

ECCLESHALL NEIGHBOURHOOD PLAN

Eccleshall Neighbourhood Plan Examination,
A Report to Stafford Borough Council

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1. Introduction

The Neighbourhood Plan

This Report provides the findings of the examination into the Eccleshall Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”
(Paragraph 183, National Planning Policy Framework)

Eccleshall Parish Council is the *qualifying body*¹ responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Stafford Borough Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Eccleshall Neighbourhood Area.

Role of the Independent Examiner

I was appointed by Stafford Borough Council, with the consent of Eccleshall Parish Council, to conduct an examination and provide this Report as an Independent Examiner. 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 Neighbourhood Plan and I possess appropriate qualifications and experience. I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

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

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;

¹The qualifying body is responsible for the production of the Plan.

- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Eccleshall Neighbourhood Area to which the Plan relates.

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

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

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. Page 2 of the Neighbourhood Plan states that it covers the period up to 2031 and the first paragraph of the Consultation Statement confirms that the plan period is 2011-2031. In the light of this, it would be preferable for the title page of the Neighbourhood Plan to refer to the plan-period, rather than simply show the date “April 2015” – which is potentially confusing and were the Neighbourhood Plan to be made, would be somewhat meaningless. I recommend:

- **Title Page: replace “April 2015” with “2011-2031”**

Taking the above into account, I confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of the written representations submitted, I confirmed to Stafford Borough Council that I was satisfied that the Eccleshall Neighbourhood Plan could be examined without the need for a Public Hearing.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*² following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

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

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

I note that the first paragraph on page 8 of the Neighbourhood Plan refers to policies being “compliant” with national and local policies. This is not a requirement for neighbourhood planning and does not quite reflect the basic conditions, above.

It is not uncommon for neighbourhood plans to seek to paraphrase the basic conditions. However, the wording of the basic conditions is the result of careful consideration. Paraphrasing the basic conditions almost inevitably results in their misapplication.

Whilst the use of paraphrasing in paragraphs 2 and 3 of the Introduction to the Neighbourhood Plan appears to simply comprise an attempt to use plain English in order to explain legislation, I am concerned that this produces an unsatisfactory result. Consequently, I recommend:

- **Page 8, Para 1, change last sentence to “*The Neighbourhood Plan must, with due consideration to the basic conditions set out within legislation, have regard to national policies and advice; and be in general conformity with the strategic policies set out within the Plan for Stafford Borough.*”**

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal³. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. Consequently, it is good practice to assess the proposals in a neighbourhood plan to determine whether the plan is likely to have significant environmental effects. This process is referred to as a “screening” assessment. If the screening assessment identifies likely significant effects, then an environmental report must be prepared.

The Basic Conditions Statement confirms that Stafford Borough Council has carried out a Screening Assessment on the Neighbourhood Plan. This Screening Assessment was published in February 2015 and was submitted alongside the Neighbourhood Plan. It determines whether or not the content of the Neighbourhood Plan requires a Strategic Environmental Assessment and/or a Habitats Regulations Assessment (HRA). A HRA is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites.

In relation to HRA, the Screening Assessment confirms that there are six European sites in Stafford Borough that may be affected by the policies of the Neighbourhood Plan. Of these sites, the HRA screening report notes that Cop Mere (under Midland Meres and Mosses Phase II designation) is approximately 1.5 miles from the Neighbourhood Area. The Screening Assessment also notes that the Plan for Stafford Borough was subject to a full HRA, including appropriate assessment and identification of mitigation measures. Stafford Borough Council is satisfied that the Neighbourhood Plan is in accord with the Plan for Stafford Borough and does not propose anything that departs from the strategy set out within it.

The HRA carried out on the Plan for Stafford Borough concluded that implementation of the Plan would not result in likely significant or in-combination effects. Taking this into account, the Neighbourhood Plan Screening Assessment states that it is unlikely that any significant environmental effects will occur from the implementation of the Neighbourhood Plan that were not considered and dealt with by the HRA carried out on the Plan for Stafford Borough. It concludes that the Neighbourhood Plan does not require any further HRA work.

³ Paragraph 026, Planning Practice Guidance 2014.

With regards Strategic Environmental Assessment, the Screening Assessment concluded that it is unlikely that any significant environmental effects will occur from the implementation of the Neighbourhood Plan that were not considered and dealt with by the Sustainability Appraisal of the Plan for Stafford Borough and that consequently, the Neighbourhood Plan does not require a full Strategic Environmental Assessment.

The Environment Agency, English Heritage (now, with regards to planning matters, Historic England) and Natural England were consulted on the Screening Assessment's conclusions with regards the need for a Strategic Environmental Assessment and Habitats Regulations Assessment for the Neighbourhood Plan. These bodies agreed with the conclusions of the Screening Assessment.

In considering European obligations, I am also mindful that national guidance establishes that the ultimate responsibility of determining whether a draft neighbourhood plan meets EU obligations is placed on the local authority,

"the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations." (Planning Practice Guidance 11-031)

With regards this latter point, I note above that Stafford Borough Council considers the Neighbourhood Plan to be in accord with the Plan for Stafford Borough and that a Strategic Environmental Assessment and a HRA are not required for the Neighbourhood Plan. There is nothing before me to indicate that Stafford Borough Council has any concerns with regards the Neighbourhood Plan's compatibility with EU obligations.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

A representation to the Neighbourhood Plan draws my attention to Para 028 (Ref: 11-028-20150209) of Planning Practice Guidance, which states that *"Where it is determined that a neighbourhood plan is likely to have significant effects on the environment and that a strategic environmental assessment must be carried out, this work should start at the earliest opportunity."*

The representation goes on to assert that there is *"an absence of evidence"* which *"needs to be addressed and presented for the consultation to be valid and legally compliant"* and that *"the consultation is being undertaken without crucial evidence to provide an informed response."*

With regards Para 028, I note above that the Screening Assessment concludes that the Neighbourhood Plan is unlikely to have significant effects on the environment. I also note that the Screening Assessment of the Pre-submission Eccleshall Neighbourhood Plan was subject to consultation and that the Screening Assessment was submitted alongside the Neighbourhood Plan and as such, was subject to further, wider consultation.

Whilst I acknowledge that Para 080 (Ref: 41-080-20150209) of Planning Practice Guidance provides a summary of the key stages in neighbourhood planning, further to consideration of all of the evidence before me, there is nothing that leads me to the conclusion that the Neighbourhood Plan is not compatible with European obligations. In this regard, I consider that relevant legislation has been met.

3. Background Documents and Eccleshall Neighbourhood Area

Background Documents

In undertaking this examination, I have considered various information in addition to the Eccleshall Neighbourhood Plan. This has included:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- The Plan for Stafford Borough (2014)
- Basic Conditions Statement
- Consultation Statement
- Screening Assessment of the Pre-submission Eccleshall Neighbourhood Plan

Also:

- Representations received during the publicity period

In addition, I spent an unaccompanied day visiting the Eccleshall Neighbourhood Area.

Eccleshall Neighbourhood Area

A full page plan showing the boundary of the Eccleshall Neighbourhood Area is provided on page 3 of the Neighbourhood Plan.

Further to an application made by Eccleshall Parish Council, Stafford Borough Council approved the designation of Eccleshall as a Neighbourhood Area on 4 July 2013. I note that there is a typographical error in paragraph 2.2 of the Basic Conditions Statement, which refers to 2014, instead of 2013.

In the above regard, requirements in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended), have been satisfied.

4. Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

Eccleshall Neighbourhood Plan Consultation

Eccleshall Parish Council submitted a Consultation Statement to Stafford Borough Council. Further to consideration, I can confirm that this sets out who was consulted and how, together with the outcome of the consultation. In this regard, the Consultation Statement meets the requirements of the neighbourhood planning *regulations*⁴.

Taking into account all of the evidence provided, I am satisfied that the production of the Neighbourhood Plan was supported by robust public consultation. It is clear that the views of the wider community were actively sought and taken into account and the strong link between these views and the policies of the Neighbourhood Plan is evident.

Further to a public meeting early in 2013, attended by around 60 local residents, it was determined to produce a Neighbourhood Plan and a Neighbourhood Plan Steering Group was established. In June 2013, a questionnaire was hand-delivered to every house in Eccleshall and elsewhere within the Neighbourhood Area, with copies made available on the Parish Council website and in a variety of local buildings. Feedback, in the form of a report on the 139 completed questionnaires, was published.

A second questionnaire was distributed in September 2013 and a variety of community events were held during the summer months of that year. These included attendance at the Eccleshall Show, a well dressing, a school fair, a scout fair and at a Mums and Toddlers Group, all with the aim of encouraging local participation. An exhibition was displayed in Eccleshall Library and a High Street stall was held on two Saturday mornings. The views of local groups, including primary school pupils, local businesses, the youth club and the Young Farmers, were actively sought.

⁴Neighbourhood Planning (General) Regulations 2012.

Consultation was widely communicated and well-publicised via the parish website; by the production and delivery of newsletters; via email and social media; and through the local press.

Further to evidence gathering, a Vision and Aspirations Report was published in March 2014. The draft Neighbourhood Plan was then produced and underwent a six week public consultation period during January and February 2015. The Neighbourhood Plan itself was delivered, by Royal Mail, to every household in the Neighbourhood Area, as well as to other bodies and organisations.

A Public Meeting, to answer questions, was held during the consultation period and was attended by 95 local residents. A total of 28 comments were received and the Consultation Statement demonstrates how these were considered, prior to the production of the Neighbourhood Plan.

The above comprises a brief summary of the significant consultation undertaken. It is clear, from consideration of the Consultation Statement, that plan-makers actively sought comments on, and involvement in, the neighbourhood planning process. The Consultation Statement presents an audit trail to demonstrate that consultation was wide-ranging, comprehensive and transparent. Comments were pro-actively sought and those received were duly considered. There is evidence to demonstrate that the Neighbourhood Plan reflects the views of local people.

I am satisfied that the consultation process was significant and robust.

5. The Neighbourhood Plan – Introductory Section

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. I have also considered the Introductory Section of the Neighbourhood Plan and make recommendations below, aimed at making it a clear and user-friendly document.

It is immediately noticeable that the Neighbourhood Plan is a concise document. The introductory section is kept to a minimum and contains the essential information to support the policies. This approach is highly successful. It places the focus on the most important part of the Neighbourhood Plan – its Policies.

The Foreword to the Neighbourhood Plan is informative and relevant. It sets the scene well, whilst recognising the commitment and input of all involved in the plan-making process. I note that the font size of the text in the first three paragraphs of the Foreword appears to vary. Whilst not fundamental, I recommend:

- **Check font size on page 2 and standardise where necessary**

Helpfully, the Foreword recognises that not all matters that emerge through the neighbourhood plan-making process can be resolved by land use plans. I note that useful references within the Foreword ensure that sight is not lost of these important local matters.

The Background, and Location and History sections are informative and draw out Eccleshall’s rich history in an interesting manner. I recommend:

- **Page 6, Para 2.7, delete “period” and Para 2.9, lines 2 and 3, delete “era” and “period,” respectively**

The Neighbourhood Plan Vision and Strategy sections provide context for the policies that follow and no changes are recommended.

6. The Neighbourhood Plan – Neighbourhood Plan Policies

The introduction to the Policy Section is helpful. I recommend changes to the first paragraph on page 8, on page 6 of this Report, above.

I note that the presentation of the Policy Section is clear – with the Policies being easily distinguishable from the supporting text.

Housing

Policy 1 – Housing Development

Policy 1 is a positive land use planning policy that supports development within a proposed settlement boundary for Eccleshall.

The supporting text provides the context for Policy 1. It recognises that the Plan for Stafford Borough establishes Eccleshall as a Key Service Village (Policy SP3) and that as such, it must contribute towards the provision of the 1,200 homes to be met by Key Service Villages across the Borough during its plan period.

In identifying the distribution of development, the supporting text to the Plan for Stafford Borough Policy SP4 states that *“new development will need to be provided, generally, outside of the existing built up areas.”* In recognition of this and of the limited and constrained availability of brownfield land in Eccleshall, paragraph 6.3 of the Neighbourhood Plan points out that *“...edge of settlement greenfield sites have had to be considered for new housing.”*

The supporting text then goes on to set out, clearly, how the settlement boundary has emerged and how it provides for new residential development. Altogether, the proposed settlement boundary provides 13.91 hectares of development land, calculated as being capable of providing for 325 dwellings (including 212 dwellings that already have planning permission).

In calculating the above, plan-makers have used a lower housing density figure than that used by Stafford Borough Council. The supporting text states that this is reflective of local character. However, the Neighbourhood Plan does not seek to impose any densities upon residential development in the Neighbourhood Area. In this regard, I am mindful that it is possible that the land identified within the proposed settlement boundary could potentially provide for more houses than the number suggested in the supporting text – subject to proposals being demonstrated to comprise sustainable development.

One of the representations to the Neighbourhood Plan suggests that its approach to housing is “*not founded on any credible evidence base*” and a number of representations consider that the Neighbourhood Plan fails to allocate enough land for housing. There are also suggestions that the settlement boundary has been drawn too tightly and constitutes an inflexible approach to providing for future housing development.

As noted above, the Neighbourhood Plan, which – as identified earlier in this Report - has undergone robust consultation, clearly states how the proposed settlement boundary has emerged and there is no evidence before me to demonstrate that the proposed settlement boundary is illogical, or lacks credibility. Rather, it reflects a previous boundary that itself was established through a planning process, and it provides for greenfield development, outside the existing built up area, in general conformity with the Plan for Stafford Borough.

As above, the Plan for Stafford Borough requires Key Service Villages to provide for 1,200 homes over the plan period (2011-2031). There are eleven Key Service Villages in the Borough. Of these, three are constrained to some degree by Green Belt, although there is nothing to suggest that no new housing development at all can occur in these constrained settlements.

Taking all of the above into account, the proposed settlement boundary appears to provide for a large and significant proportion of the housing land requirement for Key Service Villages and there is no substantive evidence to the contrary. Consequently, I find that Policy 1 contributes to the achievement of sustainable development. In this regard, I am also particularly mindful that Stafford Borough Council considers the Neighbourhood Plan to be in general conformity with the Plan for Stafford Borough.

Neighbourhood planning is different to district-wide development planning. Together, the Localism Act and the Framework afford local people with the power to plan for the future of their communities. The introduction to the Framework states that “*...people have been put off from getting involved because planning policy itself has become so elaborate and forbidding – the preserve of specialists, rather than people in communities.*”

There is no “tick box” list of evidence required for neighbourhood planning. Rather, Planning Practice Guidance requires that the choices made and the approach taken by neighbourhood planners should be supported by

“proportionate and robust evidence that...should be drawn upon to explain succinctly the intention and rationale of the policies...” (Para 41-040, Planning Practice Guidance)

Policy 1 has regard to this.

I note that a representation states that a settlement boundary is a “*restrictive form of policy constraint.*” Whether or not this is the case, a neighbourhood plan must be in general conformity with the relevant adopted development plan. Policy SP7 of the Plan for Stafford Borough requires settlement boundaries to be established. Policy 1 of the Neighbourhood Plan defines a Settlement Boundary for Eccleshall and as such, the approach is in general conformity with the strategic policies of the adopted development plan.

I note that there are objectors to the Neighbourhood Plan who consider that there is land that is capable of providing for sustainable development that, in their opinion, should have been included within a differently drawn settlement boundary. However, whether or not this is the case, I have found that Policy 1 has regard to national policy and advice. It is in general conformity with the Plan for Stafford Borough and it contributes to the achievement of sustainable development. It meets the basic conditions.

I recommend:

- **Policy 1, delete “*In accordance with Policy SP7 of the Plan for Stafford Borough 2014...*” There is no need to include reference to another policy of another plan – this detracts from Policy 1 and may lead to unnecessary confusion.**

Map 2 is entitled “*Proposals Map*” and includes reference to “*development sites.*” This is misleading. The Neighbourhood Plan does not allocate sites for development. Policy 1 simply supports development within the settlement boundary.

In addition to the above, I note that Map 2 is simply a snapshot in time, relating in this case to April 2015. Consequently, any relevance will decline as land is developed and planning permission is granted for development.

Taking the above into account, I recommend:

- **Delete Map 2**
- **Delete the last three sentences of paragraph 6.7 of the supporting text, from “...The additional areas...Eccleshall town.” The first sentence relates to Map 2, the penultimate sentence is confusing and the final sentence is unnecessary.**

Policy 2: Housing Types

Chapter 6 of the Framework supports the delivery of a wide choice of high quality homes and the identification of the size, type, tenure and range of housing required in particular locations (Para 50). In supporting a mix of market and affordable houses, Policy 2 has regard to this.

I note that a representation refers to the Self Build and Custom Housebuilding Act 2015. This comprises recent legislation and reflects the Government's aim of promoting self-build housing. Self-build housing has an important role to play in the deliver of a wide choice of high quality homes and this is reflected in the recommendations below.

Policy 2 also seeks to promote the provision of 3 bedroom houses and 2 bedroom bungalows. The supporting text to the Policy demonstrates that this reflects a community preference. However, whilst this second part of Policy 2 does have regard to national policy, it is worded in an ambiguous way, such that it may conflict with other development plan policies. I recommend:

- **Policy 2, line 2, add "...houses. *Self-build housing will be supported. Applications...*"**
- **Change second sentence to "*The provision of 3 bedroom houses and 2 bedroom bungalows within housing developments will be supported.*"**

Subject to the above, Policy 2 contributes to the achievement of sustainable development and meets the basic conditions.

I note that an objection to Policy 2 states that its approach is "*unsound*" as it "*dictates*" the type of housing that would be supported. However, soundness is not a test for neighbourhood plans and Policy 2 simply supports housing types that reflect community aspirations. It does not prevent other forms of housing from being developed, nor in any other way does it dictate housing mix.

Jobs and Employment

Policy 3 – Jobs and Employment

The first part of Policy 3 refers specifically to Policy E2 in the Plan for Stafford Borough. This is not a Policy that the Neighbourhood Plan can control. Neighbourhood planning policies should not seek to repeat, or be reliant upon, existing policies in other plans.

In addition to the above, the phrase “*range of local sustainable economic activities*” is undefined. Consequently, it is a vague and potentially ambiguous term that fails to provide decision makers with an indication of how to react to a development proposal. Consequently, it fails to have regard to the requirements of national policy, as set out in paragraph 154 of the Framework.

Taking the above into account, the first part of Policy 3 does not meet the basic conditions.

As a result of the use of vague terms, the second part of Policy 3 lacks clarity. There is no indication of what “*economic uses*” comprise, nor at what level an amount of traffic becomes “*significant*.” Also, no clarity is provided as to what an “*adverse affect on the road infrastructure*” might actually comprise.

Further to the above, the second part of Policy 3 suggests that development that causes harm will be supported as long as measures that reduce “*any impact*” are introduced. This is an ambiguous and entirely confusing requirement and does not therefore have regard to the Framework.

The final part of Policy 3 simply refers to Policy 4 and is unnecessary.

Taking all of the above into account, Policy 3 does not meet the basic conditions and I recommend:

- **Delete Policy 3 and all related supporting text**

Traffic and Parking

Policy 4: Traffic and Parking

Policy 4 requires “*all new developments*” to undertake traffic impact assessments and maximise opportunities for walking and cycling. As such, it places an inappropriate, onerous requirement on even minor development proposals, for example, household applications. The final sentence of Policy 4 “sustainable transport should be supported” is a meaningless statement. It is not a land use planning policy and the phrase “*be supported*” is not defined.

In general, however, Policy 4 seeks to promote sustainable patterns of movement and this approach has regard to Chapter 4 of the Framework, which recognises the important role that transport policies have to play in facilitating sustainable development and in contributing to wider objectives.

Rather than require development to link new and existing routes to Green Spaces “*where possible*” – a potentially onerous requirement, with no indication of viability, the Policy can, through clearer wording, more appropriately seek to achieve its aspiration of promoting sustainable patterns of movement.

I recommend:

- **Policy 4, delete first four words and replace with “*Major development proposals (as defined by the Town and Country Planning Act) should:*”**
- **Replace “any impacts” with “*harm.*”**
- **Change penultimate line to “*...of the Parish. The linking of new and existing pedestrian and cycle routes to Green Spaces will be supported.*”**
- **Delete “Public transport should be supported.”**

Subject to the above, Policy 4 contributes to the achievement of sustainable development and meets the basic conditions.

Policy 5 – Link Road

Policy 5 requires “*any development*” between Stone Road and Stafford Road to make provision for a “vehicular link” between the two roads. It is not clear how, or if this is an achievable aspiration. For example, how would the development of one, or a small number of houses “*make provision*” for a vehicular link. Furthermore, no indication is provided of the route of the link.

The Policy goes on to state that the link road should discourage through traffic, which seems to undermine the very purpose of a link road. The Policy would prevent use by “*large vehicles*” but does not define what a large vehicle comprises. I am mindful that it may be that the Policy would prevent, for example, buses from using the link road.

Further to the above, the supporting text to Policy 5 suggests that a road could be built that is designed to discourage “*knowledge of the route to those other than local residents.*” This is an unusual and potentially undeliverable aspiration. In addition, the supporting text states that “*the agreement of the new householders on site 10 would be required to ensure this policy can be implemented.*” It is inappropriate and ineffective for an land use planning policy to be predicated on the future agreement of future residents of future housing.

Taking all of the above into account, Policy 5 does not provide decision makers with a clear indication of how to react to a development proposal. There is no evidence to demonstrate that it contributes to the achievement of sustainable development. It does not meet the basic conditions. I recommend:

- **Delete Policy 5 and all associated supporting text**

Green Space

Policy 6 - Green Space

The Framework enables local communities to identify, for special protection, green areas of particular importance to them. Paragraph 76 states that

“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”

Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. Effectively, Local Green Spaces, once designated, provide protection that is comparable to that for Green Belt land.

The Framework is explicit in stating that

“The Local Green Space designation will not be appropriate for most green areas or open space.” (Para 77)

Taking all of the above into account, it is essential that, when designating Local Green Space, plan-makers can clearly demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land.

Policy 6 divides into two sections, one for *“publicly accessible local green spaces”* and another for *“Local Green Spaces.”* The first of these relates to four specific sites within Eccleshall, identified on Map 3. The supporting text makes it clear that these areas are special to the community and hold particular significance for their recreational value. The sites meet the tests set out in the Framework.

However, the wording of the first section introduces a new approach for development control in relation to Local Green Space and as such, it fails to have regard to national policy. Paragraph 76 of the Framework is specific in stating that, on land designated as local Green Space, development will be ruled out *“other than in very special circumstances.”* This is reflected in the recommendations below.

The second part of Policy 6 seeks to designate two large sites *“to become a Local Green Space forming a Country Park.”* It goes on to state that *“Developers of these sites must promote and establish the use as a country park.”*

I find that this reflects a confused approach to Local Green Space. It fails to have regard to national policy. The supporting text makes it clear that the proposed Local Green Spaces have been identified as an area where a Country Park should be

created. However, the Framework is clear. Local Green Space applies to areas of land that are already '*demonstrably special*' to a local community. It is not simply a mechanism for the creation of new country parks.

There is no substantive evidence to demonstrate why "*sites 3 and 5*" are demonstrably special to the local community, or that they hold a particular local significance. Furthermore, the policy wording in relation to this land is entirely different to, and thus fails to have regard to, the approach to Local Green Space established in the Framework.

I acknowledge that some of the intention of this part of Policy 2 is to link future development to the provision of a Country Park. However, I note above that the Neighbourhood Plan does not allocate any development sites. I also note that there is reference to the proposed Country Park in the Aspirations section, which is appropriate.

Taking all of the above into account, I recommend:

- **Policy 6, change title to "*Local Green Space*"**
- **Change first paragraph to "*Four sites are identified on Map 3 (NB, the numbering of the Maps will change as a result of other recommendations in this Report) as Local Green Space. No development will take place on these sites, other than in very special circumstances.*"**
- **Delete second paragraph**
- **Delete paragraphs 9.4 and 9.5**
- **Delete Map 4**

Policy 7 – Historic Environment

National policy recognises the country’s heritage assets as irreplaceable. It also considers design to comprise an integral part of sustainable development. Taking these factors into account, the intent of Policy 7 has regard to national policy.

As worded, Policy 7 would require all development, including that outside Eccleshall town, elsewhere in the Neighbourhood Area to “*complement and conserve*” the town’s heritage. This is an onerous requirement and there is no evidence to demonstrate that it could apply, or that it would be relevant, in all circumstances.

The Policy goes on to state that use of the Eccleshall Design Statement is a “*requirement*” for all development proposals. However, whilst important, informative and highly relevant, the Eccleshall Design Statement is simply a guide. It has not undergone robust examination and is not an adopted planning document. It would therefore be inappropriate to “*require*” all development proposals to “*use the principles*” set out within it.

Notwithstanding this point, in promoting good design, Policy 7 clearly has regard to national policy and contributes to the achievement of sustainable development. I recommend:

- **Policy 7, change first sentence to “*New development should be designed to respect the existing heritage of Eccleshall.*”**
- **Change second sentence to “*To maintain the town’s distinctive character and local architecture, applicants should demonstrate that they have considered the Eccleshall Design Statement to help inform the design process*”**

Neighbourhood Plan – Other Matters

The final part of the Neighbourhood Plan sets out community aspirations. This is an important inclusion – it ensures that sight is not lost of key issues that have arisen during the consultation process.

The Neighbourhood Plan ends with reference to ongoing monitoring. This provides clarity with regards how the Parish Council will undertake neighbourhood planning into the future.

No changes are recommended.

8. Summary

I have recommended a number of modifications further to consideration of the Eccleshall Neighbourhood Plan against the basic conditions.

Subject to these modifications, the Eccleshall Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Eccleshall Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

I recommend to Stafford Borough Council that, subject to the modifications proposed, the **Eccleshall Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Eccleshall Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Eccleshall Neighbourhood Area as approved by Stafford Borough Council on 4 July 2013.

Nigel McGurk, September 2015
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