

Shropshire Council assessment of:

Woore Neighbourhood Plan Regulation 15 Submission version May 2018

In February 2016 Woore Parish Council agreed with Shropshire Council to deliver a neighbourhood plan. The Parish Council formed a steering group to drive the Plan and in March 2016, the Neighbourhood Plan project was launched. Woore's Neighbourhood Plan was drafted based on extensive community input and has completed its early local stages, culminating in this 6 week submission consultation ending in mid-July. The Plan was amended and revised following earlier consultations and has now been agreed by the Parish Council to be submitted to Shropshire Council and thence an external Examiner for evaluation before being put to a local vote, or referendum.

At this stage Shropshire Council as the Local Planning Authority (or LPA) must consider:

1. whether the parish council or neighbourhood forum is authorised to act (see determining the application criteria for a neighbourhood forum'),
2. whether the proposal and accompanying documents
 - a. comply with the rules for submission to the LPA, and
 - b. meet the 'definition of an NDP' and
 - c. meet the 'scope of NDP provisions', and
3. whether the parish council or neighbourhood forum has undertaken the correct procedures in relation to consultation and publicity (see 'pre submission consultation by the parish council or neighbourhood forum').

The Council must notify the parish council whether they are satisfied that the proposal complies with the criteria for a neighbourhood plan. Shropshire Council's findings must be publicised in a Decision Statement and where this is satisfactory appoint an independent Examiner to examine the Plan.

The Council is also able at this stage, in common with other parties, to submit its own representations to be considered by the examiner. In order to continue to be supportive and constructive and to mitigate any potential risks in adopting and implementing the Plan as the Local Planning authority, some wording suggestions will be forwarded to the Parish Council and copied to the Examiner within the consultation period.

The Woore Parish Council is an appropriate body to have completed the submission Plan and associated documents. The documents received comply with the rules for submission set out about, i.e. the Plan and supporting documentation are complete and can fairly and reasonably be described as a Neighbourhood Plan. The Consultation Statement sets out extensive and legally compliant consultation completed by and on behalf of the Parish Council in developing the Neighbourhood Plan. Following an assessment of the Plan there is no reason not to confirm to the Parish Council that the Plan meets the basic criteria of a Neighbourhood Development Plan as set out in Schedule 4B of the 1990 Act, and that following the completion of the publicity period it be submitted for examination.

The draft Plan has been received and checked. It includes a map identifying the Plan Area; a Consultation Statement which contains details of those consulted, how they

were consulted and summarises the main issues and concerns raised and how these have been considered, and where relevant addressed in the proposed Neighbourhood Plan (NP); the proposed NP itself; and a Basic Conditions Statement explaining how the NP meets the 'basic conditions' (ie requirements of para 8 schedule 4B to the 1990 Act) and an SEA Report that addresses Environmental and Sustainability Assessment requirements.

The Plan has now been publicised in accordance with the Regulations: "in a manner that is likely to bring it to the attention of the local community". The Plan is now available on both the Shropshire Council and the Parish Council Web sites and has been made available in the Parish Hall and the local post office. The Parish Council have issued press releases concerning their submission of the Plan to Shropshire Council and placed notices around the village drawing attention to the availability of the Plan. The bodies referred to in the parish council's Consultation Statement have also been notified that the Plan has been received. Any representations submitted to Shropshire Council during this publicity period will be forwarded to the Examiner alongside the Plan and its associated documents.

As part of its consideration of whether the WNP meets the 'scope of NDP provisions' Shropshire Council needs to assess that the draft Woore Neighbourhood Plan meets the Basic Conditions as set out in the Act:

1. having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,
2. the making of the neighbourhood development plan contributes to the achievement of sustainable development,
3. the making of the neighbourhood development 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),
4. the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

These are also the four tests against which the Independent Examiner will assess the Neighbourhood Plan.

Complies with national Policy and guidance

The WNP has been prepared in line with national policy and guidance and meets the necessary criteria and expectations of a neighbourhood plan as set out in the NPPF and NPPG. This has been assisted by the Parish Council's decision to enlist the support of a Community Planning Officer from Cheshire Community Action and ongoing dialogue and discussion with Shropshire Council.

It is recognised that proposed changes to the NPPF are currently out for consultation (2018), but at the time of Woore Neighbourhood Plan's submission have yet have not been confirmed. The Neighbourhood Plan is therefore considered alongside the 2012 NPPF.

Contributes to Sustainable Development

The pursuit of sustainable development is at the heart of the Woore Neighbourhood Plan, as is highlighted by the Neighbourhood Plan's vision and the objectives to help achieve the vision.

The Neighbourhood Plan seeks to ensure that development promotes good design, preserves the valued local character and environment of the village, contributes to the creation of a sustainable community, and seeks to maintain and build a strong local economy. The role of each Neighbourhood Plan policy to the contribution of delivering sustainable development is shown in further detail in the Basic Conditions Statement accompanying the Neighbourhood Plan.

General conformity with Development Plan strategic policies

Shropshire Council has had ongoing dialogue with the Parish Council throughout the preparation of the Neighbourhood Plan and has recently given detailed comments to the Parish Council on a pre-submission draft. The majority of these comments have been incorporated by the Parish Council into the publication version. There are therefore no outstanding conformity issues and the WNP is in general conformity with the Development Plan for Shropshire (comprising the Shropshire Core Strategy and the Site Allocations and Management of Development – 'SAMDev' – Plan). Hence Shropshire Council wholeheartedly supports the both the preparation the Parish Council has undertaken and the policy approach set out by the Neighbourhood Plan.

Shropshire Council recognises that in adopting a plan period from 2016-2036 the Neighbourhood Plan is running ahead of the ongoing Local Plan review. However, the Council understands the desire of the community to look forward, to align with the emerging Local Plan, and to avoid the need for an early review of the WNP and agrees that this approach is a sensible way forward in the current circumstances. This could have been a significant conformity issue between the WNP and LP however following extensive discussions with the Parish Council and subsequent amendments to policy and text, in particular to policy HOU1 and paragraph 6.11 acknowledging the importance of the Local Plan review in determining housing numbers, Shropshire Council has accepted this as a pragmatic solution to the problems of discordant plan preparation timescales.

In attempting to add local specificity, the Neighbourhood Plan also seeks to establish settlement boundaries around the main settlements in the Parish and also identifies 'sensitive gaps' including 'settlement separations' and 'green borders'. Shropshire Council welcomes these attempts to add further local clarity to existing planning policy driven as they are by particularly strong community feeling that recognises the importance of open countryside to the setting and character of the settlements in the Parish and the need to afford this some protection as a result.

With regard to the establishment of development boundaries Shropshire Council understands the community desire for these to be implemented once again after a period of time following the adoption of the Council's SAMDev which only set development boundaries for certain Hub and Cluster settlements. Nevertheless notwithstanding its tacit support for the development boundaries the Council remains concerned that sufficient evidence has been gathered to support the proposed

boundaries in terms of their definition, line and extent particularly in its role as Local Planning Authority in implementing these policies and potentially defending them at appeal.

Similar reservations apply to the 'sensitive gaps' policy where the evidence base must be strong enough to support the implementation of the policy. In this case the Council accepts the community wish to build on SAMDev policy but again has reservations about the evidence to support the establishment of these areas especially in terms of landscape character, sensitivity, visual impact, and environmental value.

Compatible with EU Regulations

The content and broad approach of the plan is not considered to have a significant effect on the environment, or a significant adverse effect on EU designated sites. The policies in the Neighbourhood Plan seek to safeguard existing assets and the plan does not introduce policies which would significantly change the status of land beyond the planning framework in place. Therefore neither SEA nor HRA is required.

Conclusion

When considered against these tests, I am satisfied that the Woore Neighbourhood Plan broadly complies with the provisions of National Planning Guidance, in particular the National Planning Policy Framework, that although the tests differ from those applied to a Local Plan, the Plan contributes to sustainable development and is in conformity with the Core Strategy and does not breach and is otherwise compatible with European obligations. Shropshire Council must now notify Woore Parish Council it is satisfied that the proposal complies with the criteria for a neighbourhood plan and must also publicise its decision in a 'decision statement'.

Comments on and suggested detailed wording amendments to WNP policies

Policy/page no.	Suggested amendment	Comment
HOU2 (g)	Amend as follows: “g) provides for evidenced local affordable housing through rural exception sites either within or on the edge of the development boundaries or rural exception sites adjoining the development boundary ; and/or”	Needs rewording to remove confusion over ‘rural exception sites’ and to clarify ‘edge’ of development boundary
HOU3	Clarify whether this policy applies to all new development or just housing	
HOU3 (A)	“A. Development adjoining open countryside should provide a <i>sympathetic transition.</i> ”	What is meant by ‘sympathetic transition’ and how can this be implemented through development control decisions?
GAP1	The sensitive gaps should be respected, and <i>unacceptable coalescence levels</i> of the built form avoided.	What is meant by ‘unacceptable coalescence levels’ and how can this be implemented through development control decisions?
Para 7.2	Amend final sentence as follows: “The adopted Core Strategy and the Shropshire Local Plan Review has highlighted that the policy approach is that the rural area between community clusters is considered as countryside, and that so the integrity of any strategically important gaps between settlements in the Parish will be protected.”	To clarify the roles of the adopted Shropshire Council planning framework and the WNP and that strategic policy in the development plan does not identify ‘strategic gaps’.
ECON1	Amend first sentence as follows: “Subject to respecting the Parish of Woore’s built and landscape character, and environmental, traffic and residential amenity impacts being acceptable, the following will be supported –“	To ensure the traffic implications of economic development are specifically considered.
ECON1	Amend as follows: “b) Development proposals in the open countryside which support the rural economy and agriculture where they contribute positively to the environment and do not cause unacceptable visual or landscape harm. have no detrimental effect on the distinct character of the rural landscape and settlements. ”	To remove an additional ‘visual’ impact criteria and potential difficulty defining ‘unacceptable harm’.
INF1	Amend first sentence as follows: “Development must not exacerbate existing parking problems in the parish, or lead to the loss of existing parking provision unless the lost parking places are	As there is no explanation provided of what sort of contribution, how much, to whom or how this is to be achieved this should be deleted.

	adequately replaced in a nearby and appropriate alternative location, or an agreed alternative transport facility be provided. or a contribution made to mitigate the loss.	
INF1	Amend third sentence as follows: “Existing residential areas and any New residential, retail, commercial and business developments must have adequate parking facilities to avoid or minimise ‘on street’ parking.”	Difficult to implement through planning system in existing residential areas. Policy should refer to new development only.
INF2	Amend final sentence as follows: “Where appropriate, new housing development should ensure that residential and commercial properties have high speed broadband connectivity capability.”	To ensure that all new development is provided with the best possible broadband connectivity not just new housing.
COMM1	Amend second sentence as follows: “Changes of use of community such facilities which require planning permission will be supported where the proposed use will provide equal or greater benefits to the community, the facility is replaced elsewhere, or it is demonstrated that the facility is no longer required.”	To clarify the facilities and amenities protected by the policy and maintain continuity of wording.
ENV1	Amend as follows: “1. Access to the countryside will be promoted through and the improved safety of users of rural roads and lanes, the protection and maintenance of the existing Public Right of Way (PROW) network (see map of existing PROW), and its enhancement where possible, and the safety of users of rural roads and lanes. ”	To improve clarity.
ENV1	2. Any development which leads to the loss or degradation of any PROW, or any cycleway, will not be permitted supported in other than very special circumstances. Proposals to divert PROWs or cycleways should provide clear and demonstrable benefits for the wider community.	To maintain continuity of policy wording and to recognise that ‘very special circumstances’ has particular relevance for local green spaces and green belt only and is not relevant to rights of way.