

Stretton Neighbourhood Development Plan

Report by Independent Examiner

Alyson Linnegar BSc Hons MRTPI

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Report Summary

I have examined the Stretton Neighbourhood Plan as submitted to the East Staffordshire Borough Council by Stretton Parish Council. The examination was undertaken during January and February 2015 by considering all the documents submitted to me and listed in the report, together with all the representations.

I conclude that the Neighbourhood Plan meets all the requirements, including those set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990. However several modifications are required to ensure the Plan meets the Basic Conditions as defined in Paragraph 8(2) of the Schedule.

Subject to making modifications set out in my report, I recommend that the Neighbourhood Plan as amended be submitted to a referendum. I do not see any reason to alter the Plan area for the purpose of holding a referendum.

1 Introduction

- 1.1 I have been appointed by the East Staffordshire Borough Council (ESBC) with the consent of Stretton Parish Council (SPC) to examine the Stretton Neighbourhood Plan and report my findings as an Independent Examiner.
- 1.2 The Localism Act 2011 introduced the means for local communities to produce planning policies for their local areas through the preparation of neighbourhood plans. Stretton Neighbourhood Plan has been produced by the Parish Council as the qualifying body and work has been progressed through a Steering Group comprising Parish Councillors and local residents.
- 1.3 The Neighbourhood Plan area is coterminous with the parish boundary. Stretton is largely a suburb of Burton upon Trent which lies to the south. The parish is bisected by the major trunk route, the A38, the village centre and the majority of housing being to the north of the road and industrial areas to the south. The parish is also bisected by the Trent and Mersey Canal which is a conservation area. Open countryside lies to the north and north-east of the built up area.

2 Scope and Purpose of the Independent Examination

- 2.1 The independent examination of neighbourhood plans is intended to ensure that those plans meet four Basic Conditions together with a number of legal requirements.
- 2.2 In order to meet the Basic Conditions¹ a Neighbourhood Plan must:
 - Have regard to national policies and advice contained in guidance issued by the Secretary of State
 - Contribute to the achievement of sustainable development
 - Be in general conformity with the strategic policies of the development plan for the area
 - Not breach and be otherwise compatible with EU obligations

¹ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

2.3 In undertaking the examination I am also required to check whether:

- The Neighbourhood Plan policies relate to the development and use of land for the designated neighbourhood area²
- The Neighbourhood Plan meets the requirement to specify the period for which it is to have effect, not to include provision relating to 'excluded development' and not to relate to more than one neighbourhood area³
- The Neighbourhood Plan has been prepared for an area that has been properly designated⁴ and has been developed and submitted for examination by a qualifying body⁵
- Adequate arrangements for notice and publicity have been made in connection with the preparation of the Neighbourhood Plan⁶

I confirm that subject to the contents of this report, I am satisfied that each of the above requirements have been met.

2.4 As Independent Examiner, I must make one of the following recommendations:

- That the Neighbourhood Plan is submitted to referendum on the basis that it meets the Basic Conditions and other legal requirements or
- That modifications (as recommended in the report) are made to the draft Neighbourhood Plan and that the Plan as modified is submitted to referendum or
- That the Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the basic conditions and other legal requirements⁷

² Section 38A(2) Planning and Compulsory Purchase Act 2004

³ Section 38B(1) Planning and Compulsory Purchase Act 2004

⁴ Section 61G Town and Country Planning Act 1990

⁵ Section 38C Planning and Compulsory Purchase Act 2004

⁶ Section 38A(8) Planning and Compulsory Purchase Act 2004

⁷ Paragraph 10(2) Schedule 4B Town and Country Planning Act 1990

- 2.5 Modifications may only be recommended to ensure that the Neighbourhood Plan meets the Basic Conditions, that it is compatible with Convention Rights, or for the purpose of correcting errors.⁸
- 2.6 If recommending that the Neighbourhood Plan should proceed to referendum, I am required to consider whether the Referendum Area should extend beyond the Stretton Neighbourhood Area and if so what that extended area should be.⁹
- 2.7 The general rule is that an examination is undertaken through consideration of written representations¹⁰ unless the examiner considers that a public hearing is necessary to ensure adequate examination of an issue or issues to ensure that a person has a fair chance to put a case. I judged that the consultation responses which have been submitted to the Borough Council, (the 'Regulation 16 responses'), could be considered on the basis of written representations. However I e-mailed a series of questions¹¹ to the Borough Council and the Parish Council requesting points of clarification.
- 2.8 I undertook an unaccompanied site visit around the parish on Saturday 7th February.

3 Background Documents

- 3.1 As part of the examination I have reviewed the following documents:
- Stretton Neighbourhood Development Plan 2014-2031 Submission Plan 2014
 - Consultation Statement August 2014
 - Basic Conditions Statement August 2014
 - Screening Opinion SEA of a Neighbourhood Plan June 2014
 - National Planning Policy Framework
 - National Planning Practice Guidance
 - Town and Country Planning Act 1990 (as amended)
 - Planning and Compulsory Purchase Act 2004 (as amended)
 - Localism Act 2011

⁸ Paragraph 10(3) Schedule 4B Town and Country Planning Act 1990

⁹ Paragraph 10(5) Schedule 4B Town and Country Planning Act 1990

¹⁰ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

¹¹ Questions sent on 3rd and 4th February 2014

- Neighbourhood Plan (General) Regulations 2012
- East Staffordshire Local Plan 2006
- Pre-submission Local Plan 2012-2031
- 23 representations (which include those in support of the Neighbourhood Plan)
- Responses to questions sent from ESBC and Stretton PC on 4th February
- Health Check 13 October 2014

4 Consultation

- 4.1 Effective consultation with the local community provides the foundation for a successful Neighbourhood Plan, creating a sense of public ownership and helps achieve consensus. The policies of the Neighbourhood Plan will become the basis for planning decisions and legislation requires that the production of those plans be supported by public consultation.
- 4.2 A Consultation Statement has been submitted in accordance with the Neighbourhood Planning Regulations (Regulation 15). This sets out who was consulted and how, together with the outcome of the consultation.
- 4.3 A Neighbourhood Plan Steering Group comprising parish councillors and local residents was established in November 2012. This was followed by a launch event where a number of questions were asked of the attendees, and responses recorded. A business survey was also undertaken in April 2013 and together with the responses from the launch event, informed the content of an Issues and Options Document published in Autumn 2013. The responses to this latter document (set out in Appendix III of the Consultation Statement), helped shape the Draft Neighbourhood Plan.
- 4.4 The Draft Neighbourhood Plan was published between 14th April and 23rd May 2014. Details of the persons and bodies that were consulted are listed in Appendix VII of the Consultation Statement. A summary of the representations received, together with responses from the Steering Group are set out in Table 1 of the Consultation Statement.

- 4.5 A variety of different methods were used to ensure that the public were consulted throughout the preparation of the Plan including posters, leaflets, drop-in events, use of the local press and steering group members attending various community events.
- 4.6 The Submission Plan 2014 has been the subject of a Regulation 16 publicity period between 8th December and 26th January. 23 representations were received from individuals and organisations.
- 4.7 The Steering Group are to be congratulated on the extensive consultation that has taken place and the wide variety of methods that have been used to ensure that the local community (including local businesses) has had an opportunity to be involved. The consultation carried out clearly exceeds that which is required by the Regulations.

5 Basic Conditions

- 5.1 This section of the report considers whether the Neighbourhood Plan taken as a whole has regard to national policy, contributes to the achievement of sustainable development, is in general conformity with strategic local planning policy and addresses EU obligations.

5.1.1 National Policy

National planning policy is set out in the National Planning Policy Framework 2012(NPPF). At the heart of the NPPF is a presumption in favour of sustainable development¹² which when applied to neighbourhood planning means that neighbourhoods should support the strategic development needs set out in Local Plans and which plan positively to support and shape local development. Included in the 12 Core Principles in the NPPF, is a requirement to produce neighbourhood plans which set out a positive vision for the future of the area and which provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. National Planning Practice Guidance (NPPG) reinforces this point, stating that a policy in a Neighbourhood Plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker¹² can apply it consistently and with confidence when determining

¹² NPPF paragraph 14

planning applications. It should be concise, precise and supported by appropriate evidence.¹³ My report contains a number of modifications including deletion of some policies and modifications to others. Subject to these recommendations, the Neighbourhood Plan, taken as a whole, reflects the broad principles embedded in the NPPF.

5.1.2 The Development Plan

To meet the Basic Conditions, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan. This ensures that neighbourhood plans cannot undermine the overall development strategy set out in the Development Plan. The ESBC has advised me that the relevant Development Plan saved policies of the East Staffordshire Local Plan 2006 which are set out in paragraph 2.5.1 of the Neighbourhood Plan are correct (except CSP1 which has not been saved.) The Basic Conditions Statement includes an assessment of the general conformity of the Neighbourhood Plan with these saved policies.

5.1.3 A Local Plan is currently being prepared, the East Staffordshire Submission Local Plan 2012-2031. This Plan was submitted to the Secretary of State in April 2014. However the examination has now been suspended for further work to be carried out. This includes work on housing need, site selection and housing supply. It is likely therefore those policies within that Local Plan are likely to change. The Basic Conditions Statement also assesses the Neighbourhood Plan policies against these emerging policies although there is no requirement to do so.

5.1.4 In both the adopted and emerging Local Plan, Stretton is considered as part of the urban area of Burton upon Trent.

¹³ NPPG paragraph041

5.1.5 A representation states that the Neighbourhood Plan is premature pending the adoption of the Local Plan. There is no reason why a Neighbourhood Plan cannot be prepared in advance of an emerging Local Plan. The NPPG advises that in such cases the local planning authority should work proactively with the qualifying body to agree the relationship between policies in the Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan, sharing evidence and seeking to resolve any issues. As mentioned above there are still outstanding issues to be resolved regarding the emerging Local Plan, including the allocation of housing land and the Green Gap policy. I mention this later in my report under the planning policy section. I am aware of course that any conflict between a Neighbourhood Plan and a Local Plan must be resolved by the decision maker favouring the policies contained in the last document to become part of the Development Plan.

5.1.6 Sustainable Development

The Neighbourhood Plan sets out land use policies to manage proposals for new housing, commercial and other forms of development. As mentioned in paragraph 5.11 above, a number of policy deletions and modifications are recommended in the report but subject to these being made, I am satisfied that the Neighbourhood Plan is capable of supporting the provision of sustainable development.

5.1.7 EU Obligations and European Convention on Human Rights

ESBC issued a screening opinion on the need for a Strategic Environmental Assessment in June 2014. The conclusions set out in paragraph 8 of that document state that the Neighbourhood Plan would not have significant environment effects, and as a result, a Strategic Environmental Assessment of the Plan is not required. One of my questions to ESBC and SPC related to the need for a Habitat Regulation Assessment. I was provided with a statement from ESBC that concluded 'that a Habitat Regulation Assessment is not required for the Neighbourhood Plan as it is not considered to be a large enough plan area, or involve any policies, which are likely to lead to a level of development significant enough to have a negative impact on a SAC, SPA or Ramsar Site.'

An Equality and Health Impact Assessment has been undertaken by ESBC and the Basic Conditions Statement sets out how the Neighbourhood Plan is fully compatible with the European Convention on Human Rights.

I am therefore satisfied that the Neighbourhood Plan meets the basic conditions in relation to EU and human rights obligations.

6 Overall Structure of the Plan and Introductory Chapters

- 6.1 I find the overall structure of the Plan is well presented and the document is generally easy to follow with introductory chapters setting the background to the Neighbourhood Plan preparation followed by historical and current information on the parish, and a vision which is to be achieved by a number of objectives. These objectives are then linked to each of the policies in the following chapter which are clearly highlighted. I have made a number of more detailed comments and recommendations on the opening chapters below.
- 6.2 The Neighbourhood Plan has also included a number of Actions for the Parish Council which are highlighted in a different colour from the policies and are not considered as part of the examination. I consider this to be good practice.
- 6.3 I do have some concerns about the way in which the maps are presented in the document. Small versions of each map are provided in the text which are not legible, with 'fold out' A3 copies after the Appendices. I see no reason to keep the maps within the text and also recommend that the 'fold out' versions are each printed on a separate sheet of paper so they can easily be referred to when reading the accompanying text.
- 6.4 Introduction and Background
If the flow diagram on page 6 is to be kept, then it will need to be updated.
- 6.5 Planning Policy Context
In paragraph 2.1 it should be made clear what is the current Development Plan against which the Neighbourhood Plan is being examined. I know this is mentioned later in Chapter 2 but reference to the East Staffordshire Local Plan 2006 should be inserted here.
- 6.6 I see no requirement to include relevant sections of the NPPF as this makes the Plan cumbersome for the reader. If it is to be retained then I recommend it be moved to an Appendix.

6.7 Paragraph 2.4 'Local Transport Plan 3' contains information in the first sentence regarding the emerging Local Plan which should be included under paragraph 2.6 (which itself will require updating). Paragraph 2.5.1 refers to the Local Plan Saved Policies (CSP1 is incorrect). Also I recommend that paragraph 2.6.2 listing policies in the Local Plan 2012-31 be deleted as well as Map 3. The emerging Local Plan will be subject to change, and to include policies and numbers from that Local Plan will mean that the Neighbourhood Plan will soon be out of date.

6.8 Objectives

Some of the policies under each objective do not appear to be relevant and some have been omitted. For example there is no mention of policy S12 under objective 2 and policies S5 and S9 do not appear to be relevant to Objective 5.

Recommendation

Delete maps within the text and re-format A3 maps in the Appendix.

Amend or delete flow diagram in paragraph 1.2.

Amend reference to the Development Plan in paragraph 2.1.

Delete or move to an Appendix, the highlighted boxes containing extracts from the NPPF and NPPG.

Delete first sentence of paragraph 2.4.1.

Delete Policy CSP1 in paragraph 2.5.1.

Delete Strategic policies from the emerging Local Plan in paragraph 2.6.2.

Delete Map 3.

7 The Planning Policies

7.1 The Neighbourhood Plan contains 16 policies covering several topic areas. The Plan has chosen not to allocate land for development and this is left for the 'higher tier' Local Plan to consider. At the time of writing this report there are 2 strategic site allocations in Stretton in the emerging Local Plan. There is no requirement that neighbourhood plans should allocate land.

7.2 In considering whether the Neighbourhood Plan policies meet the basic conditions I have been mindful of the advice in the NPPF.¹⁴ Unclear or ambiguous policies are likely to cause problems for those responsible for making decisions on planning applications and appeals. In addition, proportionate and robust evidence should support the choices made and approach taken. Many of my recommendations to modify policies have been based on this advice.

Policy S1 Development in the Countryside

7.3 This policy seeks to protect the countryside from inappropriate new development although there is no explanation as to what type of development this may cover. The areas indicated on Map 4 include the identified green gap in the emerging Local Plan and green areas identified by Stretton Neighbourhood Plan. (These 2 designations overlap in one area). The policy in the first paragraph refers to areas of countryside beyond the settlement boundary but some of those green areas identified lie within the settlement boundary. Some areas outside the settlement boundary are also annotated in white without further explanation. A further anomaly exists between the title of the policy 'Development in the Countryside' and Map 4 entitled 'Areas of Identified Protected Open Space'. I find this part of the policy unclear and ambiguous.

7.4 The policy further relies on emerging Local Plan policies SP2 'A Strong Network of Settlements', SP8 'Development outside Settlement Boundaries' and SP31 'Green Belt and Strategic Green Gaps.' ESBC have highlighted in their representation that the latter policy has been significantly challenged and could be modified during the course of the Local Plan examination. The reference to Saved Policy NE1 of the East Staffordshire Local Plan 2006 is unnecessary as it merely repeats the current policy of ESBC.

¹⁴ NPPF paragraph 17

- 7.5 The NPPF establishes a presumption in favour of sustainable development. It states that Neighbourhood Plans should plan positively to support local development, shaping and directing development in their area.¹⁵ Furthermore the NPPF supports a prosperous rural economy¹⁶ taking a positive approach to new development. Policy S1 does not have regard to the NPPF in this respect, and fails to define what development could be permitted in these areas.
- 7.6 My conclusions on this policy are that the policy does not meet the basic conditions and should be deleted. The middle paragraph of the policy is covered in policy S2 'Protecting Landscape Character' (as amended) and Policy S5 'Signage and Street Furniture'.

Recommendation

Delete policy S1.

Policy S2 Protecting Landscape Character

- 7.7 This policy has regard to national policy which seeks to protect local character and protects and enhances the natural environment. However it is disappointing in that the preceding paragraphs provide good evidence to inform a policy to protect and enhance the local distinctive landscape that surrounds Stretton. Some areas are indicated as being of high sensitivity in East Staffordshire Historic Environment Landscape Assessment. The policy however is very general in nature. The term local character is confusing, as it is uncertain whether this applies to landscape character or the local character of Stretton in general.
- 7.8 The second part of this policy seeks to protect mature trees and historic hedgerows. I have no evidence that a specific survey has been carried out to identify trees and hedgerows worthy of protection. This part of the policy effectively sets out a presumption in favour of retaining all mature trees and historic hedgerows. It also seeks to ensure their long term maintenance is ensured. I find the policy is too prescriptive. However with a change to the wording of the second part of this policy it could be retained.

¹⁵ NPPF paragraph 184 and 185

¹⁶ NPPF paragraph 28

Recommendation

Amend 1st sentence to read: 'Developmentenhance the local historic environment character zones identified in Map 5.'

Amend 2nd sentence to read 'Development proposals should seek to retain mature or historic hedgerows of recognised importance. Where feasible, these trees and hedgerows should be incorporated into landscaping schemes and where removal is necessary, a replacement of similar amenity value should be provided on the site.'

Policy S3 Protection and Enhancement of Local Wildlife

7.9 The Plan contains a great deal of evidence to support this policy. It is in accordance with the NPPF which seeks to minimise adverse impacts on biodiversity. The policy meets the basic conditions.

Policy S4 Wildlife Corridors and Stepping Stones

7.10 This policy refers to protecting wildlife corridors and stepping stones. These terms are explained in the text under the policy. However there is no indication as to the location of these features. I recommend these be indicated on a map if possible or their locations identified in the supporting text.

Recommendation

Use a map or text to identify wildlife corridors and stepping stones.

Policy S5 Signage and Street Furniture

7.11 This policy seeks to ensure signs and street furniture in the public realm respect the local character of the built environment. It also supports new signs to promote local heritage, walking and cycling. The preceding paragraph 6.1.30 relates to Map 5 and the historic core and does not lead into the policy. Furthermore the policy refers to the 'historic character' and it is unclear as to exactly where in Stretton this policy applies. The sentence commencing 'Street clutter...' is a statement and should not be part of the policy.

Recommendation

Delete paragraph 6.1.30.

Delete word historic in first sentence of policy.

Delete sentence commencing 'Street clutter...' and consider moving into supporting text in paragraph 6.1.29.

Policy S6 Flooding

7.12 Whilst I understand the concerns of the local community about flooding, this policy on the whole merely repeats policy in the NPPF. The Local Plan 2006 policy on flooding has not been saved. The policy also requires development to incorporate sustainable drainage systems although it is not clear if the policy applies to all development. I note from the Consultation Statement that the Environment Agency supported this policy. I recommend that the references to the NPPF are deleted and the requirement for sustainable drainage be made more flexible.

Recommendation

Policy to read as follows' Wherever feasible development proposals will be expected to incorporate sustainable drainage systems (SUDS).'

Policy S7 Protecting Archaeology in Stretton

7.13 This policy seeks to protect archaeological deposits in Stretton. The policy is supported by evidence from the Staffordshire Historic Record. I do not recommend any modifications to this policy.

Policy S8 Local Important Heritage

7.14 This policy is preceded by two paragraphs setting out what is mean by a local built heritage asset and explains the procedure of including identified buildings onto a local list. I understand that ESBC does not currently hold a local list but is considering doing so as Neighbourhood Plans across the Borough have suggested buildings for inclusion on the list as part of the neighbourhood planning process. Paragraph 6.3.12 sets out 4 potential assets then later in that paragraph sets out a further 24 properties for inclusion in the list.

7.15 The last paragraph of this policy goes beyond the guidance in the NPPF¹⁷ and therefore does not meet the basic conditions.

¹⁷ NPPF Paragraph 135

7.16 A representation has been received from the owner of one of the properties proposed to be included on the Local Heritage List. It is claimed that good practice advocated by English Heritage has not been followed, there has been a lack of consultation and English Heritage guidance relating to the selection criteria has not been followed. However although the Neighbourhood Plan lists potential assets for inclusion, this Local Heritage List has yet to be considered or approved. This is not part of the planning process which only deals with planning policy in relation to non-designated heritage assets. I therefore suggest that as the list contains only proposals at this time, it is moved to an Appendix with a note of its current status.

Recommendation

Amalgamate the list to include all buildings and move to an Appendix.

Delete the first part of the first sentence so it commences ‘Proposals requiring consent.....’.

Delete the 3rd paragraph commencing ‘Loss of...’

Policy S9 Parish Walks

7.17 This policy proposes that developer contributions, Community Infrastructure Levy funding or other funding will promote the improvement of the Parish Walks. I consider this to be an aspirational policy and recommend that the policy is deleted and becomes part of the text under Parish Council (on page 43) which relates to parish walks.

Recommendation

Delete Policy S9.

Consider including the policy content into Actions for the Parish Council in highlighted box on Page 43.

Policy S10 Protection of Local Facilities

- 7.18 The Plan recognises the important contribution that local services and facilities make towards enhancing local health and quality of life and seeks to protect those services. Table 2 which precedes the policy contains a list of facilities that the Plan wishes to protect which includes health facilities, community buildings, schools and sites used for formal and informal recreation.
- 7.19 However it would not be possible to 'protect'/retain all those facilities. Many of the uses could change without the need for planning permission either because they are in the same use class or 'permitted development'. Whilst the loss of facilities is recognised because they may no longer be necessary or viable, the policy still requires alternative provision. The restrictive nature of this policy can be overcome by inserting the word 'or' in place of 'and'.
- 7.20 Staffordshire County Council has objected to the inclusion of schools in this policy on the grounds that it limits the schools and the Council to respond to changing circumstances. In relation to school playing fields, Sport England made a representation to Policy 12 'Outdoor Sports, Recreation Facilities and Open Space' stating that exceptions should not be made for school playing fields and they should be protected in the same way as other outdoor sports facilities. I understand that there are no current plans to redevelop school sites. However if circumstances should change, the amended policy as written does allow for loss of facilities where they are no longer necessary or viable and/or alternative provision is made.
- 7.21 The second part of this policy is confusing as it restricts proposals for change of use to 'wholly residential in these areas' but not defined where 'these areas' are. If it is the areas on maps 12 and 13 that are intended, the policy is also puzzling as there are already residential properties in those areas as well as shops and businesses. I find no evidence to justify this policy and I recommend that this part of the policy is deleted. Map 11 is also unclear with no key.
- 7.22 The latter part of this policy seeks to allow residential uses above existing shops. I suggest this part of the policy is re-worded.
- 7.23 It should also be noted that Pirelli Stadium – Home of Burton Albion FC does not lie within the Neighbourhood Plan area.

Recommendation

After first sentence ending ‘...protected’ insert new sentence ‘Residential uses on the first floor level of retail and business facilities will be supported.

After viable in the second sentence change ‘and’ to ‘or’.

Delete remainder of policy after the sentence ending ‘meet the needs of the community’.

Amend Map 11 to make it clearer.

Delete reference to Pirelli Stadium in Table 2.

Policy S11 Protecting Local Employment

7.24 This policy seeks to protect existing sources of employment. In part (a) the premises have to become empty before any marketing can be taken into consideration in applying the policy and secondly a significant period of time is not defined. Furthermore (b) requires equivalent or better provision to be made elsewhere. The policy is too restrictive and allows no flexibility and is not in accordance with the NPPF which requires policies to avoid the long term protection of employment land which has ‘no reasonable prospect’ of reuse. I recommend that it is re-worded.

7.25 Policy S15 ‘Re-use of existing land and premises’ also relates to land for employment. It is however located near the end of the document after policies on other topics. The Vision for Stretton includes attracting businesses to Stretton providing a range of employment opportunities for local residents. This is endorsed in objective 13. To ensure clarity on employment policies I recommend that these two policies are combined. However policy S15 itself is restrictive and does not meet the basic conditions as it only refers to development on brown field land. Whilst I noted on my site visit vacant employment sites, and understand the Parish Council’s desire for these sites to be developed in the first instance, the NPPF does not restrict employment uses to brownfield sites or existing buildings. Whilst it does ‘encourage’ use of brownfield land,¹⁸ it also supports economic growth in rural areas¹⁹

¹⁸ NPPF paragraph 17

¹⁹ NPPF paragraph 28

Recommendation

Reword policy title to ‘Local Employment’ and re-write policy as follows:

‘Proposals for redevelopment or change of use of existing employment premises will only be permitted where

a. The existing use can be shown to be no longer viable

OR

b. Equivalent or better provision is made elsewhere to replace the proposed loss of employment space

New employment uses including social enterprises will be supported subject to other policies in the Neighbourhood Plan. The redevelopment of brownfield sites and/or re-use existing of buildings will be particularly encouraged.’

Policy S12 Outdoor Sports, Recreation Facilities and Open Space

- 7.26 This policy designates as Local Green Space, 23 sites which are listed in Table 3 and identified on Map 14. The policy itself and paragraph 6.5.7 refer to Local Green Space designation in paragraphs 76 to 78 of the NPPF.
- 7.27 The policy seeks to embrace a new opportunity in the NPPF which enables local communities to protect green areas of particular importance to them and to designate them as Local Green Space. The designation offers a significant level of protection as it rules out new development other than in very special circumstances and managing development within Local Green Spaces is consistent with policy for Green Belts.
- 7.28 The designation should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and essential services. Local Green Space should only be designated when a plan is prepared or reviewed and be capable of enduring beyond the plan period. Importantly the NPPF makes it clear that such a designation will not be appropriate for most green areas or open spaces. It should only be used when the green space is:
- In reasonable proximity to the community it serves
 - Where it is demonstrably special to the local community and holds a particular local significance

- Where the green area concerned is local in character and is not an extensive tract of land.

This policy therefore requires robust justification.

- 7.29 The sites listed in Table 3 cover a wide range of areas including sports facilities, play areas, informal recreational open space and school playing fields. Interestingly, one designation, the Priory Centre, does not appear to have an area of green open space. It appears to me that every area of open space within the parish has been included. This is not consistent with the NPPF as mentioned above.
- 7.30 On the first and third bullet points above, most of the proposed designations (apart from Craythorne Golf Course which also lies partly outside the Neighbourhood Plan area), lie in close proximity to the community and are not extensive tracts of land.
- 7.31 However it appears that the specific designation as Local Green Space was only included in the Neighbourhood Plan after the Draft Plan had been published and commented on. I do not consider therefore that the designations have been subject to robust consultation as the only opportunity to make representations has been during the 'Regulation 16' publicity period. As previously mentioned, the designation has implications for any future development that may be proposed on these areas of special protection. Whilst the objective to protect open space was generally supported in the earliest consultation, I have been unable to find any specific comments about open space designations in later consultations. Over 50% of the sites are in ownership other than the Parish Council. It is not clear whether the Parish Council has contacted the other landowners regarding the Local Green Space designation as required by the NPPG ²⁰
- 7.32 Whilst it is possible some of the areas in Table 3 could be justified as being 'demonstrably special to the local community' there are others which may not. I find therefore that I have insufficient evidence to establish that the areas meet all the criteria for designation as set out in the NPPF, nor has there been robust consultation concerning the Local Green Space designation. I recommend that the policy is deleted.

²⁰ NPPG Paragraph 019

7.33 Whilst the Parish Council may be disappointed to find that I have recommended deletion of this policy, I would point out that the majority of the proposed sites are also covered in Policy 10 (Table 2) 'Protection of Local Facilities' and consideration should be given to include all the sites within that policy. Policies L1 and L5 of the Local Plan 2006 also provide some protection for these sites.

Recommendation

Delete Policy S12

Policy S13 Burial Ground Provision

7.34 This policy supports proposals for new burial grounds as existing provision is reaching capacity. No sites are allocated but it is hoped that the policy will be a means of opening up dialogue with potential landowners. The policy is supported by the NPPF which advises that policies should take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community cultural facilities to meet local needs. It meets the basic conditions.

Policy S14 Local Economic Facilities

7.35 I find the policy heading and the policy content confusing. It appears to relate to supporting employment in leisure and catering uses. However the second paragraph relates to supporting social enterprises and community services. The former may be better located under an employment policy S11 and the latter under Policy S10, Protection of Local Facilities which mentions community facilities. It also refers to appropriate locations being identified on Maps 12 and 13. As previously mentioned, these two maps are not particularly clear. I recommend the area where such uses would be appropriate be marked clearly on the maps. The end of the last sentence refers to policies in the Development Plan but it is not clear what is meant by this. If it is a reference to certain policies in the Local Plan, then these need to be clearly set out within the Neighbourhood Plan policy. If this is not the intention, I recommend that the policy is re-worded to refer to the Neighbourhood Plan policies.

Recommendation

Change policy heading to Leisure, Cafe and Restaurant Uses.

Change end of the first sentence to ‘subject to other policies in the Neighbourhood Plan’.

Delete second paragraph.

Indicate area where this policy applies on the Maps.

Policy S15 Re-use of Existing Land and Premises

7.36 See Policy S11

Policy S16 New Communications Technologies

7.37 This policy supports the provision of installations to improve new high speed infrastructure. Such intentions are compatible with the aim to support high quality communications infrastructure in the NPPF. However I consider the second sentence of the policy which requires all new development to make provision is onerous.

Recommendation

Delete second sentence beginning ‘All new development.....’

8 The Next Stage – the Referendum and its Area

8.1 My report contains quite a large number of recommendations, relating to the policies, text and maps. These points will now need to be considered as part of the next stage of the Neighbourhood Plan preparation.

8.2 I recommend that the Neighbourhood Plan as amended be submitted to a referendum. I do not see any reason to alter the Plan area for the purpose of holding a referendum.

8.3 If the Plan goes forward to a referendum and receives a simple majority of the votes cast, it will then proceed to be ‘made’ by the East Staffordshire Borough Council so that it can become part of the statutory development plan for the area, carrying the weight appropriate to such plans when planning decisions are taken.

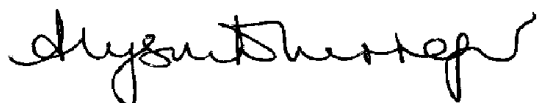
Declaration

In submitting this report I confirm that:

- I am independent of the qualifying body and the local authority
- I do not have any interest in any land that may be affected by the Plan
- I possess appropriate qualifications and 40 years experience in development management, planning policy, community planning and affordable housing gained across the private, public and voluntary sectors

Examiner

Alyson E Linnegar BSc (Hons) MRTPI

A handwritten signature in black ink, appearing to read 'Alyson Linnegar', written in a cursive style.

Dated 24th March 2015