

SANDON AND BURSTON NEIGHBOURHOOD PLAN

Sandon and Burston Neighbourhood Plan Examination,
A Report to Stafford Borough Council

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November 2016

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1. Introduction

The Neighbourhood Plan

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

This Report provides the findings of the examination into the Sandon and Burston 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)

Sandon and Burston Parish Council is the *qualifying body* 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 Sandon and Burston Neighbourhood Area.

Role of the Independent Examiner

I was appointed by Stafford Borough Council, with the consent of the qualifying body, 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;
- 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 Sandon and Burston Neighbourhood Area to which the Plan relates.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan indicates that the plan period is up to 2031 and this is confirmed on page 4, which states:

“...maintain the goal of a balanced and vibrant neighbourhood over the Plan Period, being until 2031.”

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

Public Hearing

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

Further to consideration of all of the relevant information, I confirmed to Stafford Borough Council that I considered it necessary to hold a public hearing as part of the examination of the Sandon and Burston Neighbourhood Plan.

The public hearing was held on Thursday 20th October at Stafford Borough Council's offices. The location was chosen as the most suitable available venue within reasonable distance of the Neighbourhood Area. A number of parties were invited to speak, including local residents and representatives of Sandon and Burston Parish Council. The public hearing was also attended by members of the public.

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*¹ following the Localism Act 2011. A neighbourhood plan meets the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.²

An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.³

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);

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

² Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

³ The Convention rights has the same meaning as in the Human Rights Act 1998.

- 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 content of this Report, I am satisfied that these three points have been met.

In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

European Convention on Human Rights (ECHR) Obligations

Subject to the content of this Report, with particular reference to the Consultation section, 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 appraisal⁴. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.

With the above in mind, draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.

“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.” (Planning Practice Guidance⁵).

This process is often referred to as a screening report, opinion, statement or assessment. If the screening report identifies likely significant effects, then an environmental report must be prepared.

A Screening Report was undertaken by Stafford Borough Council. This was submitted alongside the Neighbourhood Plan and stated that:

“...it is considered unlikely that any significant environmental effects will occur from the implementation of the draft NP that were not considered and dealt with by the Sustainability Appraisal of the Plan for Stafford Borough (PFSB). As such the Sandon and Burston Neighbourhood Plan does not require a full SEA to be undertaken.”

Each of the statutory consultees, Natural England, Historic England and the Environment Agency, were consulted on the Neighbourhood Plan. With specific regard to the above, Natural England stated that:

“Natural England notes and agrees with the Council’s conclusions...”

No other statutory body raised any concerns in this regard.

⁴ Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance

⁵ Paragraph 027, *ibid*

A Habitats Regulations Assessment is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites.

Stafford Borough Council undertook a HRA screening exercise. This recognised that there are 6 Natura Sites (also known as European sites) in Stafford Borough which may be affected by the proposals in the Sandon and Burston Neighbourhood Plan. These comprise Cope Mere and Aqualate Mere RAMSARs; and Special Areas of Conservation (SACs) at Motte Meadows, Cannock Chase, Chartley Moss and Pasturefields Salt Marsh.

Having regard to this, Stafford Borough Council states:

“In combination with the Plan for Stafford Borough (PfsB) the Sandon and Burston NP may affect Natura 2000 Sites. The PfsB was subject to a full Habitats Regulations Assessment including appropriate assessment and identification of mitigation measures. The Sandon and Burston NP does not propose anything which departs from the PfsB set out in the Plan.”

The HRA screening exercise goes on to conclude:

“The HRA carried out on the PfsB concluded that the implementation of the Plan would not result in likely significant or in combination effects. As a result the Council does not consider that implementation of the Sandon and Burston NP would result in likely significant or in combination effects on Natura 2000 sites...it is considered unlikely that any significant environmental effects will occur from the implementation of the Sandon and Burston NP that were not considered and dealt with by the Habitat Regulation Assessment carried out on the PfsB. As such the Sandon and Burston NP does not require further HRA work to be undertaken.”

As above, the statutory consultees were consulted and Natural England wrote to agree with the conclusion of Stafford Borough Council in this regard.

Further to all of the above, national guidance establishes that ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations is placed on the local planning authority:

“The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” (Planning Practice Guidance⁶)

In undertaking the work and reaching the conclusions that it has, Stafford Borough Council has considered the Neighbourhood Plan’s compatibility with EU obligations and, like the statutory consultees above, it has raised no concerns in this regard.

⁶ Paragraph 031, Reference: 11-031-20150209, Planning Practice Guidance

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

3. Background Documents and the Sandon and Burston Neighbourhood Area

Background Documents

In undertaking this examination I have considered various information in addition to the Sandon and Burston Neighbourhood Plan. This has included the following main documents:

- 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 Plan Regulations (2012) (as amended)
- The Plan for Stafford Borough 2011-2031 (2014)
- Basic Conditions Statement
- Consultation Statement
- Evidence Base Document
- Evidence Base Document Supplemental
- Screening Assessment of the Draft Sandon and Burston Neighbourhood Plan

Also:

- Representations received

In addition, I spent an unaccompanied day visiting the Sandon and Burston Neighbourhood Area and as above, I held a public hearing on the 20th October 2016.

Sandon and Burston Neighbourhood Area

A plan showing the boundary of the Neighbourhood Area is presented on page 7 of the Neighbourhood Plan.

The Neighbourhood Area comprises the whole of the Parish of Sandon and Burston.

Further to an application made by Sandon and Burston Parish Council, Stafford Borough Council approved the designation of Sandon and Burston as a Neighbourhood Area on 7 February 2013.

This satisfied a requirement 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).

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 'Yes' vote at Referendum.

Sandon and Burston Neighbourhood Plan Consultation

A Consultation Statement was submitted to Stafford Borough Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*⁷.

In addition to the above, a major part of the Neighbourhood Plan – pages 12 to 18 inclusive – comprises a long description of how the Neighbourhood Plan was prepared. In so doing, it repeats much of the information contained in the Consultation Statement.

A Neighbourhood Plan Working Party made up of Parish Council members was set up at a Parish Council meeting in April 2011 and an audit trail is provided to demonstrate that the emerging plan *“formed part of every monthly Meeting, involving discussions, presentations and representations...”*

An open Public Meeting was held on 5 April 2012 at Sandon Parish Room. This was advertised and was attended by 49 Parishioners amongst others. It is reported that this provided for *“a very positive and healthy conversation”* and whilst some Parishioners raised concerns, *“a number of attendees were supportive of a Neighbourhood Plan...”*

This was followed by a Parish Council meeting the following week, where a *“robust discussion”* took place between residents and Parish Councillors and *“following what was overall, a very positive response to the idea of a Neighbourhood Plan...we resolved to continue and progress this Plan.”*

⁷Neighbourhood Planning (General) Regulations 2012.

A further Public Meeting was advertised and held on 23 May 2012 at Sandon Parish Room, with 35 Parishioners, all Parish Councillors and the Sandon Estate Manager present. At this meeting, it is reported that *“a very healthy conversation and debate” took place and “our Parish Council took a Vote and resolved to continue with our Neighbourhood Plan.”*

I note above that a public hearing formed part of the examination of the Neighbourhood Plan. The main reason for the public hearing was to consider the consultation process in more detail. This was in response to the Regulation 16 consultation, during which a large number of objections to the Neighbourhood Plan from local residents were received. The large quantity of representations received and the wide variety of objections made was especially noticeable, given that the Neighbourhood Area only has a very small population – the Neighbourhood Plan, on page 6, refers to there being 363 residents.

Most of the objections from local residents raised specific concerns in respect of the consultation process. I note that a number of additional representations suggested that there was a conflict of interest, with regard to the interests of one of the plan-makers in land allocated in the Neighbourhood Plan for development. However, this Report focuses on the concerns raised with the consultation process itself.

As above, the Consultation Statement points out that the Public Meetings provided for Parishioners, who attended in significant numbers, led to a *“healthy and robust discussion,”* and repeats the phrase *“healthy conversation and debate.”* Given this, I asked invitees whether or not this was a fair reflection of discussions between the Parish Council and local residents. Nobody, including the Parish Council, considered that it was. Rather, there was a general consensus that the reporting of the meetings in the Consultation Statement failed to properly reflect the prevailing mood and atmosphere at those meetings.

Further to the above, I am mindful that the Consultation Statement provides little substantive evidence to demonstrate how, or whether, all of the views and opinions of local residents were considered as the plan itself emerged through consultation. Consequently, at the public hearing, I asked local residents whether or not they considered that, having regard to Paragraph 183 of the National Planning Policy Framework (the Framework), the Neighbourhood Plan reflected a

“...shared vision for their neighbourhood...”

The responses were overwhelmingly negative.

Local residents stated that they felt that they were “*being ignored,*” that there was “*no opportunity for meaningful input or discussion*” and that the Neighbourhood Plan was a “*fait accompli.*” In this latter regard, I note that the Parish Council stated at the public hearing that there was little change to the document from its “*inception*” to its final submission. Whilst the Parish Council could not be clear as to when its “*inception*” was, there is little evidence to demonstrate that it has changed significantly between early 2012 and its submission in 2016 – notwithstanding major concerns being voiced by local residents following the publication of the initial document in early 2012.

In this regard, I asked the Parish Council whether page 11 of the Consultation Statement sets out all of the main amendments to the Neighbourhood Plan as a result of public consultation. The Parish Council stated that it does. I am mindful that the amendments on page 11 of the Consultation Statement amount to just four sentences and as above, that there is a lack of substantive evidence to demonstrate that all comments made during consultation were given due consideration.

Given the very obvious strength of feeling on behalf of local residents, I consider it helpful to provide examples of some of the comments made in respect of public consultation to the Submission Plan. These include (please note that I have replaced the names of individual residents):

“They have not listened to us villagers, we have not been consulted and they have not changed any elements of the plan.” **Resident A, Burston**

“At every Parish Council meeting since 2015 there has been a specific request to review or change the draft plan and to involve the residents of Burston in the formation of a plan which is with the support of the villagers – each time this has been refused...The Neighbourhood Plan does not represent what the villagers envisage for the protection of this tranquil village setting...the majority of this village now have a complete lack of trust with our Parish Council and this is the reason so many villagers from Burston have been attending meetings. We feel there has been a lack of transparency...” **Resident B, Burston**

“...we are totally opposed to the parish plan as it stands, as we feel are most people in Burston that we have spoken to. This Plan has been put together by certain elected councillors who have not discussed any part of it with resident’s consultation.”
Residents C and D, Burston

“I wish to add to previous comments that I have sent to yourselves, about the lack of consultation between the village and the Parish Council.” **Resident E, Burston**

“There has been very poor consultation from the start, the people of the parish was (sic) only consulted after the plan had been drawn up, and after 2 or 3 very heated meetings, nothing for the last 2 years, apart from the same drawings displayed in the parish room...” **Residents F, G and H (separate letters), Burston**

“The consultation between the Parish Council and the residents has been derisory to say the least, from the first public meeting some four years ago, when we were forcefully told what the plan was going to be...very many residents were extremely unhappy; we were not listened to, and since then the Parish Council have carried on regardless of the feelings and wishes of Burston residents...I understand from other neighbourhood plans experienced by friends in other villages, that it does not and should not be like this.” **Resident I, Burston**

“The plan has been formulated without consultation of the residents of Burston.”
Resident J, Burston

“...we have had the opportunity to discuss the consultation process with nearly all of the Burston residents, and nearly all of the residents oppose the various projects proposed within the Plan. It would seem from the outset that the Parish Council has decided upon the sites and then sought to head off any objection and to continually refuse to listen to the villagers...there seems to have been a total disconnect particularly with the villagers of Burston...” **Residents K and L, Burston**

“Due to the vast majority of villagers in Burston being against the plan I hope that it is not approved.” **Resident M, Burston**

“No opportunity was given for parishioners to put forward suggestions for the plan before it was formulated. We were presented with a plan and asked to accept the whole plan...” **Resident N, Burston**

“The Parish Council failed to engage with the local community before presenting their proposals...There has been a general opposition by the Parish Council to review the draft plan using a variety of excuses such as; it was too late to alter it, the plan was with the Borough Council and could not be altered, a refusal to change the plan because “the people of Sandon didn’t object to it...” If the Parish Council had taken a different approach to the process, involved the local community from the outset, had taken on board their views, there is no doubt in my mind that the neighbourhood plan, which at that stage would reflect the wishes of the local people, would have been supported.” **Resident O, Burston**

“I have attended all the public meetings with regard to the Neighbourhood Plan, but from the outset, the very first draft which was prepared by only 2 Parish councillors in secrecy over periods of months and presented to the villagers as this being the Plan and that this is for our information only and there was never any thought as to what we as residents would like to be included and hence the plan only has had one change made to it...The creation and consultation of the plan should be transparent but this process has been the opposite, where resident views have been repeatedly rebuked at every occasion...we have all made consistent and regular objections to all the developments in Burston,...we have been deliberately overruled at every attempt of a change...” **Resident P, Burston**

“As residents in the village of Burston...we are very concerned by this process, which has failed to consult residents on proposals for unwarranted development in the village. Our requests (together with those of many other residents) for consultation on the three disputed sites have been completely ignored...The minutes of the meeting do not adequately reflect the opposition of the Burston residents present to the Burston village items. Anything positive about the plan is recorded in the minutes; opposition is reported in a very muted way, if at all...At various times in response to our requests...we have been misled, and on a number of occasions provided with statements which are manifestly untrue...It is our belief that the current submission should be rejected in order that a proper consultation process can take place.” **Residents Q and R, Burston**

“...the plan fails to take into account any of the opinions of local residents.”
Resident S, Burston

“...the NP grossly misrepresents the feelings expressed at the Public meetings. There has (sic) been very many objections raised and it was clear to me that the majority of the residents of Burston did not agree with its contents and also that these have been ignored and glossed over by a few supporters of the NP.” **Resident T, Burston**

“By the council’s own admission, the Plan was well progressed without formal public consultation or (aside from Parish Council meetings prior) the opportunity for the local community to consider or suggest development opportunities, or share local concerns and priorities...We have not been given appropriate opportunity to influence the Plan, participate in open dialogue or discussion on opportunities, and as a result the draft Plan does not provide a proportionate representation on community views.

The tone and suggested atmosphere that runs through the whole “finalised Plan” is one that many in Burston have commented as being totally unrecognisable. There is some suggestion of debate but no reflection or discussion of the anger and opposition that the process followed has raised, which has been autocratic than democratic, with the section of the Draft Plan referring to Burston as being imposed rather than representative of the views of the Community.” **Resident U, Burston**

Together, these excerpts from the Regulation 16 objections comprise what could be described as a “*damning criticism*” of the consultation process by local residents.

Given not only the comments above, but the equally robust evidence provided at the public hearing, it is very difficult for me to conclude that community engagement was at the heart of the plan-making process, that it was carried out in a comprehensive manner or that the Neighbourhood Plan reflects the community’s “*shared vision for their neighbourhood*,” having regard to Paragraph 184 of the Framework.

Rather, for a significant proportion of local residents, consultation was not transparent, it was not robust and views were not taken into account.

A Neighbourhood Plan must meet the basic conditions. It must have regard to national policy and advice. In considering all of the above, I return to Paragraphs 183 and 184 of the Framework:

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood...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 documents submitted by the Parish Council suggest that consultation has played an important role in the plan-making process – and indeed, evidence is provided to demonstrate that consultation has taken place over an extended period of time. However, the widely expressed views of local residents point towards a failure in the consultation process to actually listen to and take their concerns into account.

A significant proportion of the residents of the Neighbourhood Area consider that the Neighbourhood Plan does not reflect a *“shared vision”* for Sandon and Burston. They have provided written and verbal evidence to show that, whilst there may have been meetings and other chances to comment on the Neighbourhood Plan, there was little, if any, opportunity to genuinely engage with the plan-making process, or to influence the emerging plan.

To create a *“shared vision”* requires genuine engagement. Effective community consultation is not simply about holding a public meeting to present something that has already been largely decided upon, but is a process that allows for anyone who wants to engage to do so and in a meaningful way.

In the words of a local resident at the public hearing:

“Everyone has a right to be heard. We have been heard. We have not been listened to.”

The representations made to the consultation process amount to more than just the views of one or two disgruntled people. The many letters of objection are especially notable for the widely expressed overall desire of local residents to simply have been allowed to have been involved in the creation of the Neighbourhood Plan and for their views to have been taken into account.

The public hearing enabled me to consider the nature of the public consultation process in more detail.

Further to this, I can conclude that the plan-makers did indeed undertake public consultation, but that this did not result in local residents being able to genuinely engage with the plan-making process. The content of the Neighbourhood Plan had already been largely determined by the Parish Council not only before the designation of the Neighbourhood Area in February 2013, but even prior to its introduction at the first public meeting in April 2012.

Consequently, it is my view that community consultation appears to have been largely founded upon the Parish Council presenting a pre-determined approach to local residents, as opposed to enabling the community to get involved in the creation of a “*shared vision*.”

In the above regard, I note that Section 5.0 of the Consultation Statement, entitled “*Amendments to our Plan and its Proposals following Consultation*,” states that:

“Our Parish Council/Working Party, not only being the Qualifying Body but also the Party created to both lead and manage this process, has, over the course of these consultations, considered carefully all those presentations, representations, ideas and respondent comments...”

However, there is little detail to demonstrate that the representations made had much, if any, influence on the Neighbourhood Plan. As noted above, page 11 of the Consultation Statement sets out the amendments made to the Neighbourhood Plan in just four sentences, and one of these refers to changes not relating to consultation.

In contrast, there is evidence to demonstrate that Burston residents made significant and sustained efforts to have more say in the plan-making process and that their efforts were denied.

In this respect I find that the plan-makers did not have regard to Planning Practice Guidance, which, in considering the role of the wider community in neighbourhood planning, seeks to ensure that:

*“...the wider community has opportunities to be actively involved in shaping the emerging neighbourhood plan...is made aware of how their views have informed the draft neighbourhood plan...”*⁸

⁸ Planning Practice Guidance Paragraph: 047 Reference ID: 41-047-20140306

Taking everything into account, I conclude that the consultation process was not robust. Fundamentally, it does not have regard to Paragraphs 183 and 184 of the Framework and consequently, in this regard, the Neighbourhood Plan does not meet the basic conditions. I take this into account in reaching my overall recommendation at the end of this Report.

5. The Neighbourhood Plan – Introductory Section

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. This Chapter considers the Introductory Section of the Neighbourhood Plan.

The first two sentences of the Introduction to the Neighbourhood Plan provide a neat opening, but the opening section then goes on to focus on consultation, a process which, I have found, was not robust. I recommend:

- **Page 4, delete the sentences “Our Plan has been prepared...community hub locations.”**

The plan showing the Neighbourhood Area on page 7 is somewhat unclear, due to the quality of reproduction. Further, the plan shown on page 8, entitled “*Sandon and Burston Historic Landscape Character Map,*” is largely illegible due to its size and the quality of reproduction. There is no landscape character Policy in the Neighbourhood Plan and nor is landscape character considered in any great detail in any part of it. Consequently, the reproduction of a plan from another document adds confusion to the Neighbourhood Plan.

I recommend:

- **Improve the quality of reproduction of plan 2.1 on page 7**
- **Delete the plan on page 8**

Section 4.0 of the Neighbourhood Plan comprises seven full pages of text devoted to the consultation process. The submission of a Consultation Statement together with a Neighbourhood Plan is a requirement. As noted earlier in this Report, this should set out who was consulted and how, together with the outcome of the consultation. A Consultation Statement was submitted by the Qualifying Body.

If it were necessary to set out the consultation process in detail within a neighbourhood plan, then there would be little requirement for a Consultation Statement. In this regard, I find that pages 12 to 18 of the Neighbourhood Plan largely comprise unnecessary repetition.

Furthermore, I note that this section of the Neighbourhood Plan states that there was “*very positive and healthy conversation*” at the Public Meeting on 5 April 2012; that there was “*a very positive response*” to the Parish Council meeting held on 11 April 2012; that there was “*a very positive and healthy conversation*” at the Public Meeting on 23 May 2012; and that there was “*a very positive and healthy conversation*” at the Public Meeting on 18 June 2012.

Further to the public hearing and consideration of information before me, it is not only my view, but that of local residents and the Parish Council, that these references do not accurately reflect the nature or outcome of the meetings that took place.

In any case, the consultation process was not robust and I recommend:

- **Delete pages 12-18, inclusive**

I note that the aims set out in Section 5.0 of the Neighbourhood Plan are clear and that they seek to contribute to the achievement of sustainable development.

Section 8.0 of the Neighbourhood Plan sets out thirteen “*Projects.*” Each Project identifies “*a parcel of land that could potentially accommodate*” development, predominantly housing but also including potential commercial and highway development.

As presented, the Projects are vague and general – simply, they identify land that could potentially accommodate development. The Projects do not comprise Policies and they do not set out any development requirements.

The Projects include the kind of background information that might normally emerge during the plan-making process and that could form part of an evidence base. The text provided has not, itself, been developed into a Policy and as above, it simply sets out “*what could potentially take place.*”

Also, I note that the Projects include statements including:

“...this parcel of land would provide two sustainable, outstanding and innovative family homes of high quality and inclusive design that will positively integrate into the existing natural, built and historic environment, and further seek to reinforce local distinctiveness...would have no negative impact...contributing towards bringing families back into the village...”

However, the Neighbourhood Plan does not introduce any Policies to control such matters. Taking this and the above into account, I find that the inclusion of Section 8.0 in the Neighbourhood Plan is confusing. It sets out some general aspirations and suggests that certain things might, and in some cases “*will*” happen, without providing the detail or mechanism – for example, in the form of land use planning policies - to control this.

Given the above, I consider that Section 8.0 detracts from the clarity of the Neighbourhood Plan. I recommend:

- **Delete Pages 26 to 30**

6. The Neighbourhood Plan – Neighbourhood Plan Policies

Environment

Policy ENV1

Policy ENV1 supports new development at twelve listed locations (two alternatives are provided on the site identified as “*Land at Burston Lane*”). The Policy seeks to establish that, provided development does not cause demonstrable harm to the natural and historic environment, or provided that such harm can be mitigated against, it will be supported.

As set out, Policy ENV1 therefore supports any type of development at the sites identified, so long as demonstrable harm to the natural and historic environment is mitigated against. As such, the Policy raises a number of concerns when considered against the basic conditions.

Firstly, it is not clear why any form of development will be supported. The Neighbourhood Plan, and notably Policy ENV2, seeks to support residential development at a number of sites. Other than commercial development at two of the listed sites and highway improvement works at one other site, no other form of development is mentioned in the Neighbourhood Plan. In presenting support for any form of development in the way that it does, the Policy appears imprecise and fails to have regard to Planning Practice Guidance, which requires land use planning policies to be precise and concise⁹.

Secondly, the Policy only seeks to consider the impact of proposed development on the natural and historic environment. No attention is paid to other factors that could be relevant, such as highway safety or whether proposed development would result in acceptable living conditions for neighbours, in respect of, for example, outlook, privacy, daylight or noise and disturbance. As set out, Policy ENV1 would support development on the sites indicated, regardless of any impact on these things. Such an approach fails to have regard to national policy and is not in general conformity with Plan for Stafford Borough Policy N1 (“*Design*”), or Spatial Principle 7 (SP7 “*Supporting the location of new development*”). Together amongst other things, the Framework, Policy N1 and SP7 seek to protect residential amenity and provide for a safe and secure environment.

⁹ Ref: Planning Practice Guidance 41-041020140306.

In addition to the above, it is not clear why Policy ENV1 only seeks to protect the natural and historic environment. Such a narrow approach may not allow for wider consideration of the built environment and local character in general, as required by the Plan for Stafford Borough Policy C5 (*“Residential Proposals outside the Settlement Hierarchy”*), which requires new development outside the settlement hierarchy to be of a high quality design that reflects the setting, form and character of the locality and the surrounding landscape. In this regard, no justification is provided for Policy ENV1’s significant difference to the relevant strategic policy of the adopted development plan and in this way, I find that the Policy is not in general conformity with the Plan for Stafford Borough.

Also, as set out, Policy ENV1 suggests that development will be supported if demonstrable harm to the natural or built environment can be mitigated against. I note that mitigation does not, in itself, mean that demonstrable harm will be overcome. It simply means that it may be possible to reduce the severity of harm. Policy ENV1 would support development that would cause demonstrable harm, so long as such harm *“can be mitigated against.”* Demonstrating that mitigation can occur is not the same as requiring mitigation to take place. As worded, Policy ENV1 fails to require the mitigation of harm.

In addition to all of the above, the Neighbourhood Plan does not indicate what level of mitigation might be acceptable. A small reduction in the severity of harm to say, the historic environment, may still result in substantial harm. Chapter 12 of the Framework, *“Conserving and enhancing the historic environment,”* states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be...As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”
(Paragraph 132)

Taking the above into account, in simply proclaiming support for any development on the sites listed, provided demonstrable harm *“can be mitigated against,”* Policy ENV1 fails to have regard to national policy.

For all of the reasons set out above, Policy ENV1 does not meet the basic conditions. I recommend:

- **Delete Policy ENV1**

Community

Policy C1

Policy C1 supports residential development at twelve identified locations (two alternatives are provided on the site identified as “*Land at Burston Lane*”).

The Policy states that development is “*identified and supported*” at the sites indicated “*to improve diversity, social balance and make a positive contribution towards sustainability.*” However, rather than set out criteria to achieve these aims, the Policy simply supports the development of housing.

No design criteria or controls to “*improve diversity*” or “*social balance*” are provided. Similarly, other than setting out support for the building of houses, the Policy does not provide any indication of how a “*positive contribution toward sustainability*” will be achieved.

Whilst the Framework seeks to “*boost significantly the supply of housing*” (Paragraph 47), it seeks to do so through sustainable development within a plan-led system and Chapter 7 of the Framework “*Requiring good design,*” establishes that:

“*...good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*”
(Paragraph 56)

Policy C1 would simply support the building of new houses at twelve sites within the Neighbourhood Area. As set out, the Policy would support residential development regardless of design quality, housing type or tenure. Such an approach would not be in general conformity with the Plan for Stafford Borough Policy C5 (“*Residential Proposals outside the Settlement Hierarchy*”), which requires that:

“*The development is of a high quality design that reflects the setting, form and character of the locality and the surrounding landscape.*”

Taking all of the above into account, Policy C1 does not have regard to the Framework and is not in general conformity with the adopted development plan for the area. It does not contribute to the achievement of sustainable development. Policy C1 does not meet the basic conditions.

I recommend:

- **Delete Policy C1**

Economy

Policy E1

Policy E1 supports the development of “*commercial floorspace*” at two locations.

In addition, it supports the development of commercial floorspace comprising “*highway improvement works*” at the junction of the B5066 and Jolpool Lane. This part of the Policy makes little sense as commercial floorspace is not the same thing as highway improvement works. Furthermore, it is not clear how this element of the Neighbourhood Plan would be implemented or controlled. In this regard, I am mindful that Staffordshire County Council has made a representation that states:

“Given there is no development proposed in the vicinity of Jolpool Lane we would question...deliverability...”

This part of Policy E1 simply appears, albeit in a confusing form within Policy E1, to be a general Parish Council aspiration. Taking this into account, I recommend:

- **Remove reference to “*Project 6*” from Policy E1 and set out as a “*Community Action: The Parish Council will seek to work with third parties to promote highway improvements at the junction of the B5066 and Jolpool Lane.*”**

(For clarity, a “*Community Action*” in this case is not the same as a land use planning policy)

Commercial floorspace could take many different forms. For example, 635 square metres of commercial floorspace, as supported by Policy E1 at Dog Farm and adjacent land, could (within the requirements of the Policy) comprise a very large shed. Policy E1, as set out, affords unfettered support to the provision of up to 635 square metres of commercial floorspace at this location, regardless of design or other factors.

Dog Farm is located within the setting of Grade II Listed Buildings at Stafford Lodges and the Dog and Doublet Inn. It is located alongside a prominent cross roads close to the entrance to Sandon Hall, opposite Sandon Cricket Club and Sandon War Memorial. Consequently, Dog Farm and adjacent land are located within an attractive and particularly sensitive environment.

Policy E1 fails to take this into account and simply supports the development of commercial floorspace. It does not have regard to Paragraph 132 of the Framework, set out earlier in this Report (Policy ENV1, page 24). Consequently, Policy ENV1 could result in support for inappropriate development.

Taking the above into account, I find that the Policy fails to have regard to the Framework which seeks to support a prosperous rural economy by taking a positive approach to sustainable new development and is explicit in requiring neighbourhood plans to support the provision of:

“...well designed new buildings” (Paragraph 28)

and which goes on to require that:

“...neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area....ensure that developments...respond to local character and history, and reflect the identity of local surroundings and materials...are visually attractive as a result of good architecture and appropriate landscaping.” (Paragraph 58)

Policy E1 does not have regard to national planning policy and does not meet the basic conditions.

In addition to the above, I note that *“Land at the Green Bungalow”* is located in a prominent location adjacent to the A51 and close to existing dwellings. As set out, I note that Policy E1 would support the development of 100 square metres of commercial floorspace without reference to impact on highway safety, local character or residential amenity.

I recommend:

- **Delete Policy E1**

Sustainable Development – Flood Risk

Policy SD1

Much of Policy SD1 relates to “*NP allocations.*” Given that I recommend, earlier in this Report, that the Policies in the Neighbourhood Plan that include allocations (Policies ENV1, C1 and E1) be deleted, the majority of Policy SD1 no longer applies.

However, the opening sentence of Policy SD1 seeks to prevent any form of development within Flood Zone 3. Such an approach fails to have regard to national policy, as set out in Chapter 10 of the Framework, “*Meeting the challenge of climate change, flooding and coastal change.*”

In this Chapter, the Framework establishes that:

“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.” (Paragraph 100)

National policy does not introduce a blanket ban on development within Flood Zone 3. Such an approach could, for example, prevent necessary flood defence infrastructure from being developed. Taking this into account, that part of Policy SD1 that seeks to prevent any development (other than the access works referred to) within Flood Zone 3 does not have regard to national policy and does not meet the basic conditions.

Taking all of the above into account, I recommend:

- **Delete Policy SD1**

Local Green Spaces

Policy LGS1

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. Notably, 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)

Consequently, when designating Local Green Space, plan-makers should 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. Furthermore, identifying Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

Policy LGS1 seeks to designate two areas of Local Green Space. Jolpool Borehole and Spring’s significance derives from its historic, ecological and environmental qualities; whilst Sandon Cricket Ground and adjacent land derives its local significance from its historic, community and recreational value. With regards this latter area, Policy LGS1 refers to Sandon Club, which is a building and not a green space. I address this in the recommendations below.

Subject to these recommendations, the two designations have regard to the requirements of the Framework and consequently, meet the basic conditions. Whilst the Sandon Estate “...would not support additional public access...” to Jolpool Borehole and Spring, I note that designation as Local Green Space simply affords protection from development and does not, in itself, have any impact on public access.

The Framework is clear in establishing that, other than in very special circumstances, development will be ruled out at land designated as Local Green Space. As set out, Policy LGS1 fails to properly reflect this and I address this matter below.

I also note that there are no plans of the Local Green Space designations within the Neighbourhood Plan, but that, instead, they form part of the Appendices. Given the importance of Local Green Space designation, I recommend that clearly distinguishable boundary plans for part of the Neighbourhood Plan.

Taking all of the above into account, I recommend:

- **Policy LGS1, change wording to “*Sandon Cricket Ground and adjacent land (Plan 1); and Jolpool Borehole and Spring (Plan 2) are designated as Local Green Space where development is ruled out, other than in very special circumstances.*”**
- **Move Plans 1 and 2 to the Neighbourhood Plan, to immediately follow Policy LGS1. Exclude the Sandon Club from Plan 1.**

Subject to the above, Policy LGS1 has regard to the Framework and meets the basic conditions.

8. Summary

I have recommended a significant number of modifications further to consideration of the Sandon and Burston Neighbourhood Plan against the basic conditions. My recommendations would result in four of the five Policies contained within it being deleted. This would leave just one Policy, LGS1.

Having regard to the vision and introductory sections of the Neighbourhood Plan, as well as its evidence base, it may be unlikely that a Neighbourhood Plan comprising just a Local Green Space Policy would meet local aims and aspirations.

Notwithstanding this, I have given much consideration to public consultation in respect of the production of the Neighbourhood Plan. A public hearing was held to explore this matter further.

As set out earlier in this Report, I have reached the conclusion that public consultation was not robust. There is evidence to demonstrate that the Neighbourhood Plan fails to reflect the views of local people, despite efforts on behalf of local residents to have a direct and meaningful involvement in the plan-making process.

Consequently, I cannot conclude that the Neighbourhood Plan reflects a shared vision for the Neighbourhood Area, having regard to Paragraph 183 of the Framework.

For this reason alone, it is my view that, having regard to national policies and advice contained in guidance issued by the Secretary of State, the Neighbourhood Plan does not meet the basic conditions and it is not appropriate to make the neighbourhood plan.

9. Referendum

Taking all of the above into account, I recommend to Stafford Borough Council that the **Sandon and Burston Neighbourhood Plan should not proceed to a Referendum.**

Referendum Area

As I have recommended that the Sandon and Burston Neighbourhood Plan should not proceed to a Referendum, there is no requirement to consider the Referendum Area.

Nigel McGurk, November 2016
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