency have questioned the outcome of the screening exercise; I have seen no response from Historic England, the third statutory consultee. On this basis, I have no reason to question the conclusion reached.
23. It is a requirement under the Planning Acts that policies in neighbourhood plans must relate to “the development and use of land”, whether within the Plan area as a whole or in some specified part(s) of it⁴. I am satisfied that this requirement is generally met, although there are one or two exceptions which I deal with under the individual policies.

National policy and guidance

24. National policy is set out primarily in the NPPF, with a key theme being the need to achieve sustainable development. The NPPF is supported by Planning Practice Guidance (PPG), an online resource which is continually updated by Government.
25. I have borne particularly in mind the advice in the PPG that *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.”*⁵

The existing Development Plan for the area

26. Basic Condition (e) requires neighbourhood plans to be “in general conformity with the strategic policies of the development plan for the area”. For Ruddington, these are to be found in the Rushcliffe Local Plan, both in Part 1, the Core Strategy (adopted in December 2014) and in Part 2, the detailed Land and Planning Policies document (adopted October 2019). I refer to policies within the Rushcliffe Local Plan (RLP) as necessary at appropriate points in my report.

⁴ s. 38A(2) of the Planning and Compulsory Purchase Act 2004, inserted by the Localism Act 2011

⁵ PPG paragraph 041. ID:41-041-20140306

The consultation exercise (Regulation 14)

27. This regulation requires the Parish Council to publicise details of their proposals “in a way that is likely to bring [them] to the attention of people who live, work or carry on business in the area”, and to provide details of how representations about them can be made. Regulation 15 requires the submission to the local planning authority of a statement setting out the details of what was done in this respect, and how the qualifying body responded to any matters which arose as a result of the consultation process.
28. Section 3 of the Plan summarises the way the Parish Council sought to engage with the community, a process which began in October 2017 and continued with questionnaire surveys and consultation events of various kinds. A key stage was the production of an “Emerging Policies Document” upon which views were invited towards the end of 2018. This led to the preparation of the first draft of the Plan. Further consultation was carried out on the Plan a year later and some subsequent amendments were made. The process is set out in full in a report dated February 2020.
29. Further details of the various stages of the public engagement exercises are set out in the Consultation Statement, and I am satisfied that the work done by the Parish Council’s team fully meets the requirements of the Regulations in this respect.

Description of the Plan

30. The submitted version of the Plan is dated May 2020. After setting the general background to neighbourhood planning, it describes the physical and social characteristics of Ruddington before crisply stating the overall vision for the Parish: *“To sustain Ruddington as a thriving village, promoting a well-connected, sustainable, and safe environment whilst protecting its special historic and rural character with an attractive and vibrant Village Centre”*. This is followed by eight objectives which the Plan seeks to address in relation to the village centre, housing, connectivity, heritage, the economy, design and sustainability, the environment and community infrastructure (in that order).
31. Section 5 is described as the “spatial strategy” for Ruddington, setting the Parish into the context of Rushcliffe as a whole and describing important links with the wider area beyond. This part of the Plan also introduces the key physical elements both of the Parish itself and of the village centre; it is accompanied by schematic maps which are a helpful and (for neighbourhood plans) rather novel way of bringing the descriptive material to life.
32. Before the policies themselves, Section 6 consists of a table which assesses, by way of a simple “tick”, whether or not they address the Plan’s overall vision and eight specific objectives. This is another helpful way of showing how the Plan itself “works”.
33. Each policy is then set out, appropriately separated from material alongside it which contains the justification for it. There are six related “aspirations”, again with their own justifications. These are properly distinguished from the land-use policies but are helpfully placed close to those policies to which they are related.
34. There is no statutory requirement to review or update a neighbourhood plan⁶. Paragraph 15.5 of the RNP simply states that it has been prepared to align with the end-date of the Local Plan (ie 2028), while paragraph 15.6 acknowledges that there might be circumstances

⁶ PPG paragraph 084. ID 41-084-20190509

when a partial review may be necessary.

35. The Plan document ends with a comprehensive glossary of terms and a total of nine appendices. I will refer to these as necessary in due course.

General observations and recommendations

36. In many respects, the RNP is a user-friendly document (as I have indicated above). However, I do have concerns about how some policies are expressed, and this has led me to make a number of recommendations for changes to it.
37. Firstly, it contains no policies about the location or extent of land required for housing over the Plan period. To be clear, neighbourhood plans are not obliged to include such policies in order to satisfy the basic conditions, which it is the primary purpose of my examination to consider. However, I strongly believe that if the Plan is to have practical value, and in particular not to raise unreasonable expectations about its ability to influence the shape of development in the village during the Plan period, it must set out clearly the assumptions about the housing land requirement which provide the context for its preparation.
38. In the absence of any reference to this in the RNP, I have looked at the relevant policies in the RLP (which itself receives very little mention in the Plan), and I have also carried out a search of RBC's website relating to recent planning permissions. From these sources, I have learned that:
- Policy 3 of the Core Strategy (ie Part 1 of the Local Plan, LP1) deals with the spatial strategy for the Borough up to 2028. Beyond the main built-up area of Nottingham, six "key settlements" are identified for growth, and are expected to accommodate about 5,500 new dwellings. One of these settlements is Ruddington, with its own target of a "minimum" of 250 dwellings.
 - Part 2 of the Local Plan (LP2) contains the detailed land and planning policies and was adopted in October 2019. Explanatory material at paragraphs 3.76-3.78 says that Ruddington has the capacity for around 525 new dwellings, and Policies 6.1 to 6.4 allocate four greenfield sites to the north, east and south of the village (shown on Figure 5) which appear designed to yield that figure. Most or all of the land in question lies within the Green Belt (or it was at the time of the adoption of the RLP).
39. All four of these sites now have planning permission; at the time of my search, two had full permission and the other two had advanced to reserved matters stage. I was able to see from my visit that site works were already under way in at least one of these locations.
40. As I say, none of this important context is mentioned in the RNP, although I note that Background Paper CD 14 is the Housing Site Selection Interim Report for the Local Plan (September 2017), where the options for land allocations in Ruddington are assessed.
41. Given the scale of the future housing supply already settled (which is double what the Local Plan requires as a minimum), significant elements of several policies in the RNP could be considered effectively redundant. Examples are the first part of Policy 6: *"Residential development proposals.....will be supported where they deliver an appropriate housing mix that meets the needs of the community and contributes to the diversity of the housing stock."*; or part of Policy 8: *"Developments on larger sites (greater than 50 units....must ensure continuous pedestrian routes are provided between the development site and residential*

areas, local shops, services and facilities”; or part of Policy 9: *“the design of all streets and spaces within development should be cycle-friendly and provide connections to the main shops, services and facilities”*.

42. Since nothing in a neighbourhood plan could have the effect of altering the terms of an extant planning permission, policies such as these would have relevance only if there remained scope for any further significant housing proposals during the Plan period; but Ruddington Inset 1 map in LP2 shows a new Green Belt tightly drawn around the built-up area of the village (as it is to be extended), and so there is little reason to anticipate new development beyond “windfalls” and what might normally be acceptable within the Green Belt. There is no evidence before me to suggest that the Local Plan is in any sense out of date⁷. It is also the case that the RNP seeks to protect from development many of the open areas remaining within the settlement envelope itself.
43. I raised this question with RBC and the Parish Council before deciding how it might best be addressed in my report. From their responses, I understand that the Parish Council began work on the RNP before Part 2 of the Local Plan was adopted, and therefore at that point no sites to meet the housing need had been formally allocated. To that extent, therefore, policies 6 and 8 to 11 have been overtaken by the planning permissions to which I have referred. However, both councils are of the view that, given Ruddington’s status as a Key Settlement within the hierarchy and its proximity to the main urban area of Nottingham, the village could well be subject to speculative pressure within the period of the Plan (indeed, RBC pointed out that this is already evident from representations which have been made in the context of the emerging Greater Nottingham Strategic Plan). This is in addition to any “windfall” development. The response to pressure for further growth in Ruddington would therefore be determined by relevant factors at the time, including the requirements of the housing delivery test and the continued ability of RBC to demonstrate a five-year supply of land. In addition, changes might arise to the schemes which currently have permission and these would need to be considered on their merits.
44. I am content to accept the councils’ assessment of the continued value of the policies to which I have drawn attention. However, to aid public understanding of the applicability of the policies relating to housing, ***I recommend that the Plan point out that land to meet the Local Plan housing requirement has already been identified, and that this should be accompanied by a map showing the location of the four sites which now have planning permission. The additional material should also explain the implications of this background for the scope of the Plan’s policies. To be of assistance to the Parish Council, at Appendix 2, I have set out a suggested way in which this might be addressed.***
45. My second general observation is that there is a considerable degree of overlap in the ground covered by some policies. In some cases this amounts to a simple duplication, and in others there is partial or selective repetition of policy requirements: this can make interpretation of the whole unnecessarily complex and at times potentially confusing. The list which follows is not exhaustive, but examples of duplication are:
- Policies 1, 8, 9, 10, 11 and 16 all include reference to the integration of existing pedestrian and cycle routes and facilities, and creation of new connections
 - Policies 2, 6, 12, 15 and 16 all refer to car parking requirements
 - design is dealt with in Policies 6, 7, 15 and 19
 - some elements of Policies 15 and 23 cover the same ground.

⁷I deal later with a representation from Savills which takes a different view.

46. I appreciate that a significant amount of work could be involved in editing the Plan's policies if all overlap and duplication are to be removed. I nevertheless think it would be beneficial to users of the Plan if some steps along those lines were to be taken, for the reasons I have given. This is not, however, an issue which causes any difficulties from the point of view of the basic conditions, and so I do not make it a matter which requires a formal recommendation.
47. A third general observation is that there are many references in the Plan to the evidence base which supports it. These are noted both under the policies themselves and in the justification for them and are helpful in understanding the background. In some cases, the evidence takes the form of "strategies" (for example, the cycle strategy, CD3, and the pedestrian strategy, CD11). These are clearly designed to be "material considerations" in planning terms, to which the decision-maker must have regard when deciding how to respond to individual applications. Some of them may have been formally adopted as Supplementary Planning Documents for these purposes – which would increase the weight to be attached to them.
48. ***I recommend the insertion, at an appropriate place in the contextual material, of a brief explanation of the status of those documents which fall within this category. This should also include a general explanation of the intended relationship between the RNP policies and the material contained within the documents referred to.***

Representations received (Regulation 16)

49. No directly relevant observations were made by the Environment Agency, Natural England, Highways England, Nottinghamshire County Council, National Grid, The Coal Authority or the Nottingham and Nottinghamshire Clinical Commissioning Group. Some matters raised by RBC, Severn Trent Water and NHS Property Services will be dealt with under their relevant policy heads below, as will a small number of representations made by local residents (there were eight of these in total, which mostly involved detailed observations rather than any significant objections, and to that extent do not require any specific recommendations on my part).
50. A series of representations have been made by agents Savills on behalf of Taylor Wimpey UK Ltd. I will deal with some of these under each relevant policy, but it is convenient to respond to their more general objections here.
51. Taylor Wimpey have an interest in land west of Pasture Lane, to the west of the built-up area of the village. They consider that this site, which lies within the Green Belt, is well placed to contribute towards meeting housing needs in the area. For these reasons, they have suggested to RBC and the Greater Nottingham Planning Partnership that there are "exceptional circumstances" which would justify a review of the Green Belt (and which presumably they hope would lead to the removal of the land from it). These exceptional circumstances are not set out in Savills' objections to the RNP; in any event, consideration of them is not a matter for this examination.
52. Savills say that "identification of land west of Pasture Lane, Ruddington for residential-led development would accord with the spatial strategy for Rushcliffe Borough under Part 1 and Part 2 Local Plans and this should be reflected in the RNP". It is unclear whether this constitutes a formal objection to the Plan; but, again, it is not part of my brief to consider the site's merits in the terms set out by Savills.

53. More generally, Savills consider that the RNP “does not follow national policies and advice, that it will not contribute to the achievement of sustainable development and cannot be seen to be in general conformity with strategic policies contained in the development plan for the area”. In summary, the main reasons for this assessment (with my responses to them) are:

- the Plan “does not provide a shared vision for the area and it is not able to demonstrate compliance with the requirement to not promote less development than set out in strategic policies or undermine these strategic policies because of the absence of up-to-date strategic policies”.

Response. This appears to imply that the Plan must still allocate land for a minimum of 250 dwellings despite the existence of the four planning permissions and the absence of any evidence that more land is needed than that already identified. This cannot represent an accurate interpretation of national policy. The somewhat opaque suggestion that strategic policies are out of date is not supported with any evidence.

- Paragraph 66 of the NPPF should have been engaged: “Where it is not possible to provide a [housing] requirement figure for a neighbourhood area, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body.” Footnote 31 to this paragraph explains that this might occur: “because a neighbourhood area is designated at a late stage in the strategic policy-making process, or after strategic policies have been adopted; or in instances where strategic policies for housing are out of date”.

Response. Although Savills say that these circumstances apply in relation to the RNP and “are reason to pause progress” on it, they provide no meaningful evidence to support this assertion, and I do not accept the conclusion reached. The neighbourhood planning body has not asked the local planning authority for an indicative figure, presumably because this was not thought necessary.

- The basic conditions are not met because of the absence both of a housing target and any sites allocated for housing, and that “to satisfy the basic conditions, (para 31) Neighbourhood Plans need to demonstrate a robust evidence base”. This perceived deficiency supports a case for the Plan to be paused and for a further consultation to take place on a revised version.

Response. The basic conditions make no reference to housing targets, site allocations or the evidence base for neighbourhood plans. The only national guidance on the issue is in the PPG, where paragraph 040 states: “While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no ‘tick box’ list of evidence required for neighbourhood planning”. Paragraphs 042 and 044 say that a neighbourhood plan “can” (not must) allocate sites for housing, including additional sites to those shown in the local plan. While some of my recommendations about the utility of the RNP relate to how housing is dealt with generally in the Plan, these do not raise concerns with regard to the basic conditions.

- Further reasons given to pause progress on the Plan are the publication of the Planning White Paper, the emerging strategic plan for the Greater Nottingham area and what is described as the “absence of an up-to-date strategic policy framework”.

Response. It is clear from all relevant Government guidance that neighbourhood plans should be prepared on the basis of the strategic policy framework as it exists at the time. It would be wholly unreasonable to require progress on the RNP to be held up on

the grounds given. For these reasons, I also conclude that it would be inappropriate to require a commitment for the Plan to be reviewed within two years of its being “made”.

- A request is made for me to hold a hearing “to enable adequate examination of the issues and to provide participants with a fair chance to put their case across”.
Response. Given the provisions of paragraph 9(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended), there would need to be strong and specific evidence that it is desirable for me to hold a hearing in order to fulfill my statutory obligations. No reasons are given to explain why examination of the written evidence alone would be insufficient, and I have concluded that a hearing would be unnecessary.

The policies

Policy 1: Village Centre policies – sustainable access

54. This policy requires “all development proposals within the village centre....regardless of scale [to] demonstrate where appropriate” how they have integrated into existing pedestrian and cycle routes “or created new connections where this is required or desirable”. They must also provide safe cycle storage on-site “including appropriate changing and showering facilities where appropriate”, as well as charging points for electric vehicles.
55. It is clearly too onerous to require these actions regardless of the scale of the development (which, as it stands, would encompass changes of use where planning permission was required); and the mitigating phrases “where appropriate” and “where this is required or desirable” are too vague to be of practical value. A further requirement to site the development “to take advantage of public transport facilities within the village” is equally unclear.
56. ***I recommend that Policy 1 be deleted.*** Many of the issues it raises are repeated in Policy 11, and I will return to them when dealing with it.
57. As a detailed point, the justification for the policy says that it links to others in the Plan, including “a strategy for the village centre as a whole”. There is, however, no such policy (although related issues are dealt with in Policies 2 and 4).

Policy 2: Village Centre policies – public areas

58. This policy includes a series of requirements designed to bring about improvements in the public realm. Clearly, not all development proposals will be of the scale or character that would enable them to make any significant contribution in those terms. For this reason, ***I recommend that the second paragraph of the policy should begin with the phrase: “Where it is realistically feasible to do so, these improvements should focus on ...”.***
59. In addition, it seems to me that some elements within the policy relate to works which it will be the prime responsibility of public authorities to bring about and are not strictly land-use considerations. ***I recommend that references to existing pedestrian routes, improved signage and waymarking and the like, together with the intention of the Parish Council to work with partners to work on a strategy for the village centre, should be deleted from the***

policy and expressed separately as an “aspiration”.

60. It is not clear what “the delivery of ... green infrastructure and planting for aesthetic and environmental benefit” might actually mean for an applicant for planning permission. ***If this is not, in fact, intended to be a requirement for development management purposes, it should be included within the broader aspiration referred to above.***

Policy 3: Village Centre policies – acceptable uses

61. Policy 3 is designed to protect the primary retail frontages within the village centre. While this objective is generally supported at local and national level, as it stands it raises a number of difficulties, in particular:
- The primary retail frontages shown on Map 5 are (like the definition of the village centre itself) different from those shown in Inset 2 of the Local Plan. While the RNP is not required to adopt identical definitions to those shown in the Local Plan, there is a potential problem with basic condition e) if no explanation is offered as to why these deviations have been thought necessary. One member of the public has also questioned the way the primary retail frontage has been defined⁸. (I should note here that it is not within my remit to come to a view of my own about where the lines should be drawn, but I consider it sensible for the conflict to be resolved).
 - Policy 3 seeks to prevent any non-retail uses from being established within the primary frontages at ground-floor level. This conflicts with part 2 of Local Plan Policy 25, which does permit such changes of use subject to three criteria. No explanation for this difference is offered.
 - In any event, Policy 3 now needs to take into account the recent substantial changes to the Use Classes Order. A key element of this is the creation of a new Class E, which allows (for example) shops and cafes/restaurants to be converted to offices and other uses listed previously in the superseded Classes A2, A3, B1 and D1, without the need for planning permission. Recent amendments to the General Permitted Development Order also make it easier to change from retail to residential use.
 - An added complication is the relationship between paragraph 7.3 of the Plan, which is the supporting justification for the policy, and the wording of the policy itself. Paragraph 7.3 suggests that the policy is only meant to apply to conversion of shops to residential use; and while it also states that it is essential to bring vacant properties back into productive use, there is no reference to this in the policy. In addition, it is unclear whether the final sentence of paragraph 7.3 (which deals with the issue of vacant units) is meant to relate to the village centre as a whole, or just the primary retail frontages. This is relevant because it supports conversion to “community or commercial use”, whereas the second part of the policy (which relates to properties within the village centre boundary) speaks instead of “residential and community uses”.
 - The wording of Policy 3 raises a further question, which leads on from the last point. The second paragraph says that alternative uses at ground-floor level within the rest of

⁸ I was able to see from my visit that retail uses are scattered over a wide area of the village core, often mixed with non-retail uses, including housing.

the village centre (ie outside the primary retail frontages) will be supported “where they can demonstrate enhancement of the vitality of the village centre”. This covers a wide area and range of existing ground-floor uses, and it is therefore not clear whether it is intended to relate only to proposals involving existing shops. Moreover, no guidance is given as to what steps an applicant for planning permission (in the now more limited circumstances where such permission would actually be needed) would be expected to take in order to satisfy the policy.

62. ***I recommend that Policy 3 and paragraph 7.3 be revisited and amended in order to take account of the issues raised above.***

Policy 4: Village Centre policies – areas for improvement

63. This policy supports the regeneration of two areas within the village centre, which are intended to focus on retail and community uses and appropriate car parking. While there is clearly nothing contentious here as far as the basic conditions are concerned, given its lack of specificity and the degree of overlap with Policy 3, I question its practical value. In addition, the justification refers to three areas, not two; and the policy itself, unlike the justification, does not state that these (whether two or three) are a “priority”. The areas concerned are not delineated on any map.
64. ***If my second recommendation under Policy 2 is accepted (which refers to the aspiration to prepare a village strategy), I recommend further that Policy 4 be deleted and the intentions behind it are included within the brief for the proposed strategy.***

Policy 5: Village Centre policies – shopfronts

65. Policy 5 contains detailed design criteria for new shopfronts. It states that further detail on this matter is provided in Part 2 of the Ruddington Design Guide (RDG) - see Policy 19.

Aspiration 1: Independent businesses

66. This aspiration indicates the Parish Council’s commitment to supporting new and existing independent businesses within the village.

Policy 6: Housing policies – housing mix

67. This policy supports housing schemes “where they deliver an appropriate mix that meets the needs of the community and contributes to the diversity of the village’s housing stock”. In its own terms, this is entirely appropriate; however, as formulated, it provides little practical guidance to potential applicants. It states that “planning applications for new residential development within the village boundary, or on larger sites, should, in addition to other types and where appropriate, deliver the following mix of housing types ... ” (three are then set out). This is an unclear and confusing set of preconditions. Furthermore, there is no guidance as to the actual proportions of the preferred mix – and one of these is homes for first-time buyers, something which the planning system as it is currently set up would find difficulty in delivering.
68. I note that similar ground to this is covered in Local Plan Core Strategy Policy 8 (Housing Size, Mix and Choice). ***I recommend that, unless the policy can be modified such that more detail can be included – and in particular that it can add anything of practical value to CS Policy 8,***

it should be deleted. An acceptable option would be for Policy H6 simply to cross-reference to CS Policy 8, adding whatever interpretive material seems necessary.

Policy 7: Housing policies – custom and self-build

69. This policy supports proposals for custom or self-build dwellings. ***For clarity, I recommend that the first sentence of the policy includes the phrase “in principle” after the phrase “will be supported ...”.***

Aspiration 2: Community right to build order

70. This aspiration refers to the Parish Council’s intention to work with local interests to bring forward a Community Right to Build Order under the provisions of the Localism Act 2011 for a range of activities (as summarised in paragraphs 8.6 and 8.7).

Policy 8: Connectivity policies – pedestrian network

Policy 9: Connectivity policies – cycle network

Policy 10: Connectivity policies – connection to new development

Policy 11: Connectivity policies – traffic and new development

71. There is a considerable amount of overlap and duplication within these four policies, and between some of them and other policies in the Plan. Many of the objectives are only relevant in relation to developments of a reasonable scale.
72. As written, many of the requirements would be difficult for an applicant to interpret and apply. In order to address this, I make the following recommendations:
- ***Policy 8*** refers to support being given to proposals which contribute to enhancing the pedestrian links specified in Core Document 11 (the Ruddington Pedestrian Strategy). ***I recommend that the locations of these links should be shown on a map at a scale sufficient to be able to identify them clearly.***
 - ***Policy 9*** requires that, where appropriate, all new development other than householder schemes must seek to support cycling within the village and “should provide appropriate cycle infrastructure and cycle parking and, where relevant, showering and changing facilities”, adding that further guidance is to be found in Part 2 of the RDG. Since this guidance appears to be limited to the brief reference in section G3 of the RDG, ***it would be helpful if this were to be carried into Policy 9 itself.***
 - ***Policy 10*** states that all new development, “where relevant” should demonstrate how access is to be gained to key village services etc. ***I recommend that some indication be given as to the circumstances where the policy is likely to apply.***
 - ***Paragraph 9.11, supporting Policy 11***, reads as a clear policy in its own right, rather than an aspiration: “schemes that result in the loss of cycle storage are unlikely to be supported unless alternative storage can be provided on-site”. More importantly, this stated intention seems to me to be unrealistic and unenforceable; in any event, the broad ground is adequately covered in Policy 9. ***I recommend that paragraph 9.11 be deleted.***

Aspiration 3: Safe routes to schools

73. This aspiration, while entirely appropriate in its own terms, actually reads as a policy. The requirements it sets out, while including more detail, are little different from those covered in the connectivity policies. It is not clear, in any event, how the ground it covers differs from what is contained within the cycle and pedestrian strategies. The general relationship between the RNP and such supplementary material is the subject of an earlier recommendation.

Aspiration 4: Highways measures

74. This aspiration simply outlines the Parish Council's intention to work with the highways authority to monitor local traffic movements and consider appropriate management strategies.

Policy 12: Connectivity policies – parking and servicing

75. Despite its title, Policy 12 only deals with car parking, with no reference to the servicing requirements in new developments. ***I recommend that "and servicing" be removed from the description of Policy 12.***
76. The policy requires compliance with the highways authority's standards. These are not explained, nor are they included as one of the background papers, and I have been unable to obtain a clear understanding from a web-search where they are to be found or what their materiality might be in planning terms. ***I recommend that the justification to the policy includes the relevant document as part of the evidence base for the Plan, together with a brief explanation of its status.***
77. The first bullet-point of the policy requires all parking to be on-plot. This may not always be achievable. ***For this reason, I recommend that the phrase "wherever possible" be inserted.***

Policy 13: Heritage policies – conservation area

78. This policy properly reflects the importance of the conservation area⁹ and seeks to ensure an appropriate quality of design for schemes within or adjacent to it. However, in requiring proposals to "enhance" the conservation area, it goes beyond the general duty imposed on local planning authorities in this respect¹⁰, which is that "special attention shall be paid to the desirability of *preserving* or enhancing the character or appearance of that area" [my emphasis]. It is settled in planning law that a proposal which has a *neutral* impact on the conservation area would therefore be sufficient to pass the statutory test. ***I recommend that the opening of the policy be reworded thus: Applications within or adjacent to the Conservation Area will be supported in principle only where they preserve or enhance its character or appearance ..."***
79. As with some other policies, reference is made to more detailed guidance which is available: in this case the Conservation Area Appraisal Management Plan (CAAMP). The policy says that proposals which meet that guidance "will be looked upon favourably", which leaves no room

⁹ The CA boundary is clearly shown in CD19, but it would be helpful if it were also included in the Plan itself

¹⁰ s 72 Planning (Listed Buildings and Conservation Areas) Act 1990

for other material planning considerations. ***I recommend that the opening of the policy be reworded to “Schemes will be required to demonstrate that they have had regard to relevant guidance contained in the CAAMP and the Ruddington Design Guide”. In addition, the Plan should briefly explain the status of the CAAMP, either here or in the introductory material*** (see under the heading “General observations and recommendations” earlier in this report).

Policy 14: Heritage policies – non-designated heritage assets

80. RBC say that paragraph 10.4 should be amended because they do not have a list of non-designated heritage assets, and instead rely on criteria to identify them as and when necessary, in accordance with criteria set out in LP2 Policy 11. However, paragraph 10.4 does not imply the existence of a list - instead, it refers to the *approach* taken in Policy 11. No change to this reference is therefore needed. ***However, I recommend that the second sentence of paragraph 10.4 be amended (as requested by RBC) to read: “The buildings listed in Appendix 1 have been identified as buildings of local importance”.*** This removes reference to the suggestion that they should be included within “the Borough’s Local List”.

Policy 15: Heritage policies – views, vistas, landmarks and gateways

81. This policy seeks to ensure that key views, vistas, landmarks and gateways “identified within the Ruddington Design Guide” are protected and enhanced, with three criteria also being taken into account. Part 1 of the RDG (Character Assessment) is a very comprehensive and informative document. However, while there is some mention of views etc within the text describing individual character areas, there is no list or map which shows where they are. Without this, it is difficult to see how the objectives of Policy 15 could be implemented. ***I recommend that the RNP itself include a map showing the location of the various viewpoints and other features.***

Policy 16: Economy policies – business park

82. The Mere Way Business Park is an important employment site for Ruddington and the wider area. Policy 16 anticipates the need for it to be regenerated over time (not expanded) and sets out a range of criteria to guide that process. These cover the need for adequate parking, a satisfactory relationship with the adjacent country park, appropriate traffic management arrangements and the desirability of accommodating sustainable energy and water recycling measures (Severn Trent Water ask that the use of water-efficient technology be added to this element, and I am content for the Parish Council to respond to this without my having to make a formal recommendation). A particular objective of the policy is to help improve pedestrian and cycle routes to the village centre.

Policy 17: Economy policies – home working

83. This policy sets out clear criteria designed to facilitate homeworking while ensuring that any external impact is minimised, and these raise no issues for the basic conditions. However, the last element of the policy would require new residential development to allow for at least one room to be converted “without the loss of storage or garaging space”. It is not clear how compliance with such a policy could be demonstrated or enforced; it is likely to be seen as unreasonable if imposed as a condition on a planning permission, especially in relation to small-scale proposals. ***I recommend that the last paragraph of the policy be***

deleted.

84. Paragraph 11.5 of the justification to the policy states that (among other criteria) “as a general rule of thumb where over 10% of floor space is used solely for employment purposes.....it is often considered that a change of use has occurred” (and thus that planning permission would be needed). I am not aware of the origins of this 10% benchmark. Perhaps more generally, it is wiser to avoid attempting to summarise as complex an area of planning law as that relating to material changes of use. ***I recommend that paragraph 11.5 restricts itself to saying: “Planning permission is not necessarily needed to provide accommodation for working from home. The key test is whether the overall character of the dwelling will change as a result of the business, something which it would be for the Borough Council to decide in each case”.***

Policy 18: Economy policies – digital access

85. This policy reflects the desire in the village for improved access to high-speed communications services, and it takes a positive approach to any new infrastructure that might be required to deliver this. It adds that, “where appropriate, conditions will be imposed to ensure connection to broadband is delivered prior to occupation of new developments”. ***I recommend that some indication be given as to the circumstances in which this part of the policy would apply.***

Policy 19: Design and sustainability policies – Ruddington Design Guide

86. The RDG is intended to be a part of the Neighbourhood Plan, rather than something to which separate consideration needs to be given¹¹. Some of the representations received relate to the detailed content of the RDG and I consider these to be outside the scope of this examination. ***I do, however, have some observations about Policy 19 itself, and I recommend that the following modifications are made:***

- The policy currently opens by stating that “All development, regardless of size or type, will be supported where it demonstrates how it has contributed towards delivering contextually responsive design, as outlined within the [RDG].” ***It is, however, difficult to see how this could apply to applications for changes of use, and that should be made clear. The wording also needs to include the phrase “in principle” after “supported”.***
- It is not appropriate for a policy to expect proposals to “fully meet” the provisions of *guidance*. Instead, ***the requirement should be for applicants to “have regard” to appropriate parts of the RDG.***
- Development proposals are required to “reflect” the local character in regard to six elements. This is a potentially over-prescriptive approach. ***I recommend that “reflect” be replaced with “respect” – which provides sensitive flexibility.***

¹¹ I sought clarification from the two councils about the status of the RDG, in particular whether it was that of a “supplementary planning document”. However, they were both keen to emphasise that the intention is for it to be formally a part of the Plan, and I have proceeded on that basis.

Policy 20: Design and sustainability policies – sustainable design

Aspiration 5: Future-proof design

87. Policy 20 sets out seven design components that might be relevant to a development scheme whose design and specification should be assessed for their contribution towards tackling climate change, especially in relation to energy efficiency. RBC say that the first of these criteria should be deleted, on the grounds that national guidance¹² is that local policies requiring higher than national standards in relation to a building's sustainability should form part of a local plan (and, therefore, that it is not appropriate for them to be included within a neighbourhood plan). Given that part 2a of Core Strategy Policy 2 covers the same ground, ***I recommend that the first bullet-point of Policy 20 be deleted, and that the justification to the policy makes appropriate reference to Core Strategy Policy 2a. I also agree with RBC that the third bullet-point should be removed: this seeks to avoid main gas connections to prevent the use of fossil fuels, but I consider this to be beyond the scope of the land-use planning system.***
88. Severn Trent Water suggest that the policy could also usefully refer to other resources, including water and utilities. This is a matter I am content to leave to the Parish Council to consider, without a specific recommendation from me.
89. I have linked Policy 20 with Aspiration 5 because they relate to similar strategic objectives. Paragraph 12.6 of the justification properly points out that there are some elements of the village's vision for sustainable design which fall outside the remit of a neighbourhood plan (because they go beyond traditional land-use policies). It might be that the issue of mains gas connections and the suggestions by Severn Trent Water could be appropriately accommodated within Aspiration 5.

Policy 21: Design and sustainability policies – landscape in new developments

Policy 22: Design and sustainability policies – biodiversity in new developments

90. Policy 21 states: "All new developments, regardless of type and scale, will be supported where they *enhance* [my emphasis] the contribution that the site can make to the wider green and blue infrastructure network ...". Five examples of the features which need to be taken into account are then listed. While paragraph 12.7 implies that the policy is especially relevant in relation to larger schemes, as written, it seeks to ensure that all development will be expected to make a positive contribution to the strategic infrastructure environmental networks. This is clearly something that would not be possible in every case.
91. I have a similar comment in relation to Policy 22: this sets out six factors to be taken into account in landscaping schemes associated with new development (with the exception of household applications), the objective being to achieve a net gain in biodiversity within the Parish. While this reflects paragraph 170d) of the NPPF and Local Plan Core Strategy Policy 17c, neither of these requires all new development (with the exception of householder applications) to deliver a net gain in biodiversity.
92. ***I recommend that each policy begin with wording such as: "Where its character and scale realistically permit, new development should seek to ..." etc.*** As a minor point, paragraph 12.12 is a simple repeat of the first part of paragraph 12.11.

¹² PPG on climate change, para.9

Policy 23: Environment policies – village setting

93. This policy sets some parameters for the way any development at the settlement edge is handled in order to achieve an acceptable transition. In addition, applications for sites beyond the settlement boundary are required to take into account the character of certain mature landscapes, described in the Nottinghamshire Landscape Character Assessment (2009). ***(There is a mismatch in the location of these landscape areas as between the policy and paragraph 13.4, and I recommend that this be clarified).***
94. Paragraph 13.3 notes that “... the landscape is protected from sprawling development by Green Belt restrictions”. ***I recommend that this paragraph be redrafted to present a clearer picture by (a) explaining that all the land beyond the village envelope lies within the Green Belt; (b) summarising what the NPPF has to say about the approach to development in the Green Belt (paragraphs 143-147); and (c) explaining the consequences for the Green Belt boundary around Ruddington following the recent planning permissions.***

Policy 24: Environment policies – green infrastructure network

95. The first part of Policy 24 contains two elements. The first supports applications which would preserve or enhance the network of blue and green infrastructure set out in Appendix 3. The second element states that schemes which would result in the loss of features or the diminution of the network will be refused. There is no difficulty with the first provision, but the second, if taken literally, could potentially apply to very small-scale developments (see below). In addition, the last sentence of paragraph 13.6 (part of the justification to the policy, but reading much more as a policy in its own right) would introduce a different and even more stringent test, in that schemes “that fail to *make a contribution* [my emphasis] to the network, where this is possible, will not be looked upon favourably”.
96. The green and blue features are said to be set out in Appendix 3, which is a map entitled Green Infrastructure Network. It shows several areas of land, some of which bear references, depicted in two shades of green. There is no key or list of these sites, so the significance of both the numbering and shading is unclear.
97. In order better to understand the intention of this part of the Plan, I have examined background papers CD04-CD09, all of which are also maps with the title of Green Infrastructure Network and show numbered locations in the same way as Appendix 3. The difference between these six maps relates in part to their location (eg “beyond the main village”) and in part to their character or use (public parks and gardens or allotments etc). There are over 60 sites in total across the six maps, some of these consisting of extremely small plots within housing areas, or even highways verges. Moreover, it would not be clear to a reader how they formed a *network* in the terms described in paragraph 13.1 of the Plan (which appears to be mislocated under Policy 23). I also note that none of the maps (including Appendix 3) appear to show any of the “blue” infrastructure (water bodies and watercourses), despite the reference to this in the policy.
98. ***I recommend that:***
- ***the second sentence of the policy be changed to read: “Schemes that would result in the loss of any features which make a significant contribution to elements of the green or blue infrastructure network will normally be refused planning permission”***

- ***the last sentence of paragraph 13.6 be deleted***
- ***a clear explanation be given of the information shown in Appendix 3 and its relationship with that shown in documents CD04-CD09. This should seek to ensure that only those areas or features which form part of a network are the subject of Policy 24, with proposals which might affect the remainder being considered against other relevant policies in the Plan.***

99. The second paragraph of the policy requires that “all schemes should reflect the importance of the Fairham Brook ... and seek to enhance its role through appropriate landscape design”. It cannot be the case that this policy objective is applicable to “all” schemes within Ruddington; and, in any event, it is not clear from the wording what would be required from an applicant in order to satisfy it. ***I recommend that the scope and development management implications of this requirement be clarified.***
100. Careful examination of Appendix 3 produces a further complication in that some of the sites identified appear again under policy 26 (see below). ***I recommend that this potentially confusing duplication should be explained, since any development of the land in question would appear to be subject to two similar (but not identical) policy constraints.***

Aspiration 6: Management of wildlife and habitats

101. Most of this aspiration properly deals with a strategy for managing and enhancing existing wildlife assets. However, the third paragraph is in fact a policy: it says that development “which affects non-designated sites with biodiversity value will only be permitted where it can be demonstrated that there is an *overriding need for the development* [my emphasis] and that adequate mitigation measures are put in place”. This is said to be in accordance with the Core Strategy: I take this to be a reference to Policy 17, but this does not provide for the rigorous test which I have highlighted. ***I recommend that this paragraph be deleted.*** If the Parish Council consider that there is more to be said on the Plan’s approach to non-designated sites of biodiversity value in terms of development management, it should in any event appear under Policy 22.

Policy 25: Community infrastructure policies – community facilities

102. Policy 25 supports proposals for new and improved community facilities within the Parish and includes seven examples of what activities this would encompass. Applications should seek to avoid having a negative impact on existing assets or result in their loss (Appendix 2 lists them), unless they can be replaced by equal or better provision elsewhere. This is a policy which clearly accords in principle with national and local social and economic objectives, and it is not in its own terms expressed in an over-prescriptive way. However, the second part of it raises some difficulties.
103. Appendix 2 is a list of 42 existing community assets, including (for example), nursing and care homes, places of worship and surgeries – as well as public open spaces (some of which are also subject to Policies 24 and 26). Firstly, it is not clear how a negative impact on any them would be identified or measured. Secondly, it would be unrealistic to require replacement of, say, a private social club with something similar if the existing use is no longer viable or even required. More generally, while it is certainly possible through normal development management processes to agree mitigation measures where the issue is the loss of open

space or outdoor recreation facilities, this would be impractical with any of the other categories set out in the policy. The following recommendation would also be a response to an objection from NHS Property Services.

104. ***I recommend (a) that the second paragraph of Policy 25 be deleted; (b) Appendix 2 be deleted from the Plan, but retained as a background paper as part of the Plan’s evidence base; and (c) that the justification for the policy be expanded to explain what wider steps might be taken to ensure that community facilities are sustained. This might instead be expressed as an aspiration.***

Policy 26: Community infrastructure policies – local green space

105. Policy 26 gives effect to NPPF paragraphs 99-100: *“The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them... Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period. The Local Green Space designation should only be used where the green space is:*

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

c) local in character and is not an extensive tract of land.”

106. Background paper CD10 lists 21 open spaces and briefly assesses them against these three criteria, concluding that all qualify for designation. Appendix 4 to the Plan itself is a map showing their location¹³. I have been given no reason to question the appropriateness of including any of these areas as Local Green Spaces.

Policy 27: Community infrastructure policies – accommodating growth

107. This policy explains that it is the intention to secure a range of improvements within the Parish through s.106 planning obligations or through the Community Infrastructure Levy, the details of which are set out in Appendix 5. ***This is not a land-use policy and I recommend that it be redrafted as an aspiration.***

Monitoring and review

108. Section 15 of the Plan explains that the intention is to take note of RBC’s annual monitoring reporting programmes to inform the need for any review of the RNP, with paragraph 15.4 setting out the key indicators which are likely to be relevant. This section notes that the Plan has been prepared in a way which aligns it to the period of the Local Plan (ie up to 2028), but also allows for the possibility of a partial review if circumstances suggest the necessity for it. Notwithstanding the guidance at paragraph 084 of the PPG, Savills say that this approach is inappropriate because of “potential changes at national level” and the existence of an emerging strategic plan for the Greater Nottingham area. In my opinion, neither of these

¹³ I have noted that site 10, Martin’s Crescent, is mentioned in CD10 but does not appear on the map

factors amounts to a case for requiring the RNP to include a commitment for it to be reviewed (ie, in its entirety) within two years of its having been made. ***I recommend that no change be made to Section 15 of the Plan.***

Conclusions on the basic conditions and formal recommendation

109. I am satisfied that, subject to the modifications set out in this report, the Ruddington Neighbourhood Plan makes appropriate provision for sustainable development; that it has had regard to national policy, and that it is in general conformity with the strategic policies in the development plan for the local area. There is no evidence before me to suggest that the Plan is not compatible with EU obligations, including human rights requirements. I am also required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area, but I have been given no reason to think this is necessary.
110. ***I therefore recommend that the Ruddington Neighbourhood Plan, once modified, should proceed to referendum.***

David Kaiserman

David Kaiserman BA DipTP
MRTPI Independent Examiner

31 March 2021

APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	NP reference	Recommendation
18	General	<ul style="list-style-type: none"> include Plan period in the text and title
44	General	<ul style="list-style-type: none"> explain context for housing requirement and implications for Plan's policies include information on four sites which now have planning permission
48	General	<ul style="list-style-type: none"> explain status of supplementary material
56	Policy 1	<ul style="list-style-type: none"> delete policy
58-60	Policy 2	<ul style="list-style-type: none"> reword second paragraph delete specified material and include as an aspiration
62	Policy 3	<ul style="list-style-type: none"> amend to take account of conflicts with Local Plan policies on Primary Retail Frontage take into account changes to UCO and PD rights resolve conflict with para 7.3 and clarify policy implications
64	Policy 4	<ul style="list-style-type: none"> delete – include as an aspiration
68	Policy 6	<ul style="list-style-type: none"> modify to include more detail or delete policy
69	Policy 7	<ul style="list-style-type: none"> minor rewording
72	Policy 8	<ul style="list-style-type: none"> show principal links on a map
	Policy 9	<ul style="list-style-type: none"> include guidance from section G3 of RDG
	Policy 10	<ul style="list-style-type: none"> expand on applicability
	Policy 11	<ul style="list-style-type: none"> delete paragraph 9.11 from justification
75-77	Policy 12	<ul style="list-style-type: none"> minor rewording (2) explain relationship with Highways Authority's standards
78-79	Policy 13	<ul style="list-style-type: none"> minor rewording (2) explain status of CAAMP
80	Policy 14	<ul style="list-style-type: none"> minor rewording
81	Policy 15	<ul style="list-style-type: none"> show locations on a map
83	Policy 17	<ul style="list-style-type: none"> delete last paragraph reword paragraph 11.5
85	Policy 18	<ul style="list-style-type: none"> expand on applicability
86	Policy 19	<ul style="list-style-type: none"> clarify applicability rewording (3)
87	Policy 20	<ul style="list-style-type: none"> delete first and third bullet-points expand justification to refer to Core Strategy Policy 2a
92	Policies 21 & 22	<ul style="list-style-type: none"> minor rewording

93-94	Policy 23	<ul style="list-style-type: none"> • resolve mismatch with paragraph 13.4 • expand paragraph 13.3 to explain current Green Belt position
98-100	Policy 24	<ul style="list-style-type: none"> • minor rewording in second sentence • delete last sentence of para 13.6 • explain relationship between Appendix 3 and CD04-09 • clarify implications of Fairham Brook reference • resolve duplication with Policy 26
101	Aspiration 6	<ul style="list-style-type: none"> • delete third paragraph
104	Policy 25	<ul style="list-style-type: none"> • delete second paragraph • delete Appendix 2 but retain as a background paper • expand justification (or express as an aspiration)
107	Policy 27	<ul style="list-style-type: none"> • redraft as an aspiration

APPENDIX 2: SUGGESTED EXPLANATORY MATERIAL CONCERNING HOUSING

(see paragraph 44 of this report)

1. The Ruddington Neighbourhood Plan is required to be in general conformity with the strategic policies in the development plan for the local area (basic condition e). Policy 3 of the Rushcliffe Local Plan Core Strategy deals with the spatial strategy for the Borough up to 2028, which is also the end-date for the RNP. Beyond the main built-up area of Nottingham, six “key settlements” are identified for growth, and are expected to accommodate about 5,500 new dwellings. One of these settlements is Ruddington, with its own target of a “minimum” of 250 dwellings.
2. Part 2 of the Local Plan, which contains the detailed land and planning policies for the Borough, was adopted after the commencement of work on this neighbourhood plan. Explanatory material at paragraphs 3.76-3.78 says that Ruddington has the capacity for around 525 new dwellings, and Policies 6.1 to 6.4 allocate four greenfield sites to the north, east and south of the village designed to yield that figure. These sites are land west of Wilford Road, south of Flawforth Lane, opposite Mere Way and north of Asher Lane (see Map no.....). Most or all of the land in question lies within the Green Belt (or it was at the time of the adoption of the Local Plan). All four of the sites now have full planning permission.
3. The Ruddington Inset (no.1) in the Local Plan shows the four housing allocations, together with a modified Green Belt boundary, tightly drawn around the built-up area of the village (as it is to be extended).
4. The context for this neighbourhood plan is therefore that roughly twice as much new housing land has been identified in the village as is required under the terms of the Local Plan, and given that this has been adopted relatively recently, there is no obvious justification for any further housing land allocations within the RNP’s timeframe (ie up to 2028). Development within the Green Belt is severely restricted, in accordance with Local Plan Policy 21 and section 13 of the NPPF.
5. Nevertheless, the Parish and Borough Councils consider it prudent to be in a position to respond to any proposals for housing which do come forward (over and above limited infill, small-scale redevelopment or development which might be considered acceptable in the Green Belt). In addition, all new planning applications would continue to be assessed on their merits against the development management policies contained within the Local Plan (together with policies in the NPPF, if appropriate), and the RNP’s overall objectives would continue to be a “material consideration” to be taken into account.