



STAPENHILL NEIGHBOURHOOD DEVELOPMENT PLAN

INDEPENDENT EXAMINERS REPORT TO EAST STAFFORDSHIRE BOROUGH COUNCIL

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27 June 2016

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1.0 Introduction: Preparation of plan, legislative background and summary of findings

1.1 Neighbourhood Planning was introduced in the Localism Act 2011. It allows local communities to prepare plans and allocate sites for housing and other uses in their own neighbourhood. The Plan once approved will guide future development and become part of the Development framework and will be taken into account when considering future development proposals.

1.2 The Neighbourhood Development Plan (the Plan) has been developed by a steering group set up by Stapenhill Parish Council which included Parish Councillors and local residents. The Borough Council and Planning consultants' BPUD have assisted the process.

1.3 The Plan document is clearly presented with good use of photographs. **Where modifications are recommended in this document they are highlighted in bold and italics.** The introductory sections provide some background to Neighbourhood Plans and outline what the Stapenhill Neighbourhood Plan is. **On page 1 line 4 needs to read “Should the Plan be approved at Referendum it will have a legal status....” In paragraph 2.7 replace “to contribute the” with “and contributes towards”. In 2.8 replace “The Local Planning Authority are responsible for implementing” with “The Local Planning Authority will consider development proposals against the Neighbourhood Plan policies and their Local Plan”.** The introductory section is followed by a description of the key features of the area and the challenges it faces. This includes a description of Stapenhill and its historical development. **The Plan on Page 9 showing the Parish boundary is very poor quality and should be replaced.** The objectives of the Plan are outlined in section 4 followed by sections providing details of the Plans and Policies that are relevant in the area and the monitoring and review process. A Plan identifying the Proposals within the Plan is provided in an Appendix at the end of the document.

1.4 The Plan area consists of the Parish of Stapenhill which is situated east of the centre of Burton on Trent. It is separated from the town centre by the River Trent and the area known as the Washlands. It had a population of just less than 8000 according to the 2011 census. The Plan supports the policies and land use proposals that are included within the East Staffordshire Local Plan. The Plan identifies 15 key policies under the four broad themes: Housing and Development, Transport, Conservation and design and Landscape and Leisure.

1.5 Having carried out the examination, for the reasons set out below and subject to all of the modifications of this examination report being accepted, I consider that the Plan meets the basic conditions in terms of:

- having appropriate regard to national planning policy
- contributing to the achievement of sustainable development
- being in general conformity with the strategic policies in the development plan for the local area
- being compatible with human rights requirements
- being compatible with European Union obligations

1.6 If the Plan becomes subject of a referendum and achieves more than 50% of votes in favour, then the Plan would be “made”. The Plan would then be used to guide and determine planning decisions in Stapenhill Parish by East Staffordshire Borough Council.

2.0 Role of the Independent Examiner

2.1 I was appointed by East Staffordshire Borough Council in May 2016, with the agreement of the Stapenhill Parish Council to conduct this examination. The role is known as Independent Examiner.

2.2 Under the terms of the NP legislation I am required to make one of three determinations:

- The Plan should go forward to referendum because it meets all the legal requirements, “the Basic Conditions”
- The Plan as modified should proceed to Referendum
- The Plan should not proceed to Referendum because it does not meet all the legal requirements

2.3 In making my recommendation I must also determine whether the referendum should involve a wider area than the boundary of the Stapenhill Neighbourhood Plan boundary, whether the Plan area has been appropriately designated and whether the Plan specifies the time period to which it relates. The Plan must not include any provision that is about excluded development.

2.4 I am a Chartered Town Planner with nearly 40 years experience working in senior roles in Local Government, regeneration agencies and the private sector. I am independent of East Staffordshire Borough Council and the Stapenhill Parish Council. I am independent of residents and stakeholders in the area and have no interest in any of the land within the Neighbourhood Plan area. I am a member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) and have carried out the independent examination of seven Neighbourhood Plans in various parts of the country.

The Examination Process

2.5 The general presumption is that most Neighbourhood Plans will be considered through written evidence. East Staffordshire Borough Council has indicated that in their opinion no public hearing will be necessary for the Neighbourhood Plan and that the examination should consider written evidence only. An Examiner can ask for a public hearing if it is considered that certain aspects need to be more fully explored or to allow individuals to outline their case more fully. In view of the relatively straight forward nature of the plan proposals, the limited number of land use recommendations and the fact that there have been limited representations through the recent consultation period I have informed the Local Authority that no public hearing is required. I consider that I am able to make a recommendation based on the extensive evidence that has been provided.

3.0 The Neighbourhood Plan Area

3.1 The Neighbourhood Plan area consists of the whole of the Parish of Stapenhill. It is situated east of the centre of Burton on Trent. It is bounded by the River Trent to the north and west and by a railway line to the south. The eastern boundary is the edge of the built up area and includes the linear development along Stanton road and the Paulet High School site.

3.2 The area is predominantly residential with early 20th century housing in the village core and further phases of housing built in the inter war and post war periods. There are a number of commercial properties and limited, small scale industrial premises. There are a small number of listed buildings and part of the Burton Town Centre conservation area covers the north eastern part of the Parish.

3.3 There is a considerable amount of open space close to the River Trent with Stapenhill Gardens forming an attractive gateway to the area.

4.0 Consideration of the Basic Conditions

4.1 There are a number of basic conditions that the Stapenhill Neighbourhood Plan has to meet in order for it to go forward to a Referendum. These are set out in the Neighbourhood Planning (General) Regulations 2012 and paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011).

4.2 Paragraph 8 sets out the requirements for Neighbourhood Plans to meet these “**Basic Conditions**”, before they may come into force.

Neighbourhood Plans must:

- have appropriate regard for national policies and guidance issued by the Secretary of State
- contribute towards the achievement of sustainable development
- be in general conformity with the strategic policies of the development plan for the local area
- be compatible with European Union (EU) and European Convention on human rights requirements (ECHR)

I have examined the Neighbourhood Plan against all of the basic conditions above.

A Neighbourhood Plan Basic Conditions Statement has been prepared by the Stapenhill Parish Council Steering group with support from consultants’ BPUD and officers from East Staffordshire Borough Council.

Qualifying Body and Neighbourhood Area Designation

4.3 East Staffordshire Borough Council made a bid in November 2011 to the Department of Communities and Local Government for a number of Parishes to receive grant funding under the Neighbourhood Planning Front Runners Programme to support preparation of a Neighbourhood Development Plan.

4.4 This bid was successful and approved by the Department of Communities and Local Government in March 2012. Stapenhill therefore became part of the fifth wave of Neighbourhood Planning Frontrunners.

4.5 In June 2012 Stapenhill Parish Council submitted an application for the designation of Stapenhill Parish as a **Neighbourhood Planning Area** to East Staffordshire Borough Council as the relevant Planning Authority.

4.6 The Local Planning Authority publicised the application for designation as a Neighbourhood Area for a six week consultation period. The application was published on the Council's website and was available at various locations throughout Stapenhill Parish.

4.7 The Council assessed that there was no overlap with any other proposed neighbourhood plan area and that the proposed boundary did not overlap with any adjoining parish or designated area.

4.8 The Council considered that the Parish Council satisfied the conditions required for a Qualifying Body and Neighbourhood Forum.

4.9 I am satisfied that the Stapenhill Neighbourhood Development Plan meets the basic condition of having a suitable Qualifying Body, a relevant body in accordance with section 61F (5) of the 1990 Town and Country Planning Act, the Stapenhill Parish Council.

Basic condition: Neighbourhood Plan Area

4.10 I am satisfied that the Stapenhill Neighbourhood Plan meets the basic condition of having a suitable Neighbourhood Plan area designated as outlined in Section 5 of the Neighbourhood Planning (General) Regulations 2012.

4.11 I am also satisfied that the Stapenhill Neighbourhood Plan (the Plan), does not relate to more than one neighbourhood area and that there is no other Neighbourhood Development Plan in place within this neighbourhood area.

4.12 The Stapenhill Plan covers the period 2015 – 2031. It therefore covers the period of the East Staffordshire Local Plan 2015 adopted in October 2015, which relates to the period 2012 -2031.

4.13 I am, therefore, satisfied that the Plan meets the Basic Condition relating to the timeframe of the Plan period.

4.14 The Basic Conditions Statement confirms that the Plan does not deal with County matters, any nationally significant infrastructure or any other matters set out in S61K of the Town and Country Planning Act 1990.

5.0 Regard to the National Planning Policies and Guidance and the National Planning Policy Framework

5.1 In carrying out the examination of the Proposed Plan, and deciding whether to recommend that it should be submitted to a referendum, I am required to have regard to national policies and advice contained in guidance issued by the Secretary of State. The Plan needs to meet all of them. The Neighbourhood Plan must meet the basic condition of having regard to national and local planning policies.

5.2 I therefore considered the Stapenhill Neighbourhood Plan in line with National Planning Policy and Guidance, the East Staffordshire Local Plan 2015 and various East Staffordshire Borough Council Strategies.

5.3 The adopted Local Plan has 35 Strategic Policies. For the purposes of meeting the NP Basic Conditions the Local Plan identifies 14 policies that it considers strategic. In the section on Policies I will outline my view on whether

the Plan can demonstrate that it supports these policies and recommend modifications where necessary.

5.4 A number of the Local Plan Strategic Policies are of particular importance when considering this Neighbourhood Plan. SP2, the Settlement Hierarchy, in particular seeks to locate new development within the settlement boundary of Burton.

5.5 Should the Neighbourhood Plan be confirmed after a referendum it will achieve a status in the Development Plan hierarchy. This is clarified in Section 1.15 of the adopted Local Plan which confirms that “Upon adoption, neighbourhood plans will become a statutory plan carrying equal weight to the Local Plan and be part of the suite of documents that guide development. They will be used in making decisions on planning applications by East Staffordshire Borough”.

National Planning Policy Framework (NPPF) (2012) and Planning Practice Guidance (2014)

5.6 The most significant piece of guidance is the National Planning Policy Framework (the Framework) issued in March 2012. Paragraphs 183 -185 outline the Governments view on Neighbourhood Plans. Government consider that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need and ...neighbourhood forums can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications.

5.7 Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood needs to be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in

general conformity with the strategic policies of the Local Plan. Provided that neighbourhood plans do not promote less development than set out in the relevant Development Plans or undermine the strategic policies, neighbourhood plans may shape and direct sustainable development in their area.

5.8 More detailed guidance and advice which expands on the general policies in the Framework has been available since March 2014. This confirms that Neighbourhood Plans should be clear, concise, unambiguous and supported by appropriate evidence.

5.9 I am satisfied, that the Plan has adequate regard to the policies in the Framework and Planning Guidance. In reaching this opinion I have been assisted by the Basic Conditions Statement prepared in support of the Plan by Stapenhill Parish Council Neighbourhood Plan Steering group and BPUD.

5.10 Appendix 2 of the Basic Conditions statement outlines how the Stapenhill Neighbourhood Plan contributes positively to nine of the core planning principles that underpin the Framework (paragraphs 18 -149). Subject to a number of modifications that I recommend being accepted I consider the Plan will contribute positively to the following NPPF priorities: Building a strong, competitive economy, ensuring the vitality of town centres, promoting sustainable transport, delivering a wide choice of high quality homes, requiring good design, promoting healthy communities, meeting the challenges of climate change and conserving and enhancing the natural and historic environment

5.11 I consider that the Plan will provide a framework for future development and has evolved through extensive consultation with residents and relevant organisations and agencies.

6.0 Contribution to Sustainable Development

6.1 The United Nations General assembly defined sustainable development as “meeting the needs of the present without compromising the ability of future generations to meet their own needs” (Resolution 42/187).

6.2 The NPPF outlines the Government view in paragraphs 6 and 7. The purpose of the Planning system is to contribute to the achievement of sustainable development. There are three aspects of sustainability, namely economic, social and environmental.

6.3 East Staffordshire Borough Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the Local Plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government’s presumption in favour of sustainable development. The Council has confirmed that the Neighbourhood Plan is in general conformity with the East Staffordshire Borough Local Plan.

6.4 The Neighbourhood Plan Basic Conditions Statement provides details how the policies contained in the Stapenhill NP support the principle of sustainable development. A higher than average proportion of people living in the area already walk or cycle to work and the Plan provides further encouragement for this through Policy ST1 Access for All and ST3 Traffic calming. Policy SH4 supports mixed use developments that will enhance the economic sustainability of the area. Policies SC4, SL2, SL3 and SL4 demonstrate commitment to protecting the natural environment and open spaces while Policy SC1 recognises the importance of the heritage assets within the area.

6.5 I consider, therefore, that the development that will be encouraged through the proposals in the Plan should deliver sustainable development within the Parish of Stapenhill.

7.0 Conformity with the Strategic Policies of the Local Area

7.1 In carrying out the examination of the Proposed Plan, I am required to consider whether it is in general conformity with the strategic policies contained in the development plan for the area (basic condition (e)).

The Neighbourhood Plan Basic Conditions statement confirms that the Plan has been prepared in general conformity with the East Staffordshire Borough Council Local Plan 2015. This has been confirmed by the Council. The vision for the Local Plan is: “to be a Borough where people matter and where people want to live, work and spend leisure time”.

7.2 *The vision for the Neighbourhood Plan is broadly in line with the Borough vision but is not currently contained in the main Plan document. It is provided in paragraph 2.7 of the Consultation Report.*

The Plan vision is that:

“Stapenhill Parish should aim to be an inclusive and thriving community which supports and encourages local business whilst celebrating its cultural and strong heritage. All members of the community should be provided for in the best way possible with facilities and assets being created for the youth and elderly generation within the Parish. The needs of the community should be listened to and new development should be sensitive to its surroundings as well as helping to alleviate issues of traffic within the area.”

In order to demonstrate that the Plan is in general conformity with the strategic priorities of the Borough I recommend that Section 4 of the Plan should be re-titled “Vision, Objectives and Approach” and the above text included.

7.3 The adopted Local Plan identifies 35 key Strategic Policies. Having reviewed the Plan I consider that the Neighbourhood Plan contributes positively to 13 of these. It should be noted that there are a number of objectives in the Local Plan that are not relevant to the Plan area.

7.4 I am satisfied, therefore, that the Stapenhill Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority, the adopted East Staffordshire Borough Council Local Plan 2012 – 2031.

8.0 European Union (EU) obligations, Habitat and Human Rights requirements

8.1 A Neighbourhood Plan must be compatible with EU regulations in order to be legally compliant. There is no legal requirement for a Neighbourhood Plan to include a sustainability appraisal. However in some limited cases where the Plan may have significant environmental effects it may require a Strategic Environmental Assessment. The Strategic Environmental Assessment (SEA) Directive seeks to provide high level protection of the environment by integrating environmental considerations into the processing of plans.

8.2 It is good practice for the local authority to undertake a screening assessment to decide whether or not any of the proposals of the Plan are significant enough for the Plan to require a full SEA. If a screening exercise identifies significant effects an environmental report must be prepared. East Staffordshire Borough Council undertook an SEA and Habitat Regulation Act screening exercise to establish whether a full SEA was required. Historic England, The Environment Agency and Natural England were consulted as part of the process.

8.3 The first version was published in June 2015 with a final version published in March 2016. Two issues were the subject of discussion prior to determining whether a full SEA would be required. Historic England initially considered that an SEA would be required because the impact of the allocation of the Short Street site for development had not been considered. They withdrew that objection following an assessment by the Council Conservation officer that there were no historic elements to the Short Street

site. The second issue related to the late inclusion of the allotment site off Saxon Street for mixed use development. This led the Council to advise that an SEA would be required. The Parish Council considered the matter further and subsequently withdrew the proposal. This enabled the Council to confirm that no SEA would be required. ***The Neighbourhood Plan Proposals Map at Appendix 1 still shows the proposal for Saxon Street. The Plan needs to be amended to exclude this proposal.***

8.4 The Neighbourhood Plan steering group, supported by BPUD, did undertake a wider Sustainability Appraisal of the two small sites where development is proposed and identified that they would not have any significant environmental effects. I agree with that conclusion. It is considered that other policies at the national and local level are sufficient to mitigate any residual negative effects from the two site allocations.

8.5 East Staffordshire Borough Council concluded that a Habitat Regulations Assessment would not need to be carried out as it is not considered to be a large enough plan area or involve complex policies which are likely to have a negative impact on habitats. I agree with that conclusion.

8.6 None of those who submitted written representations have drawn attention to any other relevant EU obligation that I should take into account in my examination of the Proposed Plan. Taking all of the above into account I am satisfied that the Neighbourhood Plan has regard to the rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

9.0 Background documents and Information considered

9.1 In order to examine and reach conclusions on the Neighbourhood Plan Proposals of the Stapenhill Parish Council I have considered the following documents:

- East Staffordshire Borough Council Local Plan 2012 – 2031 adopted October 2015
- East Staffordshire Local Plan, July 2006
- East Staffordshire Ward profile for Stapenhill Ward Profile and census results 2011
- East Staffordshire NP Screening assessment
- Town and Country Planning Act 1990 (as amended)
- National Planning Policy Framework (NPPF) (2011)
- The Localism Act (2012)
- The Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance
- The detailed consultation responses to the consultation

9.2 There were 9 representations made during the final formal Regulation 16 consultation period. There were a number of supportive comments and no significant objections. Historic England considers the document “well considered, concise and fit for purpose”. Staffordshire County Council acknowledge that their comments have been incorporated. The National Forest Company considers that a number of the Plan proposals will help it deliver its strategy. ESBC and a Parish Councillor have raised a small number of points that I will address as appropriate later in the report.

9.3 In addition, I visited the area unaccompanied for one day in June 2016 and explored the various sites and locations referred to in the Plan.

10.0 Evidence Base and Consultation

10.1 One of the most important principles in the Neighbourhood Planning Regulations 2012 is that local communities must be given ample opportunity to help to shape the future of their area. Successful consultation will ensure that the views and priorities of the community are reflected in the Plan and the likelihood of a successful referendum vote increased. Section 15 (1) (b) of the Neighbourhood Planning Regulations 2012 requires a Consultation Statement to be produced and submitted with the Neighbourhood Plan.

10.2 Section 15 (2) specifies that this must contain: details of the persons or bodies that were consulted about the proposed Neighbourhood Plan. It must explain how they were consulted and summarise the main issues and concerns raised by the persons consulted. Furthermore it must describe how these issues have been considered and, where relevant, addressed in the proposed Neighbourhood Development Plan. I am satisfied that the document provided to the Borough Council meets the requirements of the regulations.

10.3 Stapenhill Parish Council has provided information regarding the public consultation that took place in preparation of the Plan in the Neighbourhood Plan Consultation report produced by BPUD on behalf of the Parish Council and published in October 2015. This confirms that extensive consultation took place with residents, community groups, schools, businesses and stakeholders at the key stages of Plan development in a variety of forms and locations. It is disappointing that little information is provided about the actual numbers who attended the various events or responded to the surveys. However it is clear that the events were well publicised and people had the opportunity to participate if they wished.

10.4 A Draft Plan was prepared and subject to formal Regulation 14 public consultation between October 17 and November 28, 2015. It was widely publicised through Press releases, letters and emails with copies being available on web sites and hard copies made available on request. In

addition a survey including key details of the plan was delivered to every household. The responses were broadly favourable. The Consultation Report shows that comments were actively sought and responded to. There is an audit trail showing how the Plan was changed to incorporate the suggestions. I do not consider that any significant issues raised were not addressed.

10.5 The final version of the Plan was subject to Regulation 16 consultation which took place between January 18 and February 29, 2016. There were 9 responses. The majority of comments were supportive of the Plan. I will address the other comments later in the report. ***The words “Submission Draft” should now be deleted from the front cover of the Plan document.***

10.6 I am satisfied that considerable consultation has taken place throughout the various phases of the Plan development and that the Plan has received the overwhelming support from respondents. Where concerns have been raised it is clear that in most cases steps have been taken to respond positively to the comments.

10.7 I am satisfied, therefore, that the Neighbourhood Plan Consultation statement, with the additions that I have recommended, meets the basic condition regarding consultation and complies with Section 15 (2) of part 5 of the 2012 Neighbourhood Planning Regulations.

11.0 The Stapenhill Neighbourhood Plan Vision and Objectives

11.1 The Stapenhill Neighbourhood Plan has a wide ranging vision for the future of the area. Over the Plan period it seeks to become a thriving, inclusive, business supporting area that addresses community needs while protecting and celebrating its heritage.

11.2 The Plan outlines how the vision will be realised through six overarching policy objectives that have been derived through the consultation process. The objectives are clearly written and aspirational. There are 15 policies which are split into four sections relating to Housing and development, Transport, Conservation and design and Landscape and Leisure. Each Policy includes a statement which provides the local context and an indication of what the Policy is intended to achieve. There is a useful matrix on Page 20 that identifies clearly how each Plan policy relates to the Plan objectives. All contribute to more than one objective. There is also a helpful table in the Consultation statement that identifies the compliance of each to Plan Policy to National and Local Policies.

12.0 Stapenhill Neighbourhood Plan Policies

12.1 The Stapenhill Plan Policies begin in Section 6. The Plan document outlines that the policies are in two parts with the Policy followed by an explanatory section. ***The format however is an introduction and reasoning followed by the Policy, often on a different page. The clarity for the reader would be considerably improved if the layout was changed so that the policy reasoning text is first with the Policy and reasoning presented on the same page. This can be readily achieved by moving the photo on Page 23 to replace the text on Page 22 (and the word “Cartpet” replaced with “Carpet” in the title.) The text from 7.4 to 7.6 should appear on Page 23, the same page as the Policy. Similarly***

PolicySH4 should be moved to the bottom of page 25 and PolicySC3 to the bottom of page 35, SC4 to the bottom of page 36.

12.2 Policy SH1 Housing for All

12.3 This is a positive land use policy that supports new residential development within the Plan area. The emphasis is on provision of smaller dwellings of two bedrooms or less, the rationale being the predominance in the area of three or more bed dwellings and the desire to provide a range of house types to meet the needs of young and old. I understand that this reflects community views. It will not prevent proposals coming forward for 3, 4 and 5 bed properties which the Council consider are also needed in the area.

I recommend that the first line of the recommendation should read: “New residential development will be particularly supported if, where appropriate, it is focussed on the delivery of smaller residential dwellings...”

12.4 ***It is clear from the text that the Plan seeks to support the work of social housing providers. I recommend therefore that Principle B on Page 16 is also included in the text of Policy SH1.***

12.5 Recommendation: Subject to the above amendments I do not recommend any changes to this Policy.

13.0 Policy SH2 Previously developed land and buildings

13.1 A core planning principle of the NPPF is encouragement for the reuse of previously developed land. Policy SH2 is a positive land use policy in line with this in that it addresses the issue of vacant commercial buildings or sites in the area. This Policy supports proposals that will bring back into use previously developed land or buildings. It also seeks to resist conversions of ground floor retail or commercial premises to residential unless there is no viable use and active marketing for a minimum of six months can be demonstrated. I consider this to be a reasonable position to take. ***I recommend that in the final sentence of 7.7 “do” is replaced with “does”***

13.2 Recommendation: Subject to the above amendment I do not recommend any changes to this policy.

14.0 Policy SH3 High Quality design

14.1 One of the core principles of the NPPF is that high quality design and good standard of amenity should be sought. Policy SH3 is in line with the NPPF and recognises the importance of high quality design in determining the attractiveness of areas. It proposes that new developments should be of high quality and be able to demonstrate how they have responded to the East Staffordshire Design Guide 2008. ***The Plan recognises the significance of scale and density in relation of adjacent properties in Principle C of the approach to development. I recommend that this is also included in the text of Policy SH3. During the consultation garden and amenity space was identified as a key issue for the community and a figure of 25sq/m of garden space per bedroom is suggested for family housing though smaller gardens would be needed for older people. I recommend that this is included in the text of the policy.***

14.2 Recommendation: Subject to the above changes I do not recommend any changes to this policy.

15.0 Policy SH4 Mixed Use and Other uses

15.1 A core principle of the NPPF is the promotion of mixed use developments. Policy SH4 is in line with this and supports mixed use developments on two sites. ***In paragraph 7.11 replace “three” with “two” larger sites since as discussed elsewhere the proposal for the Saxon Street allotment site has been withdrawn. This site should also be taken off the Proposals Map at Appendix 1.***

15.2 Recommendation: Subject to the above amendments I do not recommend any changes to this policy.

16.0 Policy ST1 Access for All

16.1 The second theme, Transport, starts with Policy ST1. One of the core principles of the NPPF is to actively manage growth to make the fullest use of public transport, walking and cycling. Policy ST1 is in line with this. The community identified the impact of traffic as a major concern during consultation. Policy ST1 responds to the evidence that a significant number of people in the area walk or cycle to work and supports the provision of new and improved cycle and pedestrian routes. ***In the background to the Parish in paragraph 3.4 it notes “a high proportion using the bicycle for their daily commute”. According to the latest Ward profile the figure is 3.3% with a further 7% travelling on foot. I recommend therefore that paragraph 3.4 should be changed to state 10% travelled by bicycle or foot to work***

16.2 The Policy identifies a number of key routes within the Plan area. The low density of housing and amount of linear open space in some parts of the area means that there is potential to implement physical segregated improvements relatively easily unlike in areas of predominantly back of pavement terraced housing.

16.3 Recommendation: Subject to the above I do not recommend any changes to this policy.

17.0 Policy ST2 Parking and Servicing

17.1 This policy seeks to enhance the sustainability of the Plan area through ensuring that new developments make a positive contribution to the area and do not make parking conditions worse. ***In paragraph 8.4 insert the missing word “will” in line two.*** The new housing on site parking provision should be in line with existing Council policy. ***The final sentence of the first paragraph of the Policy should be deleted since it would not be possible to achieve on every site.***

The second part of the proposal relates to retail, commercial and leisure schemes. There is no definition of what a “thorough” assessment of site accessibility constitutes. In the absence of this reliance will be placed on the

County Council Highway Authority. ***I recommend, therefore, deletion of the word “thorough” from paragraph two of the Policy.***

17.2 Recommendation: Subject to the above amendments I do not recommend any changes to this policy.

18.0 Policy ST3 Traffic Calming

18.1 This Plan proposal addresses the NPPF priority of ensuring the vitality of town centres and promoting healthy communities. It does this by seeking to target traffic calming improvements to key locations in the local centres and around schools. It has been developed following an independent traffic count in the area. The policy proposes that new developments should include traffic calming measures to mitigate adverse effects on traffic flows. The Plan recognises that there will need to be close liaison with the Highway Authority in order for this policy to be successfully implemented.

18.2 Recommendation: I do not recommend any changes to this policy.

19.0 Policy SC1 Heritage Assets

19.1 National policy recognises the importance of heritage assets. This is addressed by the third Plan theme, Conservation and Design which starts with Policy SC1. The Policy recognises that Stapenhill is fortunate in having a number of heritage assets including listed buildings and a conservation area. The Policy seeks to ensure that Planning Applications take note of the local townscape and character. By promoting good design this is in line with national policy and will promote sustainable development.

19.2 Recommendation: I do not recommend any changes to this policy.

20.0 Policy SC2 Community Heritage Assets

20.1 A core principle of the NPPF is support for the conservation of heritage assets. Policy SC2 recognises there are a number of buildings in the Plan area that are important and contribute to the cultural identity of the area in addition to those that are listed. It seeks to protect and enhance them where possible. The Parish Council have identified seven buildings within the Plan area that are of particular significance and wish to include them on the list of Local Heritage Assets being produced by the Council. ***To avoid confusion I recommend that this Policy be renamed Local Heritage Assets.***

20.2 Recommendation: Subject to the above amendment I do not recommend any changes to this policy.

21.0 Policy SC3 Shopfront Design

21.1 This Policy recognises the importance of shop front design to building a strong competitive economy in line with the NPPF. During consultation the community indicated that in some areas improvements were needed. This Policy seeks to ensure that the local policy contained in the ESBC Design Guide is used when considering shop front development proposals. ***I recommend that at the end of the first sentence in paragraph two of the policy after “or any subsequent document” the words “and make a positive impact on the street scene” are added.***

21.2 Recommendation: Subject to the above amendment I do not recommend any changes to this policy.

22.0 Policy SC4 Nature Conservation

22.1 A core principle of the NPPF is the conservation and enhancement of the natural environment. Policy SC4 recognises that Stapenhill is fortunate in having a number of important habitats for different types of wildlife. It seeks to ensure that every planning application contributes to wildlife and biodiversity.

There are, however, no specific examples of what could be encouraged on small sites such as provision of bat boxes.

22.2 I do not recommend any changes to this policy.

23.0 Policy SL1 Streets and Spaces

23.1 The fourth theme, Landscape and Leisure starts with Policy SL1 Streets and Spaces. The Policy seeks to ensure that all planning applications take account of the existing public realm and demonstrate how they have considered the surveillance and ease of access. ***In paragraph two I recommend replacing “larger” with the more familiar planning term “major” applications.***

23.2 Subject to the above change I do not recommend any changes to this policy.

24.0 Policy SL2 A Network of Open Spaces

24.1 Although the area has considerable formal and informal open space, particularly along the River Trent frontage, there is a deficiency in formal children’s play areas within the Parish. This policy seeks to address this deficiency by supporting the delivery of a network of open spaces. The Policy seeks contributions from certain planning applications. ***I recommend that “larger” is replaced by “major” in Paragraph 3 of the policy.***

24.2 Subject to the above I do not recommend any changes to this policy.

25.0 Policy SL3 Local Green Space

25.1 The NPPF enables local communities to identify green areas of local significance for special protection. Paragraph 76 states that by designating areas as Local Green Space “local communities will be able to rule out development other than in very special circumstances”. The Framework indicates that Local Green Space designation will not be appropriate for most

green areas or open space. It is essential therefore that it meets the key justification criteria of being not extensive tracts of land, being of local significance and in reasonable proximity to the community it serves.

25.2 The Plan Policy considers that there are 15 well used green spaces within the area that provide significant community benefit. I acknowledge that the current open space provision is not evenly distributed within the Plan area and large parts of the area have little open space. 11 of the identified sites are very small with 8 under 0.1 Ha with a further 3 being 0.2 Ha. A description of each area and rationale for designation has been included in Appendix 3 and I consider all of the areas chosen fit the NPPF criteria of being reasonably close to the community they serve and being of local significance. The Local Authority has accepted that in each case Local Green Space designation is appropriate.

25.3 I do not recommend any changes to this policy.

26.0 Policy SL4 Trent Waterfront

26.1 This Policy relates to the important River Trent waterfront that forms the western boundary of the Plan area. It already provides the attractive Stapenhill Gardens in the north of the plan area and more informal green spaces to the south. The Policy seeks to actively support leisure and tourism uses in the waterfront area. The Policy has been welcomed by the County Council.

26.2 I do not recommend any changes to this policy.

27.0 Summary and Recommendation

27.1 I am satisfied that the Neighbourhood Plan meets the Basic Conditions and would like to congratulate the Stapenhill Parish Council for the considerable amount of work that they have undertaken to produce the Plan. The Plan demonstrates the clear vision and aspiration of the community to improve both the physical environment and the life chances of the residents.

27.2 It is evident that the Council have supported the process.

27.3 In accordance with Schedule 4B to the Town and Country Planning Act 1990, outlined below is a summary of my findings.

I am satisfied that Stapenhill Parish Council is an appropriate Qualifying Body and is therefore able to produce and submit a Neighbourhood Development Plan for the Parish of Stapenhill. I am satisfied that the area included in the Stapenhill Neighbourhood Plan is appropriate and was designated accordingly by East Staffordshire Borough Council. I am also satisfied that the Stapenhill Neighbourhood Plan does not relate to more than one neighbourhood area and that there is no other Neighbourhood Development Plan in place within this neighbourhood area.

27.4 The Plan covers the period from 2015 to 2031. This is aligned with the East Staffordshire Borough Council Local Plan which covers the period 2012 to 2031.

27.5 I am satisfied that the Stapenhill Neighbourhood Plan takes sufficient regard to National Planning Policies and guidance and that the Plan does not make any provision for any excluded development.

27.6 I consider that the Stapenhill Neighbourhood Plan policies, subject to minor modifications, will make a positive contribution to sustainable development. The policies could promote economic growth and serve to maintain and enhance the physical appearance of the area. The production of the Plan should provide confidence to the community.

27.7 I understand that East Staffordshire Borough Council undertook an SEA and Habitat Regulation Act screening exercise to establish whether a full SEA was required. It concluded that there were no policies included in the Neighbourhood Plan that had meant an SEA was required. I consider therefore that the legal requirements of the EU's SEA Directive have been met. The Neighbourhood Plan proposals will have no significant effects on the environment or any European sites.

27.8 I consider that the Plan complies with the rights outlined in the Human Rights Act.

27.9 I consider that extensive public consultation has taken place, led by the Parish Council but supported by the Local Authority and BPUD. I am satisfied that the public consultation meets the requirements of Section 15 (2) of Part 5 of the Neighbourhood Planning Regulations 2012.

27.10 I conclude that the Plan meets the Basic Conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990.

27.11 In accordance with the Town and Country Planning Act 1990, Schedule 10 (2) (b) I recommend the modifications specified in this report are made and that the draft Neighbourhood Plan for Stapenhill is submitted for a Referendum.

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27 June 2016