

STONE NEIGHBOURHOOD PLAN 2016 - 2031

**The Report of the Independent Examiner to Stafford Borough Council on the
Stone Neighbourhood Plan**

**Andrew Matheson MSc MPA DipTP MRTPI FCIH
Independent Examiner
16th August 2019**

Summary

I was appointed by Stafford Borough Council, in agreement with the Stone Town Council, in February 2019 to undertake the Independent Examination of the Stone Neighbourhood Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 18th June 2019.

The Neighbourhood Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in the Stone Neighbourhood Area. There is an evident focus on safeguarding the very distinctive, largely rural character of the area whilst accommodating future change and growth.

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Plan for Stafford Borough Parts 1 & 2.

Subject to a series of recommended modifications set out in this Report I have concluded that the Stone Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.

I recommend that the referendum should be held within the Neighbourhood Area.

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Introduction

This report sets out the findings of the Independent Examination of the Stone Neighbourhood Plan 2016 - 2031. The Plan was submitted to Stafford Borough Council by Stone Town Council in their capacity as the 'qualifying body' responsible for preparing the Neighbourhood Plan.

Neighbourhood Plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently incorporated within the National Planning Policy Framework (NPPF) in 2012 and this continues to be the principal element of national planning policy. A new NPPF was published in July 2018 (and updated in February 2019) but the transitional arrangements in para 214 Appendix 1 on Implementation apply and thus this Examination is unaffected by the changed NPPF; accordingly all references to the NPPF in this Report are to the original 2012 NPPF document (unless otherwise indicated).

This report assesses whether the Stone Neighbourhood Plan is legally compliant and meets the 'basic conditions' that such plans are required to meet. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text. This report also provides a recommendation as to whether the Stone Neighbourhood Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Stone Neighbourhood Plan would then be used in the process of determining planning applications within the Plan boundary as an integral part of the wider Plan.

The Role of the Independent Examiner

The Examiner's role is to ensure that any submitted Neighbourhood Plan meets the legislative and procedural requirements. I was appointed by Stafford Borough Council, in agreement with Stone Town Council, to conduct the examination of the Stone Neighbourhood Plan and to report my findings. I am independent of both Stafford Borough Council and Stone Town Council. I do not have any interest in any land that may be affected by the Plan.

I possess the appropriate qualifications and experience to undertake this role. I have over 40 years' experience in various local authorities and third sector bodies as well as with the professional body for planners in the United Kingdom. I am a Chartered Town Planner and a panel member for the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). I am a Member of the Royal Town Planning Institute.

In my role as Independent Examiner I am required to recommend one of the following outcomes of the Examination:

- the Stone Neighbourhood Plan is submitted to a referendum; or
- the Stone Neighbourhood Plan should proceed to referendum as modified (based on my recommendations); or
- the Stone Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. 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 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 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 Act (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.

These are helpfully covered in the submitted Basic Conditions Statement and, subject to the contents of this Report, I can confirm that I am satisfied that each of the above points has been properly addressed and met.

In undertaking this examination I have considered the following documents:

- Stone Neighbourhood Plan 2016 - 2031 as submitted
- Stone Neighbourhood Plan Basic Conditions Statement (August 2018)
- Stone Neighbourhood Plan Consultation Statement with Appendices (October 2018)
- Screening Assessment of the Draft Stone Neighbourhood Plan - Strategic Environmental Assessment & Habitat Regulations Assessment (November 2018)
- Content at: <https://stonetowncouncil.gov.uk/>
- Content at: www.staffordbc.gov.uk/stone-town-neighbourhood-plan-area
- Representations made to the Regulation 16 public consultation on the Stone Neighbourhood Plan
- Plan for Stafford Borough Part 1 dated June 2014 and Part 2 adopted in January 2017
- National Planning Policy Framework (NPPF) (2012, 2018 & 2019)
- Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance (PPG) (March 2014 and subsequent updates)

I carried out an unaccompanied visit to the Neighbourhood Area on 18th June 2019. I looked at Stone and its rural hinterland. I also viewed the Stone Conservation Area and all the various sites and locations identified in the Plan document.

The legislation establishes that, as a general rule, Neighbourhood Plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity and in particular one representation that made a case for a Public Hearing, I was satisfied that the Stone Neighbourhood Plan could be examined without the need for a public hearing. The Qualifying Body and the Local Planning Authority have helpfully responded to my enquiries so that I may have a thorough understanding of the facts and thinking behind the Plan, and the correspondence has been shown on the Stafford Borough Council Neighbourhood Planning website for the Stone Neighbourhood Plan. This correspondence has given rise to additional representations which I have read and considered.

Stone Neighbourhood Area

A map showing the boundary of the Stone Neighbourhood Area has been provided within the Neighbourhood Plan. Further to an application made by Stone Town Council, Stafford Borough Council approved the designation of the Neighbourhood Area on 8th December 2015. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

Consultation

In accordance with the Neighbourhood Planning (General) Regulations 2012, the qualifying body has prepared a Consultation Statement to accompany the Plan.

The Planning Practice Guidance says:

“A qualifying body should be inclusive and open in the preparation of its Neighbourhood Plan [or Order] and ensure that the wider community:

- is kept fully informed of what is being proposed
- is able to make their views known throughout the process
- has opportunities to be actively involved in shaping the emerging Neighbourhood Plan [or Order]
- is made aware of how their views have informed the draft Neighbourhood Plan [or Order].” (Reference ID: 41-047-20140306)

From October to December 2015, in parallel with the public consultation on the designation of the Neighbourhood Area, the Town Council organised and widely publicised a series of drop-in events at four venues in different parts of the town. At the same time a dedicated section of the Town Council's website was created to provide information about neighbourhood plans. Leaflets informing people about the Town Council's intention to produce a Neighbourhood Plan and how to make comments were printed and delivered to some 7,100 households during the week leading up to the drop-in events. A feedback questionnaire was prepared for use at the drop-in sessions and was also made available online via the Town Council website. For the events three questions were each printed at the top of an exhibition board with a large space beneath; the questions were:

Q1. What do you like about Stone and what do you think should be preserved and retained?

Q2. What do you dislike about Stone and what are the problems that need to be dealt with?

Q3. What do you think should be changed in Stone and what improvements need to be made?

An analysis of the responses was produced independently by Urban Vision Enterprise CIC and was considered by the Neighbourhood Plan Steering Group which then defined the strategic aims which underpinned the rest of the Plan preparation.

A second phase of consultation during 2016/2017 engaged with stakeholders, residents and interest groups on specific areas of the draft Plan to confirm the main issues identified and to test the proposed aims and possible policies that would form the basis of the Plan. Three individual consultation exercises were carried out within this stage of the process – two related to green spaces and one related to character areas. Identified owners of land included within the plan were specifically written to in order to allow them the opportunity for comment on the sites included within the draft Plan. In all instances the results were collated independently by Urban Vision Enterprise CIC and reported to the Steering Group.

The Regulation 14 pre-submission consultation ran from 19th June to 31st July 2018. Details were circulated locally to online, printed and radio news outlets, and included details of where hard copies of the Plan could be viewed, where the plan would be consulted upon at community events and markets, and how responses could be made. A list of statutory consultees, supplied by Stafford Borough Council, allowed these to be approached individually. Responses to the consultation were logged by Stone Town Council, analysed by Urban Vision Enterprise CIC and reported to the Neighbourhood Plan Steering Group which considered the responses and determined the changes required to the draft Plan. The tabulated responses are included as an Appendix to the Consultation Statement submitted alongside the Plan.

I am therefore satisfied that the consultation process accords with the requirements of the Regulations and the Practice Guidance and that, in having regard to national policy and guidance, the Basic Conditions have been met. In reaching my own conclusions about the

specifics of the content of the Plan I will later note points of agreement or disagreement with Regulation 16 representations, just as the Qualifying Body has already done for earlier consultations. That does not imply or suggest that the consultation has been inadequate, merely that a test against the Basic Conditions is being applied.

Representations Received

Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 16, was undertaken by Stafford Borough Council from Tuesday 6th November until Tuesday 18th December 2018. I have been passed a significant number of representations – 71 in total – which is too many to list here but a schedule has been included alongside the details of the Plan on the Stafford Borough Neighbourhood Planning website. I have not mentioned every representation individually within the Report but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

The Neighbourhood Plan

Stone Town Council is to be congratulated on its extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2031. I can see that a sustained effort has been put into developing a Plan with a vision that “In 2031 Stone will be notable as a thriving market town alongside the river and canal, with an attractive and accessible historic centre, a high quality network of green space, a wide range of leisure and recreation activities, a successful tourism sector, high quality local services and a diversity of local employment opportunities”. The Plan document is well presented with a distinctive combination of text, images and Policies that are, subject to the specific points that I make below, well laid out and helpful for the reader. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that.

It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community’s intent is sustained in an appropriately modified wording for the policy. It is evident that the community has made positive use of “direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area” (Planning Practice Guidance Reference ID: 41-001-20140306).

A contentious issue has been whether the Plan is positively framed. The representation from Stafford Borough Council (BC) says “Overall sustainable growth needs to be delivered through the Neighbourhood Plan process in line with the Revised NPPF 2018 para 29. This is clearly not demonstrated by the Stone Neighbourhood Plan Submission.....In particular the Neighbourhood Plan should help to identify new development sites to accommodate additional growth, provision of new recreational facilities as well as Local Green Space”. Other representations say: “I fail to see the benefits of this plan” and “this is a plan for stagnation not growth”. Para 29 of the (now 2019) NPPF says: “Neighbourhood plans should not promote less development than set out in the strategic policies for the area, *or undermine those strategic policies*” (*my emphasis*). However, the Planning Practice Guidance clarifies (Paragraph: 040 Reference ID: 41-040-20160211): “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of the latest and up-to-date evidence of housing need. In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making”. And further, “A neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan” (Paragraph: 044 Reference ID: 41-044-20160519). The Plan document (page 39) notes that at March 2017 (not updated to March 2018) housing completions and commitments total 1,135 against the Plan for Stafford Borough 2011-2031 “total requirement [for Stone] of 1,000 new homes over the Plan period”. The Stafford BC representation does not dispute the 1,000 new homes figure but suggests this is a minimum rather than an absolute figure; the level of additional growth that would have been desirable is undefined. However, again national guidance is relevant: Planning Practice Guidance (ref: 41-009-20160211) says: “Neighbourhood plans should consider allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan”. In this regard a representation comments: “we question whether the Town Council should

progress with a Neighbourhood Plan at this time and whether work on the Neighbourhood Plan should instead be delayed to allow for the emerging Local Plan to be prepared”.

As another representation notes, there is a consequence to the Neighbourhood Plan not allocating any sites for housing despite (as noted on page 39 of the Plan) the Plan for Stafford stating that “development allocations for specific sites will be identified through (*sic*) the Settlement Boundaries through the Neighbourhood Planning Process”. In the event that Stafford BC cannot demonstrate a 5 year supply of deliverable housing sites then the Development Plan policies on housing supply may be considered to be out of date and permissions will be granted (NPPF para 24) “unless: – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or – specific policies in this Framework indicate development should be restricted”. The Ministerial Statement of December 2016 clarified that supply of housing policies will not be considered out of date in areas with a made Neighbourhood Plan provided 3 conditions are met, one of which is that “The Neighbourhood Plan allocates sites for housing”; clearly that requirement will not be met for Stone. Meanwhile, as the representations show, there are a number of sites that developers suggest and urge could be used for sustainable development. I note that the Stafford BC ‘Housing Monitor 2018’ indicates that a 5 year housing land supply is being sustained albeit 47% of outstanding commitments at March 2018 were from unallocated ‘windfall’ sites which, by their nature, may not accord with community location preferences.

From the evidence available to me it would appear that the new Local Plan for Stafford Borough was not and is not at a stage where revised housing requirements have been calculated or published. With a standard methodology now available (www.gov.uk/guidance/housing-and-economic-development-needs-assessments) it would have been possible for the Qualifying Body to undertake a housing requirement assessment of their own, although I appreciate that the resource implications are significant. This would have allowed the Qualifying Body to ensure that future housing developments were plan led. I repeat what the Planning Practice Guidance says: “Neighbourhood plans should consider allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan” (ref: 41-009-20160211).

Instead of making site allocations, the “Growth Strategy” section of the Plan (page 39) suggests that reliance will be placed on the Plan for Stafford Borough and “a series of enabling policies”. However, the Council representation also asserts that “taken in combination [Neighbourhood Plan] policies H2 [Housing Design], CAF2 [Green Infrastructure], CAF3 [Protected Views and Vistas] and CAF4 [Local Green Space] have the ability to severely restrict development. This approach is inconsistent with the Plan for Stafford Borough and national guidance”. On the matter of the intent of the Plan the Qualifying Body has commented that the Neighbourhood Plan “was being prepared in parallel with the Plan for Stafford Borough Part 2 of which the Town Council participated in the consultation. There was not evident need through community engagement to challenge the growth strategy or rationale that the LPA [Local Planning Authority] were developing. Therefore we did not undertake [to gather] any additional evidence base as the local plan evidence we thought would be robust”. On the matter of the cumulative impact of Policies the Qualifying Body has commented:

- Housing Growth: This plan is pro-growth. In its preparation Stone Town Council has taken great care to ensure it plans positively for the projected level of growth that the LPA have indicated and does not seek to reduce the housing numbers allocated.
- The Neighbourhood Plan does nothing to restrict the development of the strategically allocated sites. Although these have not all been developed the projected numbers have already been met in planning permissions gained, including windfall sites.

- Permitted development in some instances would also enable additional housing growth.
- It is perfectly legitimate [for the NP] to focus on economic and town centre regeneration.
- The neighbourhood plan does nothing to restrict housing supply.
- Community engagement did not highlight site allocations for housing as a theme as the LPA have catered for housing growth and this would be a repetition.
- The NP is focused on business and employment.
- The NP supports strategic housing allocations in the mix and types of housing to encourage well designed places and homes that cater for the housing need identified by the LPA.
- Policy BE2 enables residential development at upper floors in the town centre with a view to re-populate the town centre.
- Policy CAF1 makes sure that housing is supported by social infrastructure.

Individually I can see that the Policies address legitimate matters for a Neighbourhood Plan as identified with the community. I will later look at the Policies in turn so as to ensure that the Basic Conditions are met, which include an obligation to have regard to Local Plan strategic policies. It may have been wise for the Neighbourhood Plan to have identified 'reserve' housing sites to ensure that future development is community led but I cannot conclude that the Plan has failed to meet an obligation by not allocating sites.

Having considered all the evidence and representations submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to amendment to variable degrees, proportionate and sustainable. The Plan sets out the community's priorities whilst seeking to identify and safeguard Stone's distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive vision agreed with the community. All such difficult tasks were approached with transparency, with input as required and support from Stafford Borough Council.

However, in the writing up of the work into the Plan document, it is sometimes the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected policy. This is not uncommon in a community-prepared planning document and something that can readily be addressed in most instances. Accordingly I have been obliged to recommend modifications so as to ensure both clarity and meeting of the 'Basic Conditions'. In particular, Plan policies as submitted may not meet the obligation to "provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency" (NPPF para 17). I bring this particular reference to the fore because it will be evident as I examine the policies individually and consider whether they meet or can meet the 'Basic Conditions'.

Basic Conditions

The Independent Examiner is required to consider whether a Neighbourhood Plan meets the "Basic Conditions", as set out in law following the Localism Act 2011; in December 2018 a fifth Basic Condition was added relating to the Conservation of Habitats and Species Regulations 2017. 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 Plan for the area;

- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

The submitted Basic Conditions Statement has very helpfully set out to address the issues in relation to the first four of these requirements in the same order as above and, where appropriate, has tabulated the relationship between the policy content of the Plan and its higher tier equivalents. I note that the Local Plan is the Plan for Stafford Borough (PfSB) Part 1 dated June 2014 and Part 2 adopted in January 2017. At the time of Neighbourhood Plan submission the fifth Basic Condition had not been added but as the Plan does not allocate land for development and is supportive of Stone's rural features, I am satisfied that the making of the Plan will not breach the Basic Condition relating to the Habitats and Species Regulations 2017.

I have examined and will below consider the Neighbourhood Plan against all of the Basic Conditions above, utilising the supporting material provided in the Basic Conditions Statement and other available evidence as appropriate.

The Plan in Detail

I will address the aspects of the Neighbourhood Plan content that are relevant to the Examination in the same sequence as the Plan. Recommendations are identified with a bold heading and italics, and I have brought them together as a list at the end of the Report.

Front cover

A Neighbourhood Plan must specify the period during which it is to have effect. I note that there is a reference to the Plan dates 2016 – 2031 prominently and helpfully on the front cover. However, as the Plan cannot be backdated and the Plan relates to some documents dated post 2016, the start date for the Plan should be amended to 2019.

Recommendation 1:

Amend the Plan period on the front cover and all later references to 2019 - 2031.

Contents

The Contents list will need to be reviewed once the text has been amended to accommodate the recommendations from this Report. To allow for ease of referencing within other planning documents, Committee reports and Decision Notices the whole document would benefit from section and paragraph numbering

Recommendation 2:

2.1 Review the "Contents" pages once the text has been amended to accommodate the recommendations from this Report.

2.2 Add a numbering scheme throughout the document that allows the Sections and their paragraphs to be readily identified.

Foreword

This introductory section has now served its purpose and can be removed.

Recommendation 3:

Remove the section titled "Foreword" on page 3 and renumber subsequent sections accordingly.

Background to the Neighbourhood Plan & The Neighbourhood Area

Some of the verb tenses in these sections are wrong for a Plan that will, subject to the outcome of the Referendum, become part of the Development Plan. Also, as noted above, there are now 5 Basic Conditions and so the fifth needs to be added to the list (although adding it as fourth in the list would avoid further redrafting). The representation from Stafford Borough Council requests an amendment to the references to the Local Plan. Whilst it may be a useful incidental benefit, the purpose of designating Local Green Spaces is not to “benefit [of] the health and well-being of local residents” and so, for accuracy, this needs to be removed. Similarly, whilst it is true that a Neighbourhood Plan may go beyond land use issues Planning Guidance says that such content “should be clearly identifiable” (Paragraph: 004 Reference ID: 41-004-20170728); therefore the text also needs to make this clear.

Recommendation 4:

4.1 In the first sentence after the “Background” heading replace “will set out” with ‘sets out’; in the first sentence after “The Neighbourhood Area” heading delete “that will be” and in the third sentence replace “empowers” with ‘empowered’; replace the colon at the end of the “The Neighbourhood Area” section with a full stop.

4.2 Since it is the purpose required of the map on page 4 to show the designated Neighbourhood Area the title and the key should be amended to refer to the Neighbourhood Area (rather than the Parish).

4.3 Add to the list of Basic Conditions: ‘Not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d)’.

4.4 For accuracy in the section headed “Background”:

4.4.1 In the first bullet point of the first paragraph the reference to the NPPF should read: ‘National Planning Policy Framework (NPPF)’;

4.4.2 In the fourth bullet point in first paragraph amend the reference to the Local Plan to read: ‘Plan for Stafford Borough (PfSB) Part 1 adopted in June 2014 and Part 2 adopted in January 2017’;

4.4.3 In the third paragraph delete “for the benefit of the health and well-being of local residents”;

4.4.4 In the fourth paragraph amend the beginning as follows: ‘Provided the content is suitably identified, the Plan can also....’.

Purpose of the Neighbourhood Plan, The Scope of the Neighbourhood Plan and the Neighbourhood Plan Process

Like the “Foreword” these sections have served their purpose and are not needed in addition to the “Background” section.

Recommendation 5:

Delete the sections titled “Purpose of the Neighbourhood Plan”, “The Scope of the Neighbourhood Plan” and “The Neighbourhood Plan Process”.

The Local Plan

In the last sentence of the first paragraph “overshooting” is not explained and what “it” is referencing is unclear; the sentence therefore needs amending for clarity.

Recommendation 6:

Under the heading “Local Plan” reword the last sentence of the first paragraph as follows: ‘Stone has been allocated a minimum of 1,000 new homes but, possibly due to the popularity of Stone, planning consents have already exceeded the allocation thus potentially skewing the intent of the Local Plan.’

Consultation:

Since the Plan is accompanied by a Consultation Statement there is no purpose or benefit in the Plan document delving into detail.

Recommendation 7:

Under the “Consultation” heading:

7.1 Delete the fifth paragraph referencing the details of the 2015 consultation events.

7.2 Add to the beginning of the last paragraph: ‘As evidenced by the Consultation Statement that accompanies this Plan, local residents.....’.

Key Outcomes and Issues

For clarity the representation from Stafford Borough Council has requested that the unexplained references to “Stage 1” in the consultation process be replaced with ‘initial consultation’.

Recommendation 8:

Under the heading “Key Outcomes and Issues”:

8.1 In the second paragraph amend the third sentence to read: ‘During the initial consultation events on the Neighbourhood Plan a number of local people...’.

8.2 In the fourth paragraph amend the first sentence to read: ‘...many people during the initial consultations....’.

Stone – The Place

This section provides a helpful introduction to the Town; however at a number of points the acronyms are unexplained.

Recommendation 9:

Within the section headed “Stone – The Place” provide the full wording for or correct the following acronyms:

9.1 On page 11 within “Sources” “SCC”; also there appears to be a typographical error with the author name “Broadbridge”.

9.2 On page 14 in the final text paragraph: “EJNSA” (which should be followed by ‘at’ not “a”) and within the illustration “BUA”, “ONS”, “NOMIS”, “IDBR” and “SQW”.

9.3 On page 16 within the illustration “BUA”, “ONS”, “NOMIS”, “IDBR” and “SQW”.

So what about the future?

The purpose of this section and some of its content is unclear. It is positioned as an apparent introduction to the topic sections that follow but, by and large, the sections that follow are descriptive of the present features in Stone rather than a look to the “future” as suggested. The section content is also a duplication of just two of the subsequent sections, those on business and retail. To avoid confusion I suggest that this section is deleted and I will make some comments on subsequent sections so that they all read appropriately under the overall heading of “Stone – The Place” and before the section on “Vision and Aims”.

Recommendation 10:

Delete the section “So what about the future”.

Traffic and Transport

The representation from Highways England requests an amendment to the fourth paragraph because their data shows that “the number of incidents requiring the implementation of the

EDR [Emergency Diversion Route] is not frequent". As the related sentences do not contribute to the development of Policy they are best omitted. A separate representation queries the statement that "Rail access to Stone is provided through two sections of the West Coast Mainline...." because there is only one operational route. To keep the content strictly factual I suggest that this and a later sentence are edited.

Recommendation 11:

Under the heading "Traffic and Transport":

11.1 In the fourth paragraph delete the two sentences that commence: "The disadvantage of the proximity..."

11.2 In the ninth paragraph commencing "Rail access to Stone..." delete the words "the two sections of".

11.3 In the tenth paragraph commencing "Network Rail..." replace "will be" with 'are'.

Infrastructure and Environment

Paragraphs 7 & 8 of this section refer to the "map" on page 23 but I believe it needs to be clear within the text as well as on the map page that the source of this illustration is the Plan for Stafford Borough Part 1 (not least because, as a representation points out, some content is now out of date); this would therefore provide a proper context for the reference to "Policy C2" within paragraph 8. As the illustration is taken from another part of the Development Plan it would not be appropriate to alter it and therefore the reference to "red arrows", which don't actually appear in the illustration, should be deleted. It is apparent however that the diagrammatic map is inaccurate in that it indicates an incorrect extension to the area of green belt to the north-west and this should be acknowledged. The representation from the local authority points out an inaccuracy in paragraph 5.

Recommendation 12:

Under the heading "Infrastructure and Environment":

12.1 In the first sentence of paragraph 5 add 'where appropriate,' between "provision," and "new development".

12.2 Add at the beginning of paragraph 7: 'Map 10 (adjacent), taken from the PfSB Part 1 (which is not accurate for the purposes of identifying the Green Belt) illustrates.....'.

12.3 At the end of paragraph 7 delete: "(shown by the red arrows)".

Green Space

Unlike the other adjacent sections, the Green Space content does not limit itself to a description/evaluation of current provision but assumes that the Local Green Space Policy CAF4 has already been applied. Furthermore, a subsequent section headed "Local Green Space Designation" covers some of the same territory. The latter and parts of the former should be located more appropriately and therefore will be considered alongside the related CAF Policies.

Recommendation 13:

Under the heading "Green Space":

13.1 Remove paragraphs 3,4,5,8 and 9 for potential incorporation within the preamble to Policy CAF4.

13.2 Replace the one line immediately following paragraph 8 with: 'Examples of valued open space include:'

Sport and Recreation: Stone's Sporting Future:

A representation queries whether a Neighbourhood Plan can “work with” anyone as is suggested in the final paragraph. I would further query who “approved interested parties” might be. Since the paragraph contributes nothing to the development of Policy I suggest that it is best deleted.

Recommendation 14:

Under the heading “Sport and Recreation: Stone's Sporting Future:” delete the final paragraph commencing “It will be the aim....”.

Tourism

A representation queries at whom the final sentence about “off season” promotion might be aimed since it is not a matter that a land-use Plan might pursue.

Recommendation 15:

*Under the heading “Tourism” reword the final sentence as follows:
‘This has yet to be complimented with ‘off season’ activities.’*

Well-Being

The local authority representation notes that a number of statements in this section are opinion rather than being evidenced as factually accurate; amendments are required to ensure accuracy.

Recommendation 16:

Under the heading “Well-Being”:

16.1 Amend the third sentence of the first paragraph to read: ‘Local facilities such as play and recreation areas for young people could be improved.’

16.2 Delete the final sentence of the second paragraph as the statement goes beyond what has been evidenced.

16.3 Amend the final paragraph to read: ‘As recreation resources increase, the improved level of provision for all ages will benefit their health and well-being.’

Movement & Legibility

In paragraph 2 there is a reference to signage: “cluttered with housing development signage (see photo)”; as there is no photo a correction is required.

Recommendation 17:

Under the heading “Movement and Legibility”, in the second paragraph, either remove the words “(see photo)” or add the related photo to the page.

Local Green Space Designation

As noted above the content of this section, combined as needed with the paragraphs removed from the “Green Space” section, needs to sit alongside the related CAF Policies.

Recommendation 18:

Remove the section titled “Local Green Space Designation” to be reconsidered for inclusion alongside the later CAF Policies.

Vision and Aims

The representation from Stafford Borough Council comments: “A number of the ‘aims’ do not have a specific policy to demonstrate delivery and links to the vision”. However, unlike Local Plans, Neighbourhood Plans do not have to take a comprehensive approach to planning for their area and it is appropriate that there will be a satisfaction with reliance on the Local Plan

to deliver on many aspects. I regard the statement of aims as something of an historic record of community aims derived from surveys and participation not all of which have found a practical way forward through policies. Whilst I agree with the Local Authority that less reliance on generic policies could have achieved more for the Neighbourhood Plan, at this point in the process only appropriate clarity can be sought.

Land Use Policies

Growth Strategy

This section is confusing because its core element is the already referenced Plan for Stafford Borough. Which policies are identified as “enabling policies” is unclear, and the proposed “Neighbourhood Development Order for Stone Town Centre” is not pursued within the Land Use Policies (see also later comments on the “Non-planning Matters” section). To avoid confusion I believe that it will be sufficient for the third paragraph only to be retained as an introduction to the Land Use Policies section.

Recommendation 19:

Under the heading “Land Use Policies”:

19.1 Delete the sub-heading “Growth Strategy”.

19.2 Delete paragraphs 1 & 2 i.e. those that commence “The Growth Strategy for Stone has three key elements:” and “The Growth Strategy will be delivered through:”.

Housing

This introductory section appears not to have been updated since 2017; a more current statement of position would be appropriate. Also a number of drafting corrections are required.

Recommendation 20:

Under the sub-heading “Housing” on page 39:

20.1 In paragraph 1:

20.1.1 In the first sentence replace “...would be a presumption in favour of supporting...” with ‘is a presumption in favour of’.

20.1.2 In the second sentence replace “...identified through...” with ‘identified within’.

20.1.3 Replace the third sentence as follows: ‘As is explained below, since the Local Plan identified housing requirement has already been met, this Neighbourhood Plan has companion policies that seek to ensure that local housing needs are addressed and high standards of design are secured’.

20.2 In paragraph 3:

20.2.1 Replace “...total requirement...” with ‘minimum requirement’.

20.2.2 Update the content to March 2019 as follows:

‘Stafford Borough monitoring shows that at the end of March 2019 completions since the start of the Plan were 638 dwellings with net commitments at 476 dwellings.

Therefore, with a total of completions and commitments of 1114 dwellings it would appear that the Plan period minimum may be achieved (if all commitments are built out) with an additional 11%.’ Include a source for this data.

20.3 Delete the fourth paragraph as outdated.

Policy H1: Housing Tenures and Types

Whilst it is evident from the Local Plan that affordable housing is needed for the Borough, the “Rationale and Evidence” preamble to the Policy does not seem to address affordable housing in any detail, and this despite the fact, as noted in a representation, that the Council’s Authority Monitoring Report (October 2018) showed that the number of affordable

homes completed decreased in 2017/18 compared to the previous year. As another representation notes, it cannot be realistic for every development of whatever scale to include the whole array of affordable housing as well as housing for the older population, and so some rewording will be required to allow for site-specific choice. The Council's representation makes the point that to have regard to Local Plan and national policy the requirement for affordable housing can only be expected for sites of 12 dwellings or more. It also points out that the Policy is quite vague on the types of accommodation for the elderly that might be appropriate for Stone and suggests that this derives from a lack of evidence. Another representation is concerned that this Policy does not add anything to that which is provided for in the Local Plan.

Further the format of the content seems to have gone awry with some of the pre-ambles to Policy H2 appearing before and some after Policy H1.

Recommendation 21:

On page 40:

21.1 Under the first "Rationale and Evidence" heading:

21.1.1 Make the first sentence read as a sentence by adding 'Policy H1 is intended to'

21.1.2 Correct the second sentence by deleting "identifies" and replace the semi-colon with a comma.

21.1.3 In the second paragraph delete the third sentence, commencing "The tenure...." since it has no bearing on the Policy.

21.2 Reword Policy H1 as:

'Development proposals for new housing should demonstrate that evidence of current housing requirements within Stone has been identified and addressed appropriately, including housing for the older population wherever feasible, and in particular that a range of affordable housing is provided within the terms of the Plan for Stafford Borough Policy C2.'

21.3 Move the two paragraphs commencing "Good design is..." to after Policy H1 and the second title "Rationale and Evidence".

As amended Policy H1 meets the Basic Conditions.

Policy H2: Housing Design

This is one of the Policies that the Council regards as likely to, cumulatively with others, restrict development. However the Council also notes that much of the Policy duplicates the provisions of Plan for Stafford Borough Policies N1 & N2 with consequent potential for confusion where wording differs; the preamble to Policy H2 acknowledges that it should "augment" the related Local Plan Policies. I note that the NPPF says (para 58): "[Local and] neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics". But Policy H2 does not appear to derive evidently from "an understanding and evaluation of [Stone's] defining characteristics" although other documents are referenced; the exception may be the part of the Policy that addresses Special Character Area North but what is proposed is a very blunt tool without any clarity on how "infill" is defined and therefore might be interpreted. The NPPF (para 53) lends some general support to the approach: "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area" but not all development may be "inappropriate". A representation adds that not all the criteria will be relevant or applicable for every site and the Policy wording must allow for this. The same representation expresses concern that no specific evidence has been provided in support of the provision of electric charging points

and that this is more a matter for national policy than a Neighbourhood Plan; but I note that the 2019 NPPF does now address electric car charging (para 105).

In terms of the presentation of Policy H2 it would be helpful to the referencing of the Policy in Committee Reports and Decision Notices if the criteria were numbered (e.g. (a) or (i)) and the criteria must all read appropriately in conjunction with the introductory wording.

Recommendation 22:

Within Policy H2:

22.1 Replace the second sentence of the introduction to Policy H2 with: 'Development proposals must, as appropriate, address the following (within the Design and Access Statement where applicable):'

22.2 Replace the bullet points with appropriate numbering.

22.3 Delete bullet point 1 as a duplication of the Local Plan Policy.

22.4 Reword bullet point 2 as: 'Ensure that regard is demonstrated within the combined design of buildings (including their scale and massing), streets and spaces for the Character Area within which the development is located, as set out within this Plan. Within Character Area North (identified within Appendix B) particular regard is required for the retention of the characteristically large plots. In all areas rear gardens should not normally be placed next to road frontages.'

22.5 Delete bullet points 3 - 7 as duplications of the Local Plan Policy.

22.6 Reword bullet point 8 as: 'Make provision for electric car charging'.

22.7 Delete bullet point 9 as already addressed above.

22.8 Delete bullet point 10 as a duplication of the Local Plan Policy.

22.9 Delete bullet point 11 as already addressed above.

22.10 Delete bullet points 12 & 13 as duplications of the Local Plan Policy.

22.11 Incorporate the first sentence of the second paragraph of the Policy as an additional criterion as follows:

'Show innovative use of design solutions where appropriate, especially to achieve high environmental performance.'

22.12 Delete the second and third sentences of the second paragraph and the third paragraph as already addressed above.

As amended Policy H2 meets the Basic Conditions.

Business and Employment

Policy BE1: Small Home Based Businesses

As written Policy BE1 provides for "the conversion of existing residential propertiesfor new start-up businesses"; the Qualifying Body has confirmed that it was not intending to encourage the loss of whole dwellings (not least because this would put the new dwelling numbers into reverse). Another perhaps unintended consequence is that the purpose behind the designation of Special Character Area North could be undermined by the "extension of existing residential properties or the development of new buildings within the

residential plot". In relation to the second bullet point there seems to be a presumption that "existing businesses" are all within residential areas. It is unclear how a planning applicant might assess whether their proposal amounts to "an over-intensification of business uses" and what might distinguish "an established residential area". The NPPF expectation is that policies should positively guide applicants to deliver what is needed locally.

The Qualifying Body has clarified that their intention for the first bullet point is enabling new businesses and for the second bullet point supporting the growth of existing businesses that community engagement has shown already exist in residential areas.

Recommendation 23:

23.1 Replace the third paragraph of the "Rationale and Evidence" for Policy BE1 with the following:

'Subject to specific requirements this Policy aims to encourage:

- (a) New start-up businesses accommodated in an outbuilding or through the partial conversion or extension of a residential property.*
- (b) Appropriate expansion or diversification of an existing business where it is on a residential plot.*
- (c) The incorporation of home working and home-based businesses within new build residential developments.'*

23.2 Reword Policy BE1 as follows:

'Employment uses on residential plots where a planning consent is required will be supported provided that:

(i) they are of a scale and type demonstrated to be compatible with their location and its residential amenities, and

(ii) the business uses are and remain ancillary to and not independent of the residential uses, and

(iii) the design requirements of Policy H2 including those for the Special Character Area are appropriately addressed.'

As amended Policy BE1 meets the Basic Conditions.

Policy BE2: Stone Town Centre and Local Retailing

The pre-amble and the Policy wording are confusing at several points. The heading includes "Local Retailing" but the Policy doesn't actually address this, only town centre retailing. The rationale says that "specific uses and sites should be promoted through the Neighbourhood Plan" but these are not a feature of the Policy wording. I doubt that it is readily possible to establish for every proposal that it will, as the Policy says, "maintain or enhance [Town Centre] vitality and viability"; more realistically the expectation is probably more about proposals contributing to and not displacing uses that are appropriate to the Town Centre. Also, Policy elements 2 & 3 together appear to be saying that residential uses should not displace a shop on the ground floor but other ground floor uses would be acceptable provided the shop frontage design is retained. Within element 2 it would appear that "considered for approval" means 'supported'.

The Qualifying Body has commented that Policy BE2 is an enabling policy to support a range of suitable town centre uses that continue the vibrancy of Stone and its offer; the second bullet point about residential use is to protect against the loss of active ground floor frontages and usage. The Local Authority comments that this Policy duplicates the adopted Plan for Stafford Borough Policies Stone 1, E2 and E8. As noted previously differences of wording, particularly where clarity is compromised, can lead to confused messages being

given to prospective developers. On balance I must conclude that the Plan for Stafford Policies, particularly Stone 1, provide more detail and greater clarity for prospective developers and Policy BE2 is by comparison lacking in detail and poorly worded. Accordingly I believe that no benefit can be gained by attempting to reword Policy BE2 to ensure that “practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17).

Recommendation 24:

Delete Policy BE2 and its related “Rationale and Evidence”.

Community Facilities

Policy CAF1: Local Play, Sports and Recreation Facilities

This is one of the Policies that the Council regards as likely to, cumulatively with others, restrict development. The representation from the Council points out that this Policy does not show general conformity with the Plan for Stafford Borough Policy C7, although it would seem to me that this probably has more to do with the pre-amble to the Policy than the Policy itself. The NPPF (para 173) says: “To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable”. The Council representation questions the feasibility of the apparent expectation that an 11 unit development should provide both a Local Area for Play and a Locally Equipped Area for Play. The Qualifying Body responded: “The aim of this policy is to ensure that there is a reasonable and fair point when this policy would be triggered so not to make development un-viable. The ‘10 units’ was applied as this would also be the point for affordable housing contribution. The policy aims to ensure that there are play, sports and recreational facilities provided when developing larger housing developments, as part of our sustainable community these are important to the health and well-being of the community. These principles have been strongly supported and developed through the community engagement.” However it is evident that a national threshold for affordable housing provision has nothing to do with the provision of recreational space although, tangentially it is true that “major development” is defined within the Glossary to the NPPF as: “For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”. However, the Policy itself is silent on the level of “contributions” that might be applicable and therefore it probably says less for practical planning purposes than the related Plan for Stafford Borough policies.

The second element of the Policy apparently requires every prospective developer to produce a Play, Sports and Recreation Masterplan for Stone. But a developer can only influence the development that is the subject of their proposals – and these are likely to vary in size. The Council’s suggested wording seems more relevant and realistic in this regard.

Recommendation 25:

25.1 Add at the beginning of the “Rationale and Evidence” for Policy CAF1:

‘Policy CAF1 aims to’.

25.2 Replace paragraph 2 with: ‘For the preparation of residential development proposals reference to the ‘Fields in Trust Guidance’ is commended (www.fieldsintrust.org/guidance)’.

25.3 Reword Policy CAF1 as follows:

‘New residential development should provide open space for use by the community to at least meet the standards set out within Appendix G of the Plan for Stafford Borough (or successor document). The nature and size of open space will relate to the proposed scale of the development. Designated areas for children and young people should contain a range of

facilities and an environment that has been designed to provide focused opportunities for outdoor play.

Where residential sites are to be developed incrementally, a masterplan must be prepared in advance to show that the appropriate range of recreational and play facilities is to be achieved overall.'

As amended Policy CAF1 meets the Basic Conditions.

Policy CAF2: Green Infrastructure

I note that the "Rationale and Evidence" paragraphs that precede Policy CAF2 are much more wide-ranging than the targets of the Policy itself and this might perhaps be a hangover from an earlier draft. The focus of the pre-ambles needs to be "green infrastructure" – in accord with the title - rather than community infrastructure.

CAF2 is one of the Policies that the Council regards as likely to, cumulatively with others, restrict development. This may largely be because Policy CAF2 is nebulous; as worded the Policy requires inter alia that every tree and hedgerow must be preserved or enhanced, but not even a Tree Preservation Order could achieve that level of protection, come what may. The Council's suggested wording seems more realistic. The Qualifying Body responded that the Policy was not drafted to be onerous to developers but to encourage the LPA, landowners and developers to consider natural assets, which may form boundary treatments to new development and be retained where possible. They add that this is also to limit the impact of the development, particularly in transition to the open countryside as often panel fencing is erected which does not enhance the rural character. Some rewording is required to achieve these objectives.

The second element of the Policy, as worded, seems to relate to a financial commitment by the Parish Council and, as such, this commitment would more appropriately be located within the "Non-Planning Matters" section. The Qualifying Body responded that Policy is intended to identify where CIL or Section 106 could be used to improve access to [these] or support the LPA green infrastructure network; some rewording is required to achieve this.

Recommendation 26:

26.1 Within the "Rationale and Evidence" for Policy CAF2:

26.1.1 Add at the beginning: 'Policy CAF2 aims to'

26.1.2 Replace the second and third paragraphs commencing "Paragraph 70 of the" with:

'Paragraph 91 of the National Planning Policy Framework states that: "Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure".'

26.1.3 Replace the fourth paragraph commencing "In the local Plan..." with:

'The Plan for Stafford Borough Policy N4 includes the commitment that:

"The Borough's green infrastructure network, as defined on the Policies Map, will be protected, enhanced and expanded..."'

26.2 Reword the first sentence of Policy CAF2 as follows:

'Development proposals should protect, conserve and enhance Stone's natural setting, environment and green infrastructure, including their trees and hedgerows where appropriate.'

26.3 Reword the second sentence of Policy CAF 2 as follows:

'Where appropriate, through the planning application process, Section 106 or CIL contributions may be used to improve access to green spaces and infrastructure to enable development.'

As amended Policy CAF2 meets the Basic Conditions.

Policy CAF3 – Protected Views and Vistas

This is one of the Policies that the Council regards as likely to, cumulatively with others, restrict development. The purpose of Policy CAF3 appears to be to ensure that developments will be sympathetic to their setting and part of that setting, for some, will be glimpses of the site from various locally sensitive locations. As the Council representation notes however, how can any new building be designed to “preserve or enhance” when it will necessarily be a new feature in the existing/historic landscape. Another representation suggests that identifying views “should be supported by robust evidence which has not occurred”. A more realistic expectation would be to require applicants to assess and address the impact of their proposals, if any and where appropriate, from the viewpoints listed. The Qualifying Body has agreed that this is the appropriate approach.

Recommendation 27:

27.1 Reword the opening to Policy CAF3 as follows:

'Development proposals must, where applicable, assess and address their impact on the special local views and vistas within the built and natural environment of Stone, as shown on the Map at Appendix E' (see also the related recommendation regarding Appendices).

27.2 Delete the sentence that forms part of the final listed “view and vista” which commences “The Design and Access Statement....”.

As amended Policy CAF3 meets the Basic Conditions.

Policy CAF4: Local Green Space

Several representations assert words to the effect that ‘it is important that the Independent Examiner accepts the views of the people of Stone’ but if the three Local Green Space (LGS) criteria are not met in full then the views of at least some people may be based on a false premise. A representation notes that very little hard evidence has been produced to support the ‘tick-boxes’ used to demonstrate compliance with the NPPF criteria. Other representations suggest that the information provided for some specific sites is either incorrect or misleading. Particularly when the owner of the site of a proposed Green Space objects to a designation, the evidence required by the NPPF criteria needs to be compelling. Further I would hope to see evidence that the site owner’s views had been considered and addressed.

As is noted in the Plan, the NPPF (para 77) says the “Local Green Space designation will *not be appropriate for most green areas or open space [my emphasis]*. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, *for example [my emphasis]* because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.”

Contrary to what is suggested on page 25 of the Plan, the NPPF does not provide “broad guidance for the identifying sites worthy of Local Green Space designation” but the above are specific criteria all three of which must be met in full for Local Green Space designation. The application of the criteria is further considered within the Planning Practice Guidance. (The two additional “criteria” that the Plan suggests derive from NPPF paragraph 77, relating

to the site's planning position, do not appear there at all but I assume have been derived from a consideration of paragraph 76 which says: "Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period").

The phrase "designation will not be appropriate for most green areas or open space" implies that a careful selectivity will be adopted when arriving at the "special" and of "particular local significance" spaces for formal designation; there does not appear to have been a significant selectivity in arriving at the schedule of potential Green Spaces for Stone. Although the Council have identified that a number of the identified spaces have "potential to contribute to the sustainable development of Stone", 'development potential' per se is not a reason for rejecting individual LGS designations. Another representation comments: "Taking the requirements of the [NPPF] and PPG into account, it is essential when allocating LGS, plan makers can clearly demonstrate that the requirements for its allocation are met in full, and that they are capable of enduring over the plan period and beyond".

All three criteria must be met for designation but I acknowledge that all proposed areas are "in reasonably close proximity to the community it serves" and no-one in the representations has suggested otherwise. A limited number of sites have been queried as potentially "extensive tracts of land"; the NPPF does not define at what point sites become "extensive" but the Planning Practice Guidance (paragraph: 015 Reference ID: 37-015- 20140306) suggests that context is important: "there are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgement will inevitably be needed". The Guidance goes on to say that "blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name". I do not see any "blanket designations" for Stone.

On the matter of the Local Green Space being "demonstrably special" and holding "a particular local significance" the examples provided (within the NPPF and the Planning Practice Guidance) do make it clear that it will be the exception rather than the rule that open areas are appropriate for designation. Representations suggest that the selectivity bar has been set rather low and that not every incidental or open piece of green space either requires or deserves to be regarded as "special" and of "a particular local significance". As noted within the Plan, green spaces in general can give health benefits and that may make them useful but it does not make them "demonstrably special" and of "a particular local significance". Also, Planning Practice Guidance notes, "If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space" (Paragraph: 011 Reference ID 37-011-20140306). It would seem perhaps that a few spaces may have been reconsidered on this basis but it is suggested in representations that there are others that may already be protected to an equivalent or better degree than as a Local Green Space.

The Qualifying Body has drawn attention to "the extensive process that the Town Council went through before arriving at the Local Green Spaces included within the Plan. It should be noted that at Stages 4 and 5, as referred to in the table, the consultation included posting the information on the Town Council Website, sending letters to all the landowners and users of the sites where they could be identified, contacting the County and Borough Councils, advertising in the local press and having a pop-up market stall in the town." Whilst I agree that the consultative process is important to the identification of valued spaces, the application of the NPPF criteria will invariably involve a more objective and critical, collective analysis by the Qualifying Body. In particular I assess the part-criteria that says, for designation, spaces should be of "a particular local significance" has often been misapplied,

merely using the example types of space given within the NPPF as a checklist; the NPPF requires that “a particular local significance” (*my emphasis*) is established and given substance through evidence. Often the “particular local significance” can be evident upon viewing (eg Westbridge Park) but it cannot be presumed where the “beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife” are common to the whole locality within which the spaces for designation sit. Where green space boundaries are only identified to match with potential re-applications after a refused planning application there may be little or no basis on which to assert that the bounded area identified holds “a particular local significance” as a “demonstrably special” green space.

I attach as a schedule to this Report my assessment of all of the spaces proposed for designation as Local Green Spaces. In some instances I suggest, where the NPPF criteria are not met, that designation as ‘Local Green Infrastructure’ (LGI) would be more appropriate; accordingly I suggest an additional Policy CAF5 that would address these designations. The alternative designation of ‘local green infrastructure’ for some sites I not only feel is consistent with the NPPF expectation that “[LGS] designation will not be appropriate for most green areas or open space” but is also consistent with the approach adopted in other ‘made’ Neighbourhood Plans within Stafford Borough. I have noted the general concern prompted by the perceived threat of development to existing spaces currently afforded some planning protection but the Neighbourhood Plan could have identified brownfield development sites in preference to greenfield (if these were available).

Recommendation 28:

28.1 So that it is relevant in context, reduce the “Green Space” section on pages 25 and 26 by deleting paragraphs 1-5 & 8 and under the sub-heading “Examples of identified Local Green Space include” remove the sections relating to Nicholls’ Lane and Millennium Way.

28.2 So that it is relevant in context remove the heading “Local Green Space Designation” on page 35 and replace it with ‘Community Consultation’, remove the paragraphs beginning “Forming part of the evidence base” to be reintroduced within the Policies section and in their place insert: ‘Full details of the community consultation that underpins this Plan are in the accompanying Consultation Statement’.

28.3 In the preamble “Rationale and Evidence” to Policy CAF4, replace the second and third paragraphs with the paragraphs relocated from pages 35 & 36 but:

28.3.1 delete from the paragraph that commences “Forming part of the evidence base” the fifth sentence beginning “Following this process....” and in the final sentence of that paragraph replace “have been” with ‘were’

28.3.2 In the penultimate paragraph (derived from page 36) replace the second and third sentences that commence “The designations have been” with ‘The Local Green Spaces now designated in this Plan are identified, described and justified in the tabulation that forms Appendix C’ (see also recommendations below regarding the Appendices).

28.3.3 Delete the final paragraph that reads: “This NP designates 53 local green spaces which are listed in Appendix E and F”.

28.4 Reword Policy CAF4 so that it is compliant with the NPPF expectation (para 101) that “Policies for managing development within a Local Green Space should be consistent with those for Green Belts” as follows:

‘The areas detailed as LGS in Appendix C of this Plan are designated as Local Green Spaces where development will be managed in a manner consistent with policies for Green Belts.’

28.5 Add a new Policy CAF5 as follows:

'CAF5: Local Green Infrastructure

'The areas detailed as LGI in Appendix C of this Plan are designated as Local Green Infrastructure which are to be regarded as part of the green infrastructure network which Policy N4 of the Plan for Stafford Borough protects and commits to enhance and expand.'

Policy CAF4 as amended and the new Policy CAF5 meet the Basic Conditions.

Non-Planning Matters

The core of this section appears very much to be a planning issue, albeit not one that is being pursued at this time within the Neighbourhood Plan. To avoid confusion I suggest that the content relating to the Neighbourhood Development Order (NDO) is omitted here but reused when/if the NDO is being put out for public consultation.

Recommendation 29:

Delete the section "Non-Planning Matters".

Appendices

Appendix A: Evidence and Documents Used

Whilst it is important that source material is referenced, the present references are not always sufficient for the purpose; details of the publisher and/or a hyperlink to the on-line location of the material would be appropriate. Where possible, footnotes within the Plan document would also be helpful to locate where these evidence sources have been used.

Recommendation 30:

Amend the list of documents within Appendix A to use the Harvard referencing method and/or links within this section to the documents used where they are available electronically.

Appendices B & C: Plans of the Character Areas

Whilst it is important to know the bounds of the North Area the inclusion of the South Area, not now the subject of a Policy, is no longer appropriate.

Recommendation 31:

Delete Appendix C.

Appendix D: Community Facilities

The purpose of this Appendix in the submission version of the Plan – which at the beginning at least appears to have been mis-edited – is not clear, especially as the table is not cross-referenced anywhere within the CAF Policies section.

Recommendation 32:

Delete Appendix D.

Appendix E: Local Green Space Designations & Appendix F: Plan of Local Green Spaces

In line with the Policy revisions these Appendices need to be renumbered and renamed as 'Appendix C: Local Green Space (LGS) and Local Green Infrastructure (LGI) Designations' and amended to be in line with the schedule that is attached to my Report. For ease of referencing the opportunity should be taken to renumber the Local Green Spaces and Local Green Infrastructure sites in consecutive order, omitting the areas either previously or now excluded.

Recommendation 33:

In relation to Appendices E & F:

33.1 Renumber and retitle as 'Appendix C: Local Green Space (LGS) and Local Green Infrastructure (LGI) Designations'; retain the paragraph of "Introduction to Appendix".

33.2 Replace the tabulation on page 55 with an overview map or maps that locate the LGS and LGI and provide their reference number (as now revised).

33.3 Amend the present content of Appendix F to:

33.3.1 Delete the sites no longer to be designated and renumber the spaces for designation in accordance with the Schedule attached to this Report.

33.3.2 Ensure all the maps (one per designated area, aerial views are not acceptable substitutes) are at a scale where the site boundary is clear and unambiguous.

33.3.3 For the designated LGS amend the section headed "NPPF Para 77 Criteria" to address only the related criteria, namely: the green space is in reasonably close proximity to the community it serves; the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; the green area concerned is local in character and is not an extensive tract of land.

33.3.4 For the designated LGI delete the section headed "NPPF Para 77 Criteria" and amend the content within the "Type of Protection" box to 'Local Green Infrastructure (Policy CAF5)'.

Appendix G: Plan of Stone Settlement Boundary

As a result of earlier renumbering Appendix G needs to become Appendix D. Since the Neighbourhood Plan does not designate the Settlement Boundary it is vital that the source of the boundary line is included with the map, not least because it may change within the lifetime of the Plan.

Recommendation 34:

Renumber Appendix G as Appendix D and add a source reference for the map.

Appendix H: Protected Views and Vistas

Appendix H needs to be brought in line with the revised Policy and the numbering altered to Appendix E.

Recommendation 35:

35.1 Amend the title of Appendix H to Appendix E and delete "Protected".

35.2 At the foot of the map show "Views into the urban area from the A34" as item 8 on the key and delete the sentence beginning "The Design and Access Statement....".

35.3 As the A34 is not presently shown on the map, add a red number 8 on the map where the A34 enters and leaves the Neighbourhood Area and add 'A34' in a black or green box somewhere along the length of the road.

Other matters raised in representations

Some representations have suggested additional or expanded content or sites that the Plan might include. However, given that the Neighbourhood Plan sits within the Plan documents as a whole, keeping content pertinent to Stone identified priorities is entirely appropriate. As noted within the body of this Report it is a requirement that a Neighbourhood Plan addresses only the "development and use of land". Even within this restriction there is no obligation on Neighbourhood Plans to be comprehensive in their coverage – unlike Local Plans - not least because proportionate supporting evidence is required.

Many representations indicate support for all or parts of the draft Plan and this helps in a small but valuable way to reassure that the extensive public consultation has been productive.

I have not mentioned every representation individually but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

European Union (EU) and European Convention on Human Rights (ECHR) Obligations

A further Basic Condition, which the Stone Neighbourhood Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

There is no legal requirement for a Neighbourhood Plan to have a sustainability appraisal. The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report carried out by Stafford Borough Council for the Stone Neighbourhood Plan (November 2018) considered whether or not the content of the Plan required a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plan and Programmes Regulations 2004. In accordance with Regulation 9 of the SEA Regulations 2004, Stafford Borough Council determined that “it is considered unlikely that any significant environmental effects will occur from the implementation of the Stone NP that were not considered and dealt with by the Sustainability Appraisal of the Plan for Stafford Borough (PFSB). As such the Stone NP does not require a full SEA to be undertaken”. Also “it is considered unlikely that any significant environmental effects will occur from the implementation of the draft Stone NP that were not considered and dealt with by the Habitats Regulation Assessment carried out on the PFSB. As such the Stone NDP does not require a further HRA work to be undertaken.” In making this determination, the Borough Council had regard to Schedule 1 of the Regulations and carried out consultation with the relevant public bodies who concurred with the screening opinion. Particularly in the absence of any adverse comments from the statutory bodies or the Local Planning Authority (either at the Screening or the Regulation 16 Consultation) I can confirm that the Screening undertaken was appropriate and proportionate, and confirm that the Plan has sustainability at its heart.

The Basic Conditions Statement submitted alongside the Stone Neighbourhood Plan confirms that an Equalities Impact Assessment was undertaken. This concluded that “The Neighbourhood Plan provides a strategy for the development of the village, and a range of policies and proposals, which will result in positive benefits for many parts of the local community with protected characteristics: older people, young people and young children, disabled people and those with limited mobility, and maternity and pregnancy. Whilst not explicitly addressing the needs of racial or religious groups, or transgender, gay or lesbian groups, or women, the Neighbourhood Plan does make equal provision for housing and seeks to provide community facilities which will benefit these groups equally. It also seeks to provide a safer environment, particularly a safer public realm.” I therefore confirm that the Stone Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. No evidence has been put forward to demonstrate that this is not the case.

Taking all of the above into account, I am satisfied that the Stone Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with, the ECHR.

Conclusions

This Independent Examiner's Report recommends a range of modifications to the Policies, as well as some of the supporting content, in the Plan. Modifications have been recommended to effect corrections, to ensure clarity and in order to ensure that the Basic Conditions are met. Whilst I have proposed a significant number of modifications, the Plan itself remains fundamentally unchanged in the role and direction set for it by the Qualifying Body.

I therefore conclude that, subject to the modifications recommended, the Stone 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 Plan for the area;
- is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

On that basis I *recommend* to the Stafford Borough Council that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Stone Neighbourhood Plan to proceed to referendum.

Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Stafford Borough Council on 8th December 2015.

Recommendations: (this is a listing of the recommendations exactly as they are included in the Report)

Rec	Text	Reason
1	Amend the Plan period on the front cover and all later references to 2019 - 2031.	For clarity
2	2.1 Review the "Contents" pages once the text has been amended to accommodate the recommendations from this Report. 2.2 Add a numbering scheme throughout the document that allows the Sections and their paragraphs to be readily identified.	For clarity and accuracy
3	Remove the section titled "Foreword" on page 3 and renumber subsequent sections accordingly.	For clarity
4	4.1 In the first sentence after the "Background" heading replace "will set out" with 'sets out'; in the first sentence after "The Neighbourhood Area" heading delete "that will be" and in the third sentence replace "empowers" with 'empowered'; replace the colon at the end of the "The Neighbourhood Area" section with a full stop. 4.2 Since it is the purpose required of the map on page 4 to show the designated Neighbourhood Area the title and the key should be amended to refer to the Neighbourhood Area (rather than the Parish). 4.3 Add to the list of Basic Conditions: 'Not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d)'. 4.4 For accuracy in the section headed "Background": 4.4.1 In the first bullet point of the first paragraph the reference to the NPPF should read: 'National Planning Policy Framework (NPPF)'; 4.4.2 In the fourth bullet point in first paragraph amend the reference to the Local Plan to read: 'Plan for Stafford Borough (PfSB) Part 1 adopted in June 2014 and Part 2 adopted in January 2017'; 4.4.3 In the third paragraph delete "for the benefit of the health and well-being of local residents"; 4.4.4 In the fourth paragraph amend the beginning as follows: 'Provided the content is suitably identified, the Plan can also....'.	For clarity and accuracy
5	Delete the sections titled "Purpose of the Neighbourhood Plan", "The Scope of the Neighbourhood Plan" and "The Neighbourhood Plan Process".	For clarity
6	Under the heading "Local Plan" reword the last sentence of the first paragraph as follows: 'Stone has been allocated a minimum of 1,000 new homes but, possibly due to the popularity of Stone, planning consents have already exceeded the allocation thus potentially skewing the intent of	For clarity and correction

	the Local Plan.'	
7	<p>Under the "Consultation" heading:</p> <p>7.1 Delete the fifth paragraph referencing the details of the 2015 consultation events.</p> <p>7.2 Add to the beginning of the last paragraph: 'As evidenced by the Consultation Statement that accompanies this Plan, local residents.....'.</p>	For clarity
8	<p>Under the heading "Key Outcomes and Issues":</p> <p>8.1 In the second paragraph amend the third sentence to read: 'During the initial consultation events on the Neighbourhood Plan a number of local people...'. </p> <p>8.2 In the fourth paragraph amend the first sentence to read: '...many people during the initial consultations.....'.</p>	For clarity
9	<p>Within the section headed "Stone – The Place" provide the full wording for or correct the following acronyms:</p> <p>9.1 On page 11 within "Sources" "SCC"; also there appears to be a typographical error with the author name "Broadbridge".</p> <p>9.2 On page 14 in the final text paragraph: "EJNSA" (which should be followed by 'at' not "a") and within the illustration "BUA", "ONS", "NOMIS", "IDBR" and "SQW".</p> <p>9.3 On page 16 within the illustration "BUA", "ONS", "NOMIS", "IDBR" and "SQW".</p>	For clarity
10	Delete the section "So what about the future".	For clarity
11	<p>Under the heading "Traffic and Transport":</p> <p>11.1 In the fourth paragraph delete the two sentences that commence: "The disadvantage of the proximity...".</p> <p>11.2 In the ninth paragraph commencing "Rail access to Stone..." delete the words "the two sections of".</p> <p>11.3 In the tenth paragraph commencing "Network Rail..." replace "will be" with 'are'.</p>	For clarity and accuracy
12	<p>Under the heading "Infrastructure and Environment":</p> <p>12.1 In the first sentence of paragraph 5 add 'where appropriate,' between "provision," and "new development".</p> <p>12.2 Add at the beginning of paragraph 7: 'Map 10 (adjacent), taken from the PfSB Part 1 (which is not accurate for the purposes of identifying the Green Belt) illustrates.....'.</p> <p>12.3 At the end of paragraph 7 delete: "(shown by the red arrows)".</p>	For clarity and accuracy
13	<p>Under the heading "Green Space":</p> <p>13.1 Remove paragraphs 3,4,5,8 and 9 for potential incorporation</p>	For clarity

	<p>within the preamble to Policy CAF4.</p> <p>13.2 Replace the one line immediately following paragraph 8 with: 'Examples of valued open space include:'</p>	
14	Under the heading "Sport and Recreation: Stone's Sporting Future:" delete the final paragraph commencing "It will be the aim....".	For clarity
15	Under the heading "Tourism" reword the final sentence as follows: 'This has yet to be complimented with 'off season' activities.'	For clarity
16	<p>Under the heading "Well-Being":</p> <p>16.1 Amend the third sentence of the first paragraph to read: 'Local facilities such as play and recreation areas for young people could be improved.'</p> <p>16.2 Delete the final sentence of the second paragraph as the statement goes beyond what has been evidenced.</p> <p>16.3 Amend the final paragraph to read: 'As recreation resources increase, the improved level of provision for all ages will benefit their health and well-being.'</p>	For clarity and accuracy
17	Under the heading "Movement and Legibility", in the second paragraph, either remove the words "(see photo)" or add the related photo to the page.	For correction
18	Remove the section titled "Local Green Space Designation" to be reconsidered for inclusion alongside the later CAF Policies.	For clarity
19	<p>Under the heading "Land Use Policies":</p> <p>19.1 Delete the sub-heading "Growth Strategy".</p> <p>19.2 Delete paragraphs 1 & 2 i.e. those that commence "The Growth Strategy for Stone has three key elements:" and "The Growth Strategy will be delivered through:".</p>	For clarity
20	<p>Under the sub-heading "Housing" on page 39:</p> <p>20.1 In paragraph 1:</p> <p>20.1.1 In the first sentence replace "...would be a presumption in favour of supporting..." with 'is a presumption in favour of'.</p> <p>20.1.2 In the second sentence replace "...identified through..." with 'identified within'.</p> <p>20.1.3 Replace the third sentence as follows: 'As is explained below, since the Local Plan identified housing requirement has already been met, this Neighbourhood Plan has companion policies that seek to ensure that local housing needs are addressed and high standards of design are secured'.</p> <p>20.2 In paragraph 3:</p> <p>20.2.1 Replace "...total requirement..." with 'minimum requirement'.</p> <p>20.2.2 Update the content to March 2019 as follows:</p>	For clarity and accuracy

	<p>‘Stafford Borough monitoring shows that at the end of March 2019 completions since the start of the Plan were 638 dwellings with net commitments at 476 dwellings. Therefore, with a total of completions and commitments of 1114 dwellings it would appear that the Plan period minimum may be achieved (if all commitments are built out) with an additional 11%.’ Include a source for this data.</p> <p>20.3 Delete the fourth paragraph as outdated.</p>	
21	<p>On page 40:</p> <p>21.1 Under the first “Rationale and Evidence” heading:</p> <p>21.1.1 Make the first sentence read as a sentence by adding ‘Policy H1 is intended to’</p> <p>21.1.2 Correct the second sentence by deleting “identifies” and replace the semi-colon with a comma.</p> <p>21.1.3 In the second paragraph delete the third sentence, commencing “The tenure....” since it has no bearing on the Policy.</p> <p>21.2 Reword Policy H1 as: ‘Development proposals for new housing should demonstrate that evidence of current housing requirements within Stone has been identified and addressed appropriately, including housing for the older population wherever feasible, and in particular that a range of affordable housing is provided within the terms of the Plan for Stafford Borough Policy C2.’</p> <p>21.3 Move the two paragraphs commencing “Good design is...” to after Policy H1 and the second title “Rationale and Evidence”.</p>	For clarity and correction and to meet Basic Conditions 1 & 3
22	<p>Within Policy H2:</p> <p>22.1 Replace the second sentence of the introduction to Policy H2 with: ‘Development proposals must, as appropriate, address the following (within the Design and Access Statement where applicable):’</p> <p>22.2 Replace the bullet points with appropriate numbering.</p> <p>22.3 Delete bullet point 1 as a duplication of the Local Plan Policy.</p> <p>22.4 Reword bullet point 2 as: ‘Ensure that regard is demonstrated within the combined design of buildings (including their scale and massing), streets and spaces for the Character Area within which the development is located, as set out within this Plan. Within Character Area North (identified within Appendix B) particular regard is required for the retention of the characteristically large plots. In all areas rear gardens should not normally be placed next to road frontages.’</p> <p>22.5 Delete bullet points 3 - 7 as duplications of the Local Plan Policy.</p> <p>22.6 Reword bullet point 8 as: ‘Make provision for electric car charging’.</p> <p>22.7 Delete bullet point 9 as already addressed above.</p>	For clarity and to meet Basic Conditions 1 & 3

	<p>22.8 Delete bullet point 10 as a duplication of the Local Plan Policy.</p> <p>22.9 Delete bullet point 11 as already addressed above.</p> <p>22.10 Delete bullet points 12 & 13 as duplications of the Local Plan Policy.</p> <p>22.11 Incorporate the first sentence of the second paragraph of the Policy as an additional criterion as follows: ‘Show innovative use of design solutions where appropriate, especially to achieve high environmental performance.’</p> <p>22.12 Delete the second and third sentences of the second paragraph and the third paragraph as already addressed above.</p>	
23	<p>23.1 Replace the third paragraph of the “Rationale and Evidence” for Policy BE1 with the following: ‘Subject to specific requirements this Policy aims to encourage: (a) New start-up businesses accommodated in an outbuilding or through the partial conversion or extension of a residential property. (b) Appropriate expansion or diversification of an existing business where it is on a residential plot. (c) The incorporation of home working and home-based businesses within new build residential developments.’</p> <p>23.2 Reword Policy BE1 as follows: ‘Employment uses on residential plots where a planning consent is required will be supported provided that:</p> <p>(i) they are of a scale and type demonstrated to be compatible with their location and its residential amenities, and</p> <p>(ii) the business uses are and remain ancillary to and not independent of the residential uses, and</p> <p>(iii) the design requirements of Policy H2 including those for the Special Character Area are appropriately addressed.’</p>	For clarity and correction and to meet Basic Conditions 1 & 3
24	Delete Policy BE2 and its related “Rationale and Evidence”.	For clarity and to meet Basic Conditions 1 & 3
25	<p>25.1 Add at the beginning of the “Rationale and Evidence” for Policy CAF1: ‘Policy CAF1 aims to’.</p> <p>25.2 Replace paragraph 2 with: ‘For the preparation of residential development proposals reference to the ‘Fields in Trust Guidance’ is commended (www.fieldsintrust.org/guidance)’.</p> <p>25.3 Reword Policy CAF1 as follows: ‘New residential development should provide open space for use by</p>	For clarity and correction and to meet Basic Conditions 1 & 3

	<p>the community to at least meet the standards set out within Appendix G of the Plan for Stafford Borough (or successor document). The nature and size of open space will relate to the proposed scale of the development. Designated areas for children and young people should contain a range of facilities and an environment that has been designed to provide focused opportunities for outdoor play.</p> <p>Where residential sites are to be developed incrementally, a masterplan must be prepared in advance to show that the appropriate range of recreational and play facilities is to be achieved overall.'</p>	
26	<p>26.1 Within the "Rationale and Evidence" for Policy CAF2:</p> <p>26.1.1 Add at the beginning: 'Policy CAF2 aims to'. 26.1.2 Replace the second and third paragraphs commencing "Paragraph 70 of the...." with: 'Paragraph 91 of the National Planning Policy Framework states that: "Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure".' 26.1.3 Replace the fourth paragraph commencing "In the local Plan..." with: 'The Plan for Stafford Borough Policy N4 includes the commitment that: "The Borough's green infrastructure network, as defined on the Policies Map, will be protected, enhanced and expanded...".'</p> <p>26.2 Reword the first sentence of Policy CAF2 as follows: 'Development proposals should protect, conserve and enhance Stone's natural setting, environment and green infrastructure, including their trees and hedgerows where appropriate.'</p> <p>26.3 Reword the second sentence of Policy CAF 2 as follows: 'Where appropriate, through the planning application process, Section 106 or CIL contributions may be used to improve access to green spaces and infrastructure to enable development.'</p>	For clarity and correction and to meet Basic Conditions 1 & 3
27	<p>27.1 Reword the opening to Policy CAF3 as follows: 'Development proposals must, where applicable, assess and address their impact on the special local views and vistas within the built and natural environment of Stone, as shown on the Map at Appendix E' (see also the related recommendation regarding Appendices).</p> <p>27.2 Delete the sentence that forms part of the final listed "view and vista" which commences "The Design and Access Statement....".</p>	For clarity and to meet Basic Condition 1
28	<p>28.1 So that it is relevant in context, reduce the "Green Space" section on pages 25 and 26 by deleting paragraphs 1-5 & 8 and under the sub-heading "Examples of identified Local Green Space include" remove the sections relating to Nicholls' Lane and Millennium Way.</p> <p>28.2 So that it is relevant in context remove the heading "Local Green</p>	For clarity and to meet Basic Conditions 1 & 3

	<p>Space Designation” on page 35 and replace it with ‘Community Consultation’, remove the paragraphs beginning “Forming part of the evidence base” to be reintroduced within the Policies section and in their place insert: ‘Full details of the community consultation that underpins this Plan are in the accompanying Consultation Statement’.</p> <p>28.3 In the preamble “Rationale and Evidence” to Policy CAF4, replace the second and third paragraphs with the paragraphs relocated from pages 35 & 36 but:</p> <p>28.3.1 delete from the paragraph that commences “Forming part of the evidence base....” the fifth sentence beginning “Following this process....” and in the final sentence of that paragraph replace “have been” with ‘were’</p> <p>28.3.2 In the penultimate paragraph (derived from page 36) replace the second and third sentences that commence “The designations have been” with ‘The Local Green Spaces now designated in this Plan are identified, described and justified in the tabulation that forms Appendix C’ (see also recommendations below regarding the Appendices).</p> <p>28.3.3 <i>Delete the final paragraph that reads: “This NP designates 53 local green spaces which are listed in Appendix E and F”.</i></p> <p>28.4 Reword Policy CAF4 so that it is compliant with the NPPF expectation (para 101) that “Policies for managing development within a Local Green Space should be consistent with those for Green Belts” as follows:</p> <p>‘The areas detailed as LGS in Appendix C of this Plan are designated as Local Green Spaces where development will be managed in a manner consistent with policies for Green Belts.’</p> <p>28.5 Add a new Policy CAF5 as follows:</p> <p>‘CAF5: Local Green Infrastructure</p> <p>‘The areas detailed as LGI in Appendix C of this Plan are designated as Local Green Infrastructure which are to be regarded as part of the green infrastructure network which Policy N4 of the Plan for Stafford Borough protects and commits to enhance and expand.’</p>	
29	Delete the section “Non-Planning Matters”.	For clarity and accuracy
30	Amend the list of documents within Appendix A to use the Harvard referencing method and/or links within this section to the documents used where they are available electronically.	For clarity and accuracy
31	Delete Appendix C.	For clarity and accuracy
32	Delete Appendix D.	For clarity and accuracy
33	<p>In relation to Appendices E & F:</p> <p>33.1 Renumber and retitle as ‘Appendix C: Local Green Space (LGS) and Local Green Infrastructure (LGI) Designations’; retain the</p>	For clarity and accuracy

	<p>paragraph of “Introduction to Appendix”.</p> <p>33.2 Replace the tabulation on page 55 with an overview map or maps that locate the LGS and LGI and provide their reference number (as now revised).</p> <p>33.3 Amend the present content of Appendix F to:</p> <p>33.3.1 Delete the sites no longer to be designated and renumber the spaces for designation in accordance with the Schedule attached to this Report.</p> <p>33.3.2 Ensure all the maps (one per designated area, aerial views are not acceptable substitutes) are at a scale where the site boundary is clear and unambiguous.</p> <p>33.3.3 For the designated LGS amend the section headed “NPPF Para 77 Criteria” to address only the related criteria, namely: the green space is in reasonably close proximity to the community it serves; the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; the green area concerned is local in character and is not an extensive tract of land.</p> <p>33.3.4 For the designated LGI delete the section headed “NPPF Para 77 Criteria” and amend the content within the “Type of Protection” box to ‘Local Green Infrastructure (Policy CAF5)’.</p>	and to meet Basic Conditions 1 & 3
34	Renumber Appendix G as Appendix D and add a source reference for the map.	For clarity
35	<p>35.1 Amend the title of Appendix H to Appendix E and delete “Protected”.</p> <p>35.2 At the foot of the map show “Views into the urban area from the A34” as item 8 on the key and delete the sentence beginning “The Design and Access Statement....”.</p> <p>35.3 As the A34 is not presently shown on the map, add a red number 8 on the map where the A34 enters and leaves the Neighbourhood Area and add ‘A34’ in a black or green box somewhere along the length of the road.</p>	For clarity and accuracy

Examination of the Stone Neighbourhood Development Plan
Schedule of recommendations regarding the proposed Local Green Space
Designations

On Tuesday 18th June 2019 I visited Stone to look at the various aspects of the Neighbourhood Plan that could only be fully appreciated from a viewing. In particular I visited all of the sites proposed for designation as Local Green Space (LGS). I set out below my conclusions based upon my assessment of the sites using the evidence provided within or accompanying the Plan against the NPPF criteria and the Planning Practice Guidance. I do not question that all the spaces are “in reasonably close proximity to the community it serves” but I and some representations question the fulfilment of the other two criteria, sometimes on the basis of the content within the Guidance.

The numbering to the left of the table relates to the numbering of the proposed LGS in Appendix F of the submitted Plan; to the right is my recommended renumbering to be incorporated within a revised Appendix, renumbered as Appendix C.

Plan number		Recommendation
LGS 01	I cannot conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the housing estate and as such would more appropriately be designated as Local Green Infrastructure with an appropriate policy protection (see Policy CAF5).	<i>Designate as LGI 01</i>
LGS 02	This relates to the Cauldron Way site. I conclude that this site “is demonstrably special to a local community and holds a particular local significance” and is “local in character and is not an extensive tract of land”.	<i>Designate as LGS 01</i>
LGS 03	I cannot conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the housing estate and as such would more appropriately be designated as Local Green Infrastructure with an appropriate policy protection (see Policy CAF5).	<i>Designate as LGI 02</i>
LGS 05	I cannot conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the housing estate and as such would more appropriately be designated as Local Green Infrastructure with an appropriate policy protection (see Policy CAF5).	<i>Designate as LGI 03</i>
LGS 06	I conclude that this site “is demonstrably special to a local community and holds a particular local significance” and is “local in character and is not an extensive tract of land”.	<i>Designate as LGS 02</i>
LGS 07	I note that the pond is in private ownership. I cannot conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”; I accept that, excluding the pond area, it is a valued green space incidental to the original laying out of the housing estate and as such would more appropriately be designated as Local Green Infrastructure with an appropriate policy protection (see Policy CAF5).	<i>After amending the boundary to exclude the pond designate as LGI 04</i>

LGS 08	Although the sites along the Trent floodplain might collectively be said to represent an “extensive tract of land” I note that a LGS designation would be consistent with the Stafford Borough Green Infrastructure Strategic Plan. It is also evident that the open floodplain is a very significant part of the character of Stone and therefore it is easy to conclude that this site (and others for the same reasons) “is demonstrably special to a local community and holds a particular local significance”.	<i>Designate as LGS 03</i>
LGS 09	I cannot conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the housing estate and as such could more appropriately be designated as local green infrastructure with an appropriate policy protection (see Policy CAF5).	<i>Designate as LGI 05</i>
LGS 10	I cannot conclude there is evidence to show that this split site “is demonstrably special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the housing estate and as such would more appropriately be designated as Local Green Infrastructure with an appropriate policy protection (see Policy CAF5).	<i>Designate as LGI 06</i>
LGS 11	I cannot conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the housing estate and as such would more appropriately be designated as Local Green Infrastructure with an appropriate policy protection (see Policy CAF5).	<i>Designate as LGI 07</i>
LGS 12	Although the sites along the Trent floodplain might collectively be said to represent an “extensive tract of land” I note that an LGS designation would be consistent with the Stafford Borough Green Infrastructure Strategic Plan. It is also evident that the open floodplain is a very significant part of the character of Stone and therefore it is easy to conclude that this site (and others for the same reasons) “is demonstrably special to a local community and holds a particular local significance”.	<i>Designate as LGS 04</i>
LGS 13	I cannot conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the housing estate and as such would more appropriately be designated as Local Green Infrastructure with an appropriate policy protection (see Policy CAF5).	<i>Designate as LGI 08</i>
LGS 14	I conclude that this site “is demonstrably special to a local community and holds a particular local significance”.	<i>Designate as LGS 05</i>
LGS 15	I conclude that this site “is demonstrably special to a local community and holds a particular local significance”.	<i>Designate as LGS 06</i>
LGS 16	I cannot conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the	<i>Designate as LGI 09</i>

	housing estate and as such could more appropriately be designated as local green infrastructure with an appropriate policy protection (see Policy CAF5).	
LGS 17	I cannot conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the housing estate and as such could more appropriately be designated as local green infrastructure with an appropriate policy protection (see Policy CAF5).	<i>Designate as LGI 10</i>
LGS 18	I cannot conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the housing estate and as such could more appropriately be designated as local green infrastructure with an appropriate policy protection (see Policy CAF5).	<i>Designate as LGI 11</i>
LGS 19	I cannot conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the housing estate and as such would more appropriately be designated as Local Green Infrastructure with an appropriate policy protection (see Policy CAF5).	<i>Designate as LGI 12</i>
LGS 20	I note that an error has been made in the description of this site regarding public access. The site owners appear to be unaware that LGS designation will not alter existing public access restrictions. Nothing in the detailing of this site conclusively shows that it has a “ <i>particular</i> local significance”. I have looked beyond the Plan document and note that it sits within a biodiversity enhancement area within the Stafford Borough Green Infrastructure Strategic Plan. The Moddershall Valley Conservation Area Appraisal notes the “positive views” available from the western edge of this site. I note also that the site forms part of the setting of the Grade II listed Mill. However none of these features relate to this site exclusively or in particular which makes it inappropriate to single it out as holding “a particular local significance” from others holding all or some of the same designations. These other designations afford an appropriate level of protection already and the owner has indicated an intention to maintain the field agricultural use. I cannot overall conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”.	<i>Delete from the list</i>
LGS 21	It has already been agreed that areas 4 & 5 already have protection equivalent to LGS as they are within the Green Belt. For areas 1–3 I cannot conclude there is evidence to show that this split site “is demonstrably special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the housing estate and as such would more appropriately be designated as Local Green Infrastructure with an appropriate policy protection (see	<i>Delete areas 4 & 5 and designate areas 1-3 as LGI 13</i>

	Policy CAF5).	
LGS 22	I conclude that this site “is demonstrably special to a local community and holds a particular local significance”.	<i>Designate as LGS 7</i>
LGS 23	I cannot conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the housing estate and as such would more appropriately be designated as Local Green Infrastructure with an appropriate policy protection (see Policy CAF5).	<i>Designate as LGI 14</i>
LGS 25	The significance of this site in terms of the setting for the Grade II Listed Hayes Mill has been supported by the Planning Inspector when not upholding the Appeal APP/Y3425/A/13/2203362. This site also sits within a biodiversity enhancement area within the Stafford Borough Green Infrastructure Strategic Plan and the Moddershall Valley Conservation Area. It is also noted in Plan Appendix F that the site “abuts woodland which is both an SBI for flora and a Local Wildlife site”. However these features do not relate to this site exclusively, in particular or at all which makes it inappropriate to single it out as holding “a particular local significance” from others holding all or some of the same designations. The other designations afford an appropriate level of protection already (as demonstrated with the Appeal decision). I cannot conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”. Not designating the site as LGS does not imply or infer that the land is designated for development as many representations suggest.	<i>Delete from the list</i>
LGS 26	I conclude that this site “is demonstrably special to a local community and holds a particular local significance”.	<i>Designate as LGS 08</i>
LGS 27	I conclude that this site “is demonstrably special to a local community and holds a particular local significance”.	<i>Designate as LGS 09</i>
LGS 28	I cannot conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the housing estate and as such would more appropriately be designated as Local Green Infrastructure with an appropriate policy protection (see Policy CAF5).	<i>Designate as LGI 15</i>
LGS 29	I cannot conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the housing estate and as such could more appropriately be designated as local green infrastructure with an appropriate policy protection (see Policy CAF5).	<i>Designate as LGI 16</i>
LGS 30	I conclude that this site “is demonstrably special to a local community and holds a particular local significance”.	<i>Designate as LGS 10</i>
LGS 31	I cannot conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the	<i>Designate as LGI 17</i>

	housing estate and as such would more appropriately be designated as Local Green Infrastructure with an appropriate policy protection (see Policy CAF5).	
LGS 32	The Council has advised that this space is already Green Infrastructure designated within Policy N4 of the adopted Local Plan. However as it is evidenced that the site is also “demonstrably special to a local community and holds a particular local significance” an LGS designation is appropriate	<i>Designate as LGS 11</i>
LGS 33	I cannot conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the housing estate and as such would more appropriately be designated as Local Green Infrastructure with an appropriate policy protection (see Policy CAF5).	<i>Designate as LGI 18</i>
LGS 34	Whilst it is evident that the footpath with adjacent stream and green setting that runs to the east of the housing estate is well used and a valued local amenity, the bulbous portion to the south of the site is, on the ground, indistinguishable from the larger expanse of fields to the north-east; the north-eastern boundary of this part of the site seems to have been determined by the planning application for housing the subject of a Judicial Review. None of the features claimed for the lower site relate to this site exclusively or in particular which makes it inappropriate to single it out as holding “a particular local significance” from others adjacent. As the site has been the subject of a recent planning application it is possible to ascertain from the related documentation that the site is not natural but manmade in nature and as it is private land with no public access (other than the footpath to the north) it has no recreational value. The ecological value of the site is a matter of dispute but this site and neighbouring land are indistinguishable with regard to their ecology. I cannot therefore conclude that a LGS designation would be appropriate for other than the public footpath and its immediate environs along the stream. I note that the Planning Practice Guidance says: “There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation” (Paragraph: 018 Reference ID: 37-018-20140306) but in this instance it is more than the right of way that is being protected. Accordingly the boundary of the area appropriate for designation will need amendment so that its eastern edge closely parallels the footpath for its entire length. Not designating part of the site as LGS does not imply or infer that the land is designated for development as many representations suggest.	<i>Amend the site boundary to include only the footpath to the north of the site and the stream and their related spaces within the existing housing estate and designate this area as LGS 12</i>
LGS 35	The Council has suggested that this space need not be regarded as one, the west part perhaps having the better claim for designation. But I accept that from a pedestrian’s point of view and for the access afforded to the canal side they should be read together. However I cannot conclude there is evidence to show that this site “is demonstrably	<i>Designate as LGI 19</i>

	special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the housing estate and as such could more appropriately be designated as local green infrastructure with an appropriate policy protection (see Policy CAF5).	
LGS 36	Although the sites along the Trent floodplain might collectively be said to represent an “extensive tract of land” I note that an LGS designation would be consistent with the Stafford Borough Green Infrastructure Strategic Plan. It is also evident that the open floodplain is a very significant part of the character of Stone and therefore it is easy to conclude that this site (and others for the same reasons) “is demonstrably special to a local community and holds a particular local significance”.	<i>Designate as LGS 13</i>
LGS 37	I conclude that this site “is demonstrably special to a local community and holds a particular local significance”.	<i>Designate as LGS 14</i>
LGS 38	The Council representation notes that this space is already recognised as Green Infrastructure in the adopted Local Plan. However, as the site is also “demonstrably special to a local community and holds a particular local significance” a LGS designation can be applicable.	<i>Designate as LGS 15</i>
LGS 39	I conclude that this site “is demonstrably special to a local community and holds a particular local significance”.	<i>Designate as LGS 16</i>
LGS 40	The Council has advised that part of this site is to be used to provide sheltered housing, a need identified within Policy H1 of the Neighbourhood Plan. As LGS designations must “be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services” I cannot conclude that a LGS designation would be appropriate for other than the remaining southern portion of the land, which includes the local play area. Accordingly the boundary should be amended in accordance with the map provided by the Council.	<i>Amend the boundary to exclude the land identified by the Council for sheltered housing and designate the remaining site as LGS 17</i>
LGS 41	This space is outside the Settlement Boundary. I note that at Appeal this site was refused for a housing development because “there is no need to release greenfield sites for development, such as the appeal site”. However the Appeal decision also noted that this is a sustainable location for housing. Whilst it is said that the site “offers a tranquil location in a beautiful natural environment” this is equally true of other adjacent sites and nothing has been noted that distinguishes this particular site as “demonstrably special to a local community and [one that] holds a particular local significance”. The owners have pointed out and the Qualifying Body accepts that the trees on the site are not protected by Tree Preservation Orders.	<i>Delete from the list</i>
LGS 42	I cannot conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the housing estate and as such would more appropriately be designated as Local Green Infrastructure with an	<i>Designate as LGI 20</i>

	appropriate policy protection (see Policy CAF5).	
LGS 43	I cannot conclude there is evidence to show that this site “is demonstrably special to a local community and holds a particular local significance”; I accept that it is a valued green space incidental to the original laying out of the housing estate and as such could more appropriately be designated as local green infrastructure with an appropriate policy protection (see Policy CAF5).	<i>Designate as LGI 21</i>
LGS 44	The schedule indicates that this site has been removed. I note that it is outside of the Neighbourhood Area.	<i>Delete from the list</i>
LGS 45	Whilst the Council representation notes that this space is recognised as green infrastructure in the adopted Local Plan, it is perhaps the most obvious candidate for LGS designation as there is ample evidence that in its many annual uses it is “demonstrably special to a local community and holds a particular local significance”.	<i>Designate as LGS 18</i>
LGS 46	The Council representation notes that this space is recognised as green infrastructure in the adopted Local Plan. I conclude that this site is also “demonstrably special to a local community and holds a particular local significance”.	<i>Designate as LGS 19</i>
LGS 47	Representations comment that this space forms part of properties on Chandlers Way which is subject to a restrictive covenant preventing development. The land owners are concerned that the “correct procedures” have not been followed to contact owners and address their concerns. Whilst it is said within the Plan that the site “provides a pleasant vista over towards Trent meadows” this is equally true of other sites and nothing has been noted that distinguishes this particular site as “demonstrably special to a local community and [one that] holds a particular local significance”.	<i>Delete from the list</i>
LGS 49	I conclude that this site “is demonstrably special to a local community and holds a particular local significance”.	<i>Designate as LGS 20</i>
LGS 50	I conclude that this site “is demonstrably special to a local community and holds a particular local significance”.	<i>Designate as LGS 21</i>
LGS 51	As the Plan notes this site is held in protective Trusteeship and arguably this space is therefore already sufficiently protected. However no representations have challenged the LGS designation and therefore I can conclude that the site “is demonstrably special to a local community and holds a particular local significance”.	<i>Designate as LGS 22</i>
LGS 52	An owner representation notes that the site is currently the subject of a short term lease but they consider that the site has residential potential. It would seem that the function of the green space is directly tied to the community building that uses a significant part of the site. The site is therefore already appropriately protected by the Plan for Stafford Borough which assures protection or replacement should a deficiency of facilities arise. No site-particular evidence has been provided to demonstrate that the open space “is demonstrably special to a local community and holds a particular local significance”.	<i>Delete from the list</i>
LGS 53	I conclude that this site “is demonstrably special to a local	<i>Designate as LGS</i>

	community and holds a particular local significance".	23
LGS 54	It has already been agreed that this site has protection equivalent to LGS as it is within the Green Belt.	<i>Delete from the list</i>
LGS 55	I conclude that this site "is demonstrably special to a local community and holds a particular local significance".	<i>Designate as LGS 24</i>
LGS 56	I conclude that this site "is demonstrably special to a local community and holds a particular local significance".	<i>Designate as LGS 25</i>
LGS 57	I conclude that this site "is demonstrably special to a local community and holds a particular local significance".	<i>Designate as LGS 26</i>