

Shropshire Council assessment of:

Stoke upon Tern Neighbourhood Plan Regulation 15 Submission version

September 2018

In May 2015, Stoke upon Tern Parish Council agreed with Shropshire Council to deliver a neighbourhood plan. The Parish Council formed a steering group to drive the Plan and in spring 2015, the Neighbourhood Plan project was launched. Stoke upon Tern'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 late September. 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 Stoke upon Tern 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; a Basic Conditions Statement explaining how the NP meets the 'basic conditions' (i.e. requirements of para 8 schedule 4B to the 1990 Act) and an SEA screening letter from the LPA 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 SuTNP meets the 'scope of NDP provisions' Shropshire Council needs to assess that the draft Stoke on Tern 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 SuTNP 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 professional advice and guidance from Urban Vision and ongoing dialogue and discussion with Shropshire Council.

The fact that the parish has an established Gypsy and Traveller presence and two existing sites catering for their accommodation needs has led to the formulation of Policy H3 in the SuTNP. It is particularly important therefore that the Plan has been prepared in accordance with national policy and guidance set out in the governments Planning Policy for Traveller Sites. Policy H3 appears to meet the requirements of national guidance although the SuTNP needs to clarify the planning status of these

sites, permission having been granted on appeal in 2013 and 2014 (as shown in Appendix 1) whilst Policy H3 states that “Permission will be granted.....”

It is recognised that recent changes to the NPPF have been made (2018), but confirmation of these changes overlapped with the timing of Stoke upon Tern Neighbourhood Plan’s Regulation 15 submission. 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 Stoke on Tern 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. Some of these comments have been incorporated by the Parish Council into the publication version. There are therefore no outstanding conformity issues and the SuTNP 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. There are however, some policy areas where the wording or stance set out in the SuTNP creates an element of confusion against the recognised policy or definitions used in the established development plan (the Shropshire Core Strategy and SAMDev Plan).

Shropshire Council recognises that in adopting a plan period from 2016-2033 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 SuTNP and agrees that this approach is a sensible way forward in the current circumstances. Whilst the Council are satisfied this is not in itself a conformity issue, the SuTNP could clarify this situation further. The introductory chapters could set out a justification for the extended plan period; and in the section headed ‘Local Housing Need’ confirm that the SAMDev housing figure for Stoke Heath (set out in policy S11.2(vi)) of 20-25 dwellings is for the period up to 2026 and further housing is likely to be required in the remaining period 2026 – 2033. This could have been a significant conformity issue between the SuTNP and LP however, following extensive discussions with the Parish Council 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 but would welcome further explanation in the SuTNP .

In a similar vein the SuTNP also introduces a concept of 'Community Hubs' as intended to provide the focus of future development enabling sustainable growth within the neighbourhood plan area without compromising the distinct character of the parish. The concept of Community Hubs was established in the Shropshire Core Strategy and implemented through SAMDev with a list of settlements so identified in policy MD1. Whilst no formal definition was used, those settlements identified in SAMDev are generally larger with some range of facilities present and expected to accommodate some new development, of which Stoke Heath is one. Although allowing for further community hubs to be identified through the neighbourhood plan process, the definition used and identification of the 3 locations in the SuTNP adds another element of confusion that the Council considers unnecessary. The 3 locations do not follow the trend for Hubs established in SAMDev or the more criteria based approach used in the Local Plan review process although the wording on page 24 of the SuTNP seems to imply that the Local Plan review will indeed identify these Hubs. The Council would welcome further clarification in the SuTNP, in particular the use of a term other than 'Community Hub' to identify locations for development. The development plan already identifies a 'Community Hub' in the parish and that is Stoke Heath.

The situation is further confused by reference on page 26 of the SuTNP to the removal of development boundaries around smaller hamlets within the plan area. In fact there are no development boundaries in the plan area, Shropshire Council's SAMDev Plan removed any development boundaries remaining as legacies from earlier District Council Local Plans, so with the exception of the identification of Stoke Heath as a Community Hub, the remainder of the neighbourhood plan area is already identified as 'open countryside' in SAMDev.

However despite the identification of these 'Hubs' it is not clear whether these are being presented as site allocations or not. The commentary on page 24 of the SuTNP gives the impression that they are, in conjunction with their identification on the map on page 25, there is though no specific policy reflecting this. It is therefore unclear how the implementation and monitoring of development at these Hubs can be achieved. Following on from this, whilst the Council is pleased that the SAMDev site allocation at Dutton Road has been carried forward into the SuTNP and that it has also recognised the emerging (albeit at a very early stage) proposals for Clive Barracks the identified 'Hub' at Warrant Camp should have further justification for its selection. The definition of a 'Hub' in the SuTNP is not in itself sufficient justification for the identification of this site. With regard to the establishment of Warrant Camp Shropshire Council understands the community desire for this to be implemented. Nevertheless notwithstanding its tacit support for Warrant Camp the Council remains concerned that sufficient evidence has been gathered to support the proposed 'Hub' in terms of its definition, scope and extent, particularly in its role as Local Planning Authority in implementing these policies and potentially defending them at appeal.

In attempting to add local specificity, the Neighbourhood Plan also seeks to establish particular policies for caravan sites, gypsy and traveller sites, design, and others to protect the distinctive character and rural element of the Parish. 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.

Similar reservations apply to the **Design** policy however where the evidence base must be strong enough to support the implementation of the policy and to avoid an extensive 'wish list' of criteria affecting the viability of development. 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 the criteria in policy D1 of the SuTNP especially in terms of landscape character, design integration, visual impact, and environmental improvements.

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 as there are no new allocations, technically the plan does not introduce policies that would significantly change the status of land beyond the planning framework in place. Therefore, neither SEA nor HRA is required. Nevertheless, there are concerns about the identification of the Community Hubs of Clive Barracks and Warrant Camp and whether these should trigger an SEA. Since both are likely to come forward as distinct allocations in the Local Plan review and fall under SEA/HRA at this point, the Council is satisfied that the conclusion of no SEA for the SuTNP is the correct one.

Conclusion

When considered against these tests, I am satisfied that the Stoke on Tern 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 Stoke on Tern 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 SuTNP policies

Policy/page no.	Suggested amendment	Comment
Vision (pg20)	Amend as follows: “...and to safeguard and protect and enhance environmental quality,.....”	Needs rewording to emphasise the importance of environmental improvements and avoid repetition as ‘safeguard’ is the same as ‘protect’.
Local Housing Need (pg24)	Delete reference to ‘Hubs’ and refer to ‘suitable locations for development’	To avoid confusion with SAMDev and established list of Community Hubs.
Development Boundaries (pg26)	Delete reference to development boundaries and statement about development boundaries around the smaller settlements in the Parish being removed	To avoid confusion and clarify the existing situation.
Policy H1 (pg27)	This policy should be redrafted to refer to the specific locations (the Hubs) and actually how the identified needs can be met.	To be clear and provide certainty over development proposed in the Plan area.
Policy H2 (pg28)	Refers to ‘other sensitive areas’ and ‘historic areas’ in the policy itself and to ‘environmentally vulnerable areas’ in the text following. What are these, where are they defined? They should be shown on a map accompanying the NP	To provide clarity for the use of these terms and to which areas they apply.
Policy H3 (pg28)	Policy and accompanying map (pg 41) refer to <u>Abdo Hill</u> , appendix 1 refers to <u>Adbo Hill</u> , Plan needs to be consistent. Amend as follows: “ Permission Applications will be considered for	Appendix 1 makes it clear that permission has been granted at appeals for both sites. The policy needs to recognise this and be worded accordingly.
Policy D1 (pg29)	Delete criteria 5 and 13 Criteria 7 – Reference to ‘attractive streets and spaces’ Delete criteria 8	These criteria are covered in criteria 1, delete to avoid unnecessary repetition and duplication within the policy. Plan needs to define what is meant by ‘attractive streets and spaces’ if not this should be deleted.

Application of Policy (pg 30)	Criteria 17 – Amend as follows “Ensure permeable surfaces in hard landscaped areas” Reference to Design and Access Statements in 3 rd para should be in policy itself.	Impossible to implement. How do views in and out of sites make them easy to access and navigate through? To provide clarity. This is a policy requirement and should be deleted and moved to the policy itself.
Policy BE3 (pg32)	Amend as follows: “ In line with SAMDev policy MD4 applications for uses other than B1, B2, and B8....”	Should refer to SAMDev policy MD4 so justification for approach is clear
Community Assets and Facilities – rationale and Evidence (pg34)	Delete reference to policy CAF3	Policy CAF3 does not appear in the Plan.
Policy NE1	Delete first sentence of policy	Sentence is an aspiration not policy.