

COLWICH NEIGHBOURHOOD PLAN

Colwich Neighbourhood Plan Examination,
A Report to Stafford Borough Council

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

Nigel McGurk

Erimax Land, Planning and Communities

erimaxltd.com

January 2016

Contents:

1. Introduction

2. Basic Conditions and Development Plan Status

3. Background Documents and Colwich Neighbourhood Area

4. Public Consultation

5. The Neighbourhood Plan: Introductory Section

6. The Neighbourhood Plan: Policies

- **Economy**
- **Communities**
- **Environment**
- **Infrastructure**
- **Site Allocations**

7. The Neighbourhood Plan – Other Matters

8. Summary

9. Referendum

1. Introduction

The Neighbourhood Plan

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

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

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

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

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

Role of the Independent Examiner

I was appointed by Stafford Borough Council, with the consent of Colwich Parish Council, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience. I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

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

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

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

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

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

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

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

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

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The Neighbourhood Plan is confusing in this regard. The title page shows a plan period of 2011-2031. However, Paragraph 2.8 states that *“Colwich Parish Council has decided that the Plan shall match the plan period of the Plan for Stafford Borough which is 2015-2031,”* whereas the Plan for Stafford Borough covers the period 2011-2031. Given this, it appears that the plan period on the title page is correct and that shown in Paragraph 2.8 is a mistake. I recommend:

- **Paragraph 2.8, replace “2015-2031” with “2011-2031”**

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

Public Hearing

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

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

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

2. Basic Conditions and Development Plan Status

Basic Conditions

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

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

I have examined the Neighbourhood Plan against the basic conditions.

Paragraph 3.1 of the Neighbourhood Plan sets out the basic conditions as above. However, Paragraph 3.2 then goes on to state that “*Neighbourhood Plans are required to be in general conformity with the Framework*” which is not the case. Further, there are points made in Paragraphs 3.4 – 3.7 that aren’t correct, or that could lead to confusion. Whilst it is not uncommon for neighbourhood plans to seek to paraphrase the basic conditions, the wording of them is the result of careful consideration and paraphrasing almost inevitably results in their misapplication.

I also note that the Neighbourhood Plan does not make it clear that the Plan for Stafford Borough: Part 2 is only in draft form and at the time of examination, a formal “Publication” version of this was being consulted upon. Consequently, this second part of the Plan for Stafford Borough has not yet undergone rigorous examination.

Taking all of the above into account, I recommend:

- **Paragraph 3.2, change to “...are required to *have regard to the Framework*...”**
- **Paragraph 3.4, delete and change to “*The Framework states that Neighbourhood Plans should not promote less development than set out in the Local Plan or undermine its strategic policies. It adds that, outside these strategic elements, Neighbourhood Plans will be able to shape and direct sustainable development in their area.*”**

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

- Paragraph 3.5, delete and change to ***“The Plan for Stafford Borough, which sets out strategic policies...planning applications was adopted on 19th June 2014. The Neighbourhood Plan must be in general conformity with the strategic policies of The Plan for Stafford Borough. Part 2 of the Plan for Stafford Borough is still emerging and as such, is not an adopted planning document. However, evidence relating to it provides relevant background information which has been considered in the production of this Neighbourhood Plan.”***
- Paragraph 3.6, change to ***“Neighbourhood Plans must be compatible with EU...”***
- Paragraph 3.7, change to ***“...Neighbourhood Plan must be in general conformity with the strategic...”***
- Paragraph 3.8, change to ***“...to discuss issues and all bordering councils have been given...”***

European Convention on Human Rights (ECHR) Obligations

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

European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal³. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.

With the above in mind, draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This process is referred to as a “screening” assessment. If the screening assessment identifies likely significant effects, then an environmental report must be prepared.

The Basic Conditions Statement confirms that Stafford Borough Council undertook a Screening Assessment. The Screening Assessment states that

“2.2 The Borough Council has prepared this screening assessment to determine whether the content of the draft Colwich Neighbourhood Plan requires a SEA in accordance with the European Directive 2001/42/EC...”

The Screening Assessment concluded that it is unlikely that any significant environmental effects will occur and that the Neighbourhood Plan does not require a full SEA to be undertaken.

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

The Basic Conditions Statement identifies six European sites in Stafford Borough that may be affected by the Neighbourhood Plan. In particular, it identifies that the Neighbourhood Area falls within a 15km radius of Cannock Chase Special Area of Conservation (SAC), but notes that the Neighbourhood Plan does not propose anything that departs from the strategy set out in the Plan for Stafford Borough. The Plan for Stafford Borough contains policies that aim to protect the SAC’s integrity and address water quality issues and the HRA carried out on it concluded that the Plan for Stafford Borough’s implementation would not result in likely significant or in-combination effects.

³ Paragraph 026, Planning Practice Guidance 2014.

Taking the above into account the HRA Screening Assessment of the Neighbourhood Plan concluded that

“4.10...it is unlikely that any significant environmental effects will occur from the implementation of the Neighbourhood Plan that were not considered and dealt with by the Habitats Regulation Assessment carried out on the PFSB (Plan for Stafford Borough).”

The Environment Agency, English Heritage (now, with regards to planning matters, Historic England) and Natural England were consulted on the above Assessments and the conclusions contained within, that the Neighbourhood Plan does not require a full Strategic Environmental Assessment or any further Habitats Regulations Assessment to be carried out.

Each of these bodies agreed with the conclusions of the Screening Assessment. Furthermore, I note that each statutory body was also consulted during the Submission Consultation stage and that none had any further comments to make in this regard.

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

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

With regards this latter point, I note that Stafford Borough Council undertook the Screening Assessments and also, that there is nothing before me to indicate that it has any concerns with regards the Neighbourhood Plan’s compatibility with EU obligations.

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

A representation to the Neighbourhood Plan considers that changes to the Neighbourhood Plan between draft and submission stages mean that the *“Screening Assessment does not suitably take into consideration the potential impact on the Cannock Chase AONB.”* However, there is no substantive evidence to demonstrate that harm will arise from the Neighbourhood Plan in this regard. As noted above, the statutory bodies were consulted on the screening assessments and were also consulted during submission consultation stage. None of the statutory bodies raised any concerns with the screening process or its conclusions.

3. Background Documents and Colwich Neighbourhood Area

Background Documents

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

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

Also:

- Representations received during the publicity period

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

Colwich Neighbourhood Area

The boundary of the Colwich Neighbourhood Area is shown on Map 1 of the Neighbourhood Plan, between Paragraphs 2.7 and 2.8. It comprises the same area as that of Colwich Parish.

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

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

4. Public Consultation

Introduction

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

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

Colwich Neighbourhood Plan Consultation

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

A Neighbourhood Plan Committee was established by Colwich Parish Council in late 2011. This Committee was expanded by the inclusion of eight local residents in July 2013. Prior to this, community engagement events were held at Great Haywood Memorial Hall and at Colwich and Little Haywood Village Hall, in April and June 2013, respectively. Both events were well attended, with a total of 159 responses being submitted.

In addition to these events, the Consultation Statement provides detailed reports of separate meetings during 2013 with the Colwich Walking Group, landowners, Staffordshire Wildlife Trust, the Area of Outstanding Natural Beauty Unit, the Guides, the Voluntary Transport Group, the Rangers, the Wednesday Club and Shugborough Estate.

A Questionnaire was produced and 6,000 copies were distributed in December 2013. There was a 10% response rate. A Youth Survey was also launched for completion on-line and a pupil-based survey was carried out to gain children's views. A feedback/consultation leaflet was produced and distributed during Easter 2014. This was followed by a weekend of public engagement in May 2014, including a Parish Meeting, where the Committee explained how views were being taken into account. Meetings were then held with neighbouring Parish Councils and two school visits were undertaken in November and December 2014.

⁴Neighbourhood Planning (General) Regulations 2012.

Further to all of the above, a draft plan was published and consultation held during June and July 2015. This was supported by consultation leaflets, which were distributed to all residents. Feedback was provided via completed forms and by any other practical means, including email or in person. Three separate consultation events were held. A copy of the draft plan was made available on the website and at various venues across the Neighbourhood Area. The Consultation Statement shows how comments received informed the Neighbourhood Plan.

Consultation was widely communicated and well-publicised in a variety of ways, including via the Parish Council website, where relevant documents and information could be accessed; via the delivery of leaflets; through notices and posters; through an article in the quarterly Parish Newsletter; and via presentations at Parish Meetings.

Taking all of the above into account, the Consultation Statement presents an audit trail to demonstrate that consultation was wide-ranging, comprehensive and transparent. Comments were pro-actively sought. Comments received were duly considered. Evidence has been provided to demonstrate that the Neighbourhood Plan reflects the views of local people.

Consultation was carried out in an open manner, and people and organisations were not just provided with a fair chance to have their say, but were actively encouraged to engage in shaping the Neighbourhood Plan.

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

A representation has been received which states that the “...(Moore Family Trust) *has not been invited to or approached by the Parish Council as part of the Neighbourhood Plan process.*” However there is no substantive evidence to demonstrate that any party was purposefully excluded from the consultation process. Rather, as summarised above, the consultation process was wide-ranging and there were plentiful opportunities for involvement and comment.

5. The Neighbourhood Plan – Introductory Section

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

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

The Neighbourhood Plan has a strong Foreword and a clear, concise Contents page. In the Executive Summary, part of the Communities section is incorrect and I recommend:

- **Change to “Settlement Boundaries have been drawn around our village, *within which development is supported.*”**

I recommend two changes to the Introduction. The first concerns the Neighbourhood Plan’s relationship to the development plan and the determination of applications, and the second relates to information that is out of date:

- **Paragraph 2.3, change to “...Neighbourhood Plan *will, together with the Plan for Stafford Borough (PFSB), form the development plan and will be used to determine planning applications for the area.*”**
- **Delete Paragraph 2.9**

I have made recommendations regarding Chapter 3 above. In addition, I note that Paragraph 3.9 simply provides a snapshot in time and is out of date. I recommend:

- **Delete Paragraph 3.9**

The description of the Neighbourhood Area in Chapter 4 is informative and provides relevant background information. It forms a distinctive part of the Neighbourhood Plan. For clarity, I recommend:

- **Paragraph 4.4.1 change to “*Of the 1946 households in the Parish, 621 have...*”**
- **Paragraph 4.4.2, replace comma with “*and*” at the end of the first line**

The Key Issues and Vision and Objectives Chapters follow on from the summary of the consultation process and draw a clear connection between the views of the community and the Policies of the Neighbourhood Plan. No changes are recommended.

6. The Neighbourhood Plan – Neighbourhood Plan Policies

The Policy Section is clearly set out. Policies are distinctive from the supporting text and are supported by plans, where appropriate. The introductory paragraph is helpful. For clarity, I recommend the addition of the following to the end of the introduction:

- ***“The Policies of the Neighbourhood Plan should be considered as a whole.”***

Local Economy

Policy CLE1 – Existing and new businesses within Settlement Boundaries

Policy CLE1 aims to reflect the Framework’s support for a prosperous rural economy (Paragraph 28). However, it sets out a severely limiting set of criteria – such as preventing some business use types and requiring employment for *“local people.”* Further, whilst the Policy itself fails to provide any geographical constraints, its title suggests that Policy CLE1 only relates to sites within Settlement Boundaries.

Such an approach would fail to have regard to the Framework, which does not seek to constrain economic growth to within settlement boundaries or place a strict limit on business types. Consequently, the approach presented in Policy CLE1 could actively prevent the achievement of sustainable development.

Further to the above, Policy CLE1 contains numerous undefined and unclear phrases, such as *“on a scale commensurate with the generality of businesses within the Parish”* and *“unacceptable disturbance.”* As a result of this, the Policy fails to provide decision makers with a clear indication of how to respond to a development proposal.

Taking the above into account, I recommend:

- **Policy CLE1, change title to *“Existing and New Businesses”***
- **Change Policy to *“...well designed new buildings that respect local character and protect residential amenity will be supported. Proposals that create or facilitate employment of people living in the Neighbourhood Area, or that facilitate home working or working from home are encouraged.”* Delete the rest of the existing Policy text.**

- Paragraph 8.2.1, begin second sentence with ***“The...”***
- Delete Paragraph 8.2.2

Policy CLE2 - Retaining and enhancing commercial and retail provision

Chapter 8 of the Framework, *“Promoting healthy communities,”* recognises the importance of community facilities. It requires planning policies to plan positively for the provision and use of local shops, cultural venues and pubs, amongst other things.

Policy CLE2 has regard to national policy. However, no definition of *“commercial services”* is provided. Further, the Policy does not set out how and why these should be protected. Similarly, the phrase *“community buildings”* is not supported by any further detail in the supporting text, such as a list of such buildings. I note, however, that the text does refer specifically to pubs.

Having regard to the above, I recommend:

- **Policy CLE2, change to *“...loss of community facilities, including local shops and pubs, will not be...”***

Subject to the above, Policy CLE2 contributes to the achievement of sustainable development and meets the basic conditions.

Policy CLE3 - Redevelopment of Parish Centre site for craft or office use

Notwithstanding the use of personification in the wording of Policy CLE3, it provides a positive policy framework for the re-use of the Parish Centre. By encouraging a use that will provide for economic growth, Policy CLE3 has regard to national policy. I recommend:

- **Policy CLE3, change to *“The redevelopment of the Parish Centre for Class B1 Use will be supported, subject to demonstrating that any proposal respects local character, and does not harm highway safety.”***

Policy CLE4 – Redevelopment of surgery site for retail and office use

Like Policy CLE3, this Policy adopts a positive approach to encouraging economic growth and as such, it contributes to the achievement of sustainable development. It is also in general conformity with Plan for Stafford Borough Policies N1 and N9, which together, amongst other things, protect local character and the historic environment. No changes are recommended.

Policy CLE5 – Health and community Care

Policy CLE5 has regard to the Framework’s support for the provision of local community services (Paragraph 70). However, as worded, the Policy could have unintended consequences. For example, it could support and encourage any type of development, so long as such development supported and encouraged the provision of health care services. I recommend:

- **Policy CLE5, change to *“Development of health and care service facilities will be supported.”***

Policy CLE6 – Tourism

Paragraph 28 of the Framework supports the provision and expansion of tourist and visitor facilities. Policy CLE6 has regard to this. To ensure that the wording is clear, I recommend:

- **Policy CLE6, change to *“The development of tourist and visitor facilities associated with the canal, Shugborough and the Neighbourhood Area’s connection with JRR Tolkien will be supported, subject to the provision of car parking and there being no harm to highway safety.”***

Taking the above into account, Policy CLE6 contributes to the achievement of sustainable development.

Policy CLE7 – Visitor accommodation

As worded, Policy CLE7 is ambiguous and could result in unintended consequences, such as the building of hotels in residential streets or the countryside. Further, the phrase “*quality and peacefulness*” is not clearly defined and does not provide decision makers with a clear indication of how to respond to a development proposal.

In addition to the above, Policy CLE7 adopts a blanket approach to preventing static caravans, without providing evidence to demonstrate that, under no circumstances could static caravans form part of a sustainable development anywhere in the Neighbourhood Area. Furthermore, the final sentence of the Policy is not supported by any indication as to what is “*appropriate*” or how this will be measured. Taking all of these factors into account, Policy CLE7 does not meet the basic conditions and I recommend:

- **Delete Policy CLE7 and all related supporting text, being paragraphs 8.2.19 to 8.2.21**
- **Amend paragraph 8.2.17 to read “...falling *within Policy CLE6* should...”**

Transport

Policy CTR1 – Parking and road safety

Chapter 4 of the Framework, “*Promoting sustainable transport*” promotes highway safety and supports improvements to the quality of parking provision. Policy CTR1 has regard to this. As worded, taking into account earlier comments, the Policy could have unintended consequences, as it effectively supports any kind of development that contributes to the Policy aim.

I recommend:

- **Policy CTR1, change to “*The development of additional public parking provision and improvements to highway safety will be supported.*”**

Policy CTR2 – Sustainable travel

National policy’s support for sustainable modes of travel encourages walking, cycling and the use of public transport. Policy CTR2 has regard to this.

However, as worded, the Policy requires every development proposal to “*design good local street connectivity.*” This places an unjustified, onerous burden upon development proposals. No evidence is provided to demonstrate that such a requirement would be deliverable by, or relevant to, all proposals for development – for example, there is no indication of how or why a household extension should encourage the use of walking, cycling and public transport.

The second sentence of the Policy is unclear. No indication is provided as to what the “*opportunities*” referred to comprise or when they “*should be taken,*” or by who/what. I recommend:

- **Policy CTR2, change to “*The development of opportunities for walking, cycling and public transport will be supported, especially where this increases connectivity. The development of bus waiting facilities, incorporating the latest transport technology, will be supported.*”**

Policy CTR3 – Pedestrian facilities

Paragraph 75 of the Framework supports the protection and enhancement of public rights of way and access. Policy CTR3 has regard to this.

Like Policy CTR2, the Policy, as worded, places an unduly onerous burden on all proposals for development, without justification. Further, no indication of the difference between “*support*” and “*particular support*” is provided, thus rendering the latter phrase somewhat meaningless. However, I address these matters below. Subject to the recommendation made, I find that Policy CTR2 contributes to the achievement of sustainable development and meets the basic conditions.

I recommend:

- **Policy CTR3, change to “*Development proposals that introduce pedestrian-friendly...green spaces will be supported. Support will also be given to...mobility*”**

Community

The supporting text in this Chapter sets out how the Neighbourhood Plan proposes to provide for sustainable development. It states that the Plan for Stafford Borough recognise Great Haywood and Little Haywood/Colwich as Key Service Villages (Policy SP3).

According to the Plan for Stafford Borough, the Key Service Villages “*have sufficient land available to accommodate future growth*” although, as each Key Service Village is different, “*levels of development*” will be dependent on “*their individual characteristics.*”

With regards the Neighbourhood Area, Paragraph 6.31 of the Plan for Stafford Borough states that

“Great Haywood and neighbouring Little Haywood/Colwich have a range of community facilities including schools, a health centre and local retailing, although there is limited employment provision. Furthermore the settlements have environmental designations nearby, including the Cannock Chase Area of Outstanding Natural Beauty, floodplain, nature conservation sites, two Conservation Areas and the Shugborough Estate Registered Park and Garden.”

Notwithstanding the above constraints, the Neighbourhood Plan apportions the Borough-wide Key Service Village housing requirement of 1,200 homes on the basis of population. The population of Colwich Parish comprises 21.6% of that of the population of the Key Service Villages as a whole, leading to a housing requirement over the plan period of 259 (based on 21.6% * 1,200).

In the above regard, there is evidence that the Neighbourhood Plan has adopted a positive, pro-growth approach to development. Rather than seeking to claim that the Neighbourhood Area should not provide for growth on a proportional basis, due to the existence of land use constraints recognised by the Plan for Stafford Borough, the Neighbourhood Plan simply accepts a “fair share” based on a simple mathematical formula. In this way, the Neighbourhood Plan provides for sustainable growth and is in general conformity with the strategic policies of the Plan for Stafford Borough. Stafford Borough Council has not raised any concerns with regards this approach.

Due to completions and current commitments, the “*outstanding need,*” based on the approach set out, is just 7 dwellings. The Neighbourhood Plan sets out that recent completions and commitments reflect significant demand over recent years. As an aside, this could well have arisen as a result of people seeking to live in an area where the constraints referred to above, create an attractive environment. I note that this is a tension that can exist in land use planning – whereby land use

constraints can actually serve to make places more attractive, increasing pressure for development which, if unconstrained, can erode those things that make places special.

Policy CC1 – Settlement Boundaries

Policy CC1 of the Neighbourhood Plan is a positive planning policy that supports development within the settlement boundaries identified on Map 7. I note that there is no substantive evidence to demonstrate that this approach would prevent the Neighbourhood Area from providing for the level of development set out in the Plan for Stafford Borough, including opportunities for windfall development.

In addition to the above, I am mindful that the Neighbourhood Plan provides for sustainable growth. It does not seek to place a cap or a maximum figure on the number of houses that can come forward in the Neighbourhood Area.

I note that there is no requirement for the Neighbourhood Plan to provide a “contingency” site, should there be a Borough-wide shortfall of housing at some stage in the future.

Not unusually, nor uniquely, a representation has suggested that land for around 70 dwellings at the “Racecourse site” should be allocated in the Neighbourhood Plan because it can deliver a number of benefits. However, there is no substantive evidence to demonstrate that the Neighbourhood Plan fails to meet the basic conditions by not allocating this land.

I recommend:

- **Paragraph 8.4.23, change to “...shown *in Map 7* is considered...”**

Policy CC2 – Separation of settlements

Policy CC2 seeks to create two “*Areas of Separation*” where “*development that would reduce visual separation will not be permitted.*” Whilst the separation between settlements in the Neighbourhood Area is recognised as contributing to local character, it is not clear on what basis “*reduce visual separation*” will be measured. Whilst the supporting text includes the phrases “*the villages should not be joined*” and “*should not be allowed to merge,*” there is no substantive evidence to demonstrate that development must be prevented within the whole of the “*areas of separation*” shown on Maps 8 and 9 in order to stop settlements merging.

Further to the above, as set out, Policy CC2 appears to be significantly more restrictive than Green Belt policy – which allows for various forms of development. I am mindful that no justification has been provided for the introduction of a Policy that is more onerous than Green Belt policy.

In addition, no evidence has been provided to demonstrate that Policy CC2 has regard to national policy or is in general conformity with the strategic policies of the Plan for Stafford Borough. Whilst I acknowledge that the Framework and Plan for Stafford Borough protect local character, neither document supports the creation of “*areas of separation.*”

As set out, Policy CC2 could prevent the achievement of sustainable development and does not have regard to the basic conditions.

Taking all of the above into account, I recommend:

- **Delete Policy CC2, supporting text, being paragraphs 8.4.25 to 8.4.23 (noting the error in the existing numbering), and Maps 8 and 9**

It is relevant to point out that the land the subject of the proposed “*areas of separation*” is located outside the settlement boundary. The land is protected from inappropriate development by existing national and local policy.

Policy CC3 – Meeting local housing need

Policy CC3 is vague. No definition of “*mainly*” is provided and there is little substantive evidence to justify the approach set out. I recognise that there is some community support for the provision of smaller houses and this is taken into account in the recommendations below.

Whilst I acknowledge that Policy CC3 seeks to offer affordable housing to people with some kind of local connection, I am concerned about the absence of a clear justification and evidence base to support the approach proposed. As set out, Policy CC3 would prioritise people whose local connection meets the requirements set out in the “*Definition of Local Connection*” in Appendix J. As this would effectively “demote” people with a genuine need for affordable housing, but who do not meet the criteria, it is essential that the criteria set out is appropriately robust. However, this is not the case.

For example, it is not clear why someone who has lived immediately adjacent to the Neighbourhood Area for fifty years would have less of a local connection than someone who has never lived remotely close to it, but happens to have a brother, sister, mother, father, or even a grandparent who happened to move to the Neighbourhood Area three years ago. It is inappropriate to base local housing need on the approach set out, which appears tenuous and is not supported by a robust evidence base.

I recommend:

- **Change Policy CC3 to “*The development of 1 and 2 bedroom homes within the settlement boundary will be supported.*” Delete rest of Policy.**
- **Delete Paragraphs 8.4.24, 8.4.25 and the last sentence of 8.4.26, which is unfounded, and Appendix J.**

Policy CC4 – Rural exception policy

Policy CC4 seeks to support rural exceptions housing. However, the Policy is significantly less detailed than Policy C5 of the Plan for Stafford Borough. As a consequence it fails to provide decision makers with a clear indication of how to respond to a development proposal and fails to have regard to Paragraph 154 of the Framework.

I recommend:

- **Delete Policy CC4 and supporting text, being paragraph 8.4.28**

Policy CC5 – Infill Development

Policy CC5 is a supportive Policy that contributes to the achievement of sustainable development. However, as worded, it is repetitive and this leads to it appearing unnecessarily confusing.

I recommend”

- **Policy CC5, change to “*...fewer than 15 houses within the settlement boundary, and which respects local character and protects residential amenity, will be supported.*” Delete the rest of the Policy.**

Policy CC6 – Meeting care needs in the community

Chapter 6 of the Framework, “*Delivering a wide choice of high quality homes,*” supports housing provision that meets the needs of older people.

Policy CC6 has regard to this. However, as worded, the Policy may have unintended circumstances by supporting development that might otherwise be inappropriate. I recommend:

- **Policy CC6, change to “*Within the settlement boundary, the development of specialist housing and services, including extra-care housing, for older people, will be supported.*”**

Policy CC7 – Children’s play area provision

As worded, Policy CC7 requires all housing development to provide local play areas or provide “*contributions*.” However, there is no evidence to demonstrate that it is appropriate for all housing development – for example a single dwelling, or a pair of affordable dwellings – to make such provisions. Furthermore, no indication is provided as to what a contribution might entail. Consequently, Policy CC7 does not provide decision makers with a clear indication of how to respond to a development proposal.

I recommend:

- **Delete Policy CC7 and supporting text, being Objective O and Objective P, paragraphs 8.4.35 to 8.4.38 and the image**

Environment Policies

Policy CE1 – Design

Good design is recognised by national policy as comprising a key aspect of sustainable development. It is indivisible from good planning. National policy requires good design to contribute positively to making places better for people (Paragraph 56, the Framework). Further, Plan for Stafford Borough Policy N1 promotes good design.

As worded, the opening part of Policy CE1 effectively pre-approves development proposals without considering relevant matters of detail. The wording then has the potential to lead to unintended consequences. I consider this in making the recommendations below.

It is unclear what Policy CE1 means by “*add value*” to the heritage assets of the Neighbourhood Area. Also, Policy CE1 does not make grammatical sense, to the extent that it makes the Policy very difficult to understand. The Policy also includes repetition and the use of ambiguous phrases and undefined requirements. Consequently, as worded, Policy CE1 does not provide a clear indication of how a decision maker should respond to a development proposal, and nor does it provide clear guidance for prospective applicants.

I recommend:

- **Delete the existing Policy text and change Policy CE1 to “*Development is encouraged to achieve high standards of design. Development proposals should demonstrate that proposals respect local character and do not cause undue harm to residential amenity.*”**

Policy CE2 – Visual Character and Cultural Heritage

Unfortunately, in many ways Policy CE2 is similar to Policy CE1. As a consequence of this, it lacks the appropriate clarity to steer development or determine planning applications. It places an absolute requirement on all development to preserve important views. There is no specific, detailed information setting out precisely what these views comprise, just a reference to a plan with some arrows on it.

All development must *“take advantage of opportunities to complement the existing character lines...”* There is no indication of what a *“character line”* is, or where they are, or what the *“opportunities”* are that the Policy refers to in relation to them.

Furthermore, every development is required to enhance the visual and ecological value of streams and rivers. No indication is provided with regards how this will happen, why it should happen or even if it can happen.

No substantive evidence is provided to demonstrate that, in every case, development within a garden cannot be sustainable. Consequently, it is unclear on what basis Policy CE2 seeks to prevent such development.

I note that detailed, controllable policies already exist to protect heritage assets, the Area of Outstanding Natural Beauty, and in appropriate circumstances, gardens.

Policy CE2 does not provide clarity for decision makers. It does not contribute to the achievement of sustainable development and does not meet the basic conditions. Taking all of the above into account, I recommend:

- **Delete Policy CE2 and all related text, being Objective U and paragraphs 8.5.12 to 8.5.17**

Policy CE3 – Amenity Green Spaces

Policy CE3 requires all development proposals to “*contribute positively*” to amenity green spaces. However, there is no evidence to demonstrate that all development proposals will be located in an area where they will have any impact on the amenity green spaces identified in Map 11. Also, no justification is provided to demonstrate why every development should make a contribution in the way described.

Further, no definition of “*contribute positively*” is provided, so it is not clear what Policy CE3 is trying to achieve and how a proposal for development should be considered against it. I recommend:

- **Delete Policy CE3 and change Paragraph 8.5.18 to “*The Parish Council supports the creation of amenity green spaces that comprise informal...hollows*). *Maps 11 and 12 identify existing amenity green spaces that make a positive contribution to the area. The Parish Council supports the preservation and enhancement of these spaces.*”**
- **Amend the second sentence of paragraph 8.5.19 to reflect the removal of Policy CE3 and the updated policy numbering**

Policy CE4 – Local Green Space

Policy CE4 seeks to designate ten separate areas of Local Green Space.

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

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

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

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

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

The Neighbourhood Plan uses individual plans to clearly identify each area of Local Green Space. Each plan is accompanied by a description of the Local Green Space, demonstrating why it is special to the local community and holds a particular local significance.

Evidence is provided to demonstrate that nine out of the ten designations meet the tests set by the Framework. However, the case for LGS7 *“Undeveloped part of New Piece”* is simply based on speculation about what might have happened in the past and a rather generalised inference that the site may be ecologically rich. This information does not comprise evidence to clearly demonstrate that the site is demonstrably special to the local community and that it holds a particular significance.

Further to the above, I acknowledge that Paragraph 8.5.22 seeks to demonstrate that some kind of value arises from the six proposed areas of Local Green Space between the two villages being interconnected. However, there is no substantive evidence to demonstrate that, together, the sites “*form a coherent landscape*” as stated. Indeed, Map 16 appears as various shapes on a plan, that fail to correspond to the proposed areas of Local Green Space, accompanied by a number of somewhat random arrows. Consequently, I find that Paragraph 8.5.22 and the accompanying plan serves to obfuscate, rather than add clarity to, the Local Green Space designations.

As set out in Paragraph 76 of the Framework, Local Green Space policy is straightforward. However, by adding a layer of detail, Policy CE4 effectively seeks to introduce its own version of Local Green Space. No justification for departing from national policy in this regard is provided.

Taking all of the above into account, I recommend:

- **Policy CE4, change to “*Local Green Space is designated on nine sites, as shown in nine plans below. The development of Local Green Space is ruled out other than in very special circumstances.*”**
- **Delete Paragraph 8.5.22 and Map 16**
- **Delete LGS7 and Map 20**

A representation has been received objecting to the designation of Local Green Space. However, subject to the above, the designations have regard to national policy and meet the basic conditions.

Policy CE5 – Nature Conservation Sites

No substantive evidence is provided to demonstrate that all development within 300 metres of a Local Wildlife Site can or should “*enhance the site*” or contribute “*to the site’s long term management.*” There is no substantive evidence to demonstrate that such a requirement has regard to national policy, is in general conformity with the strategic policies of the Plan for Stafford Borough, or contributes to the achievement of sustainable development.

Policy CE5 does not meet the basic conditions. I recommend:

- **Delete Policy CE5 and supporting text, being paragraphs 8.5.23 to 8.5.24**

Policy CE6 – Biodiversity

National policy strongly supports the protection and enhancement of biodiversity. Paragraph 118 of the Framework states that *“opportunities to incorporate biodiversity in and around developments should be encouraged.”*

Policy CE6 has some regard to national policy, but, as worded, it seeks to place a significant burden on all forms of development, regardless of whether the requirements are related to the development, relevant or achievable.

Further, Policy CE6 sets out requirements *“in line”* with *“emerging”* policy. This is an inappropriate approach that effectively requires development to be in accord with something that does not yet exist.

Taking the above into account, I recommend:

- **Policy CE6, delete the existing policy text and replace with *“Proposals to conserve or enhance biodiversity will be supported. Development to incorporate biodiversity in and around developments is encouraged, particularly where it forms part of a wider network or wildlife corridor, as is the enhancement of boundaries with species rich hedgerows.”***

Policy CE7 – Proposals for a Solar Farm

The Framework supports the move to a low carbon future and supports plans to *“maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts”* (Paragraph 97).

Policy CE7 has regard to this. The final sentence refers to *“Sites”* whereas the Policy only identifies one site, and there is no indication about the basis on which a *“net gain”* will be calculated. Furthermore, the Policy does not indicate any timescales for the life of the Solar Farm. I recommend:

- **Policy CE7, delete last sentence**
- **Paragraph 8.5.37 reads as though it were a Policy, which it is not. Change Paragraph 8.5.37 to *“of the area may be acceptable...”***

Policy CE9 – Canals

National policy recognises that heritage assets are an irreplaceable resource (Framework, Paragraph 126). Policy CE9 has regard to this.

As worded, the Policy refers explicitly to “*proposals adjacent to Canals.*” However, I am mindful that development does not necessary need to be immediately alongside a canal to have an impact on the Canal Conservation Areas referred to in Policy CE9, or their setting. Also, there is no national policy requirement for all development to “*enhance*” Conservation Areas, although this is of course, a desirable outcome.

Having regard to the above, I recommend:

- **Policy CE9, change to “*Proposals that will impact on the Staffordshire and Worcestershire Canal Conservation Area and the Trent and Mersey Canal Conservation Area, or their setting, should conserve or enhance local character.*”**
- **Add at the end of 8.5.39 “*Where appropriate, the Parish Council will expect proposals in the canal corridors to have regard to the Trent and Mersey Canal Conservation Area Appraisal (2014).*”**

Infrastructure Policies

Policy CI1 – Highways Infrastructure

Policy CI1 places a requirement on developers that relates to third party organisations and responsibilities not under the control of the Neighbourhood Plan. I recommend:

- **Delete Policy CI1 (retain Objective and related text)**

Policy CI2 – Green Infrastructure

Policy CI2 comprises a general statement, whereby the improvement of green space will be encouraged. No detail is provided to set out how this will be achieved or controlled. The Policy goes on to state that the Parish Council will seek funding at some point in the future and then refers to an emerging document. This is all relevant information, but does not comprise a land use planning policy.

I recommend:

- **Delete Policy CI2**
- **Change wording of the former Policy and insert into a new Paragraph above 8.6.14, stating “*The Parish Council will encourage improvements to the quality...spaces in order to enhance the green infrastructure of the Parish. Colwich Parish...Appendix F.*”**

Policy CI3 – Flooding

In a Ministerial Statement made on 18 December 2014, the Government established that major development, including developments of 10 dwellings or more, should ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate.

Policy CI3 has regard to this advice. However, as worded, it applies to all forms of development, regardless of relevance. This is also the case with the final part of Policy CI3. I note that the Policy does not provide precise detail of geographical locations, nor does it provide details of existing drainage patterns.

No evidence is provided to demonstrate that “*sediment traps suitable for a rural environment*” will be appropriate in every case. The Policy is confusing with regards to it only requiring re-use or storage schemes “*where they can enhance wildlife and biodiversity.*” No detail is provided with regards why it is necessary to “*enhance.*” I note that SUDs is incorrectly referenced and that the Policy refers to another document controlled by another body. I recommend:

- **Policy CI3, delete existing policy wording and replace with “*Where possible and appropriate, proposals for development should incorporate Sustainable Urban Drainage Systems (SuDS). The enhancement of wildlife and biodiversity as part of the development of such systems will be supported.*”**

Policy CI4 – Land for Allotments

Policy CI4 sets out an aspiration. However, no indication is provided of what “*developer contributions*” might comprise and when they will be sought. No allotment site has been identified. There is no certainty that one will be acquired or how much it will cost to acquire. Consequently, the Neighbourhood Plan seeks to impose an unknown requirement on unspecified development for something that doesn’t exist.

In the above regard, I am mindful that national policy promotes healthy communities and that allotments provide for sustainable development. Rather than lose sight of the aims of the Policy, I recommend:

- **Delete Policy CI4**
- **Create a new Paragraph above 8.6.25 and re-word the former Policy text “*The Parish Council will seek to create an allotment site to meet the current shortfall in provision. The aim is to fund this through developer contributions. Thus, the Parish Council will seek to work with landowners,*”**

developers and ecclesiastic authorities to identify and acquire suitable land and bring this project forward.”

Policy CI5 – Land for Burial Ground

Whilst Policy CI5 identifies a site “*as having potential*” for a burial ground and memorial garden, the site has not been acquired and there is no certainty that it will come forward as such. Indeed, a representation to the Neighbourhood Plan provides evidence that the landowner has not expressed a desire to release it as a burial ground and even questions its suitability for such a use. There is no evidence to demonstrate that an offer to acquire the site has been proposed or accepted.

Taking the above into account, I can only conclude that there is some considerable uncertainty that the site, the subject of Policy CI5 and identified on the Proposals Map, will ever come forward for use as a burial ground and memorial garden. Furthermore, I am mindful that no indication of what developer contributions might comprise is provided, nor is there any detail establishing the precise circumstances under which such contributions might be sought.

However, as life tends to be finite and the need for burial grounds and memorial gardens is unlikely to disappear, it is of course sensible to seek to plan for them, having regard, without fear of irony, to Chapter 8 of the Framework, “*Promoting healthy communities.*” Taking this into account, I recommend:

- **Delete Policy CI5, Map 25, Paragraph 8.6.27 and the associated allocation on the Proposals Map**
- **Create a new Paragraph above 8.6.26, “*The Parish Council will seek to work with other bodies to identify and create a burial site and memorial garden. Where possible and appropriate in the future, the Parish Council will seek developer contributions towards the delivery of this aim.*”**

Paragraph 8.6.29 sets out a “*summary of infrastructure costs*” and refers to Table 2, which contains various costs and notes. Having regard to the absence of certainty in terms of allotments and the burial ground, it is clear that Table 2 reflects a “best guess.” This is not made clear in the Neighbourhood Plan. I recommend:

- **Change Paragraph 8.6.29 to “*Colwich Parish Council has begun to estimate possible infrastructure costs that might be incurred. An idea of what these may be is set out in the estimates shown in Table 2. Please note that these are only indicative figures.*”**
- **Change heading of Table 2 to “*Indicative Estimates of Possible Infrastructure Costs and Potential Future Funding Source*”**

Site Allocations

Policy SA1 – Land opposite Gt Haywood canal junction

This site is located in the Great Haywood and Shugborough Conservation Area and part of the site is also located in the Trent and Mersey Conservation Area. It is recognised as “*a striking landscape feature.*” Taking this into account, the site is clearly sensitive to change.

Policy SA1 seeks to allocate the site “*for recreation and leisure facilities.*” No indication is provided with regards what such facilities might comprise. I note that the D2 use class, which includes leisure, provides for cinema, bingo hall and gymnasium use, amongst other things. It appears, from consideration of the site, that such uses would be highly inappropriate for this land. However, without knowing what recreation and leisure facilities Policy SA1 would or would not seek to allow, there is little clarity for decision makers with regards how to respond to a development proposal. As such, the Policy fails to have regard to the basic conditions.

The site is also allocated for car parking but there is no evidence to demonstrate that a car park can be provided on the site without harming the Conservation Areas or their setting. Without evidence, it is unclear why car parking is considered to comprise an appropriate use.

The supporting text for Policy SA1 provides no detailed information with regards what recreation and leisure facilities might be provided. Consequently, the proposed allocation is unclear. I acknowledge that there is an aspiration for something to happen at this site, but given its sensitivities, there is little to demonstrate that Policy SA1 provides an appropriate land use planning solution. I recommend:

- **Delete Policy SA1**
- **Amend the first sentence of the “Site Allocations” section to read as follows: “*The following site specific policy applies to the allocated site.*”**
- **Move Map 26 and supporting text to follow the Roseacre Site. Provide a new heading “*Land at Great Haywood Junction*” and a new Paragraph above 9.2. “*Colwich Parish Council would like to see more use made of the land identified on the Map below for recreational and possibly, leisure purposes. Therefore, the Parish Council will explore ways of bringing this land forward, subject to the sensitivities outlined below.*” Change “Key Considerations” heading to “*Sensitivities.*”**

Policy SA2 – Land at Roseacre Nursery

As recognised earlier in this Report, national policy supports the development of community facilities and services.

Policy SA2 seeks to allocate land for medical centre provision. However, no evidence has been provided to demonstrate that there is a requirement for the land, or for the use proposed. The fact that the site “*has been considered (for a medical centre) in the recent past*” or that “*NHS England are again looking at local sites*” does not equate to the site being required for a medical centre.

Taking the above into account, I am concerned that, as worded, Policy SA2 could effectively prevent other forms of sustainable development from coming forward if the site was not required for medical centre provision. In the absence of substantive evidence to support the Policy, I recommend:

Policy SA2, delete the existing policy wording and replace with “*The development of a medical centre and associated car parking will be supported at the site identified on Map 27, Roseacre Nursery.*”

I note that the Tree Protection Order already protects the attractive tree on the site.

Neighbourhood Plan – Other Matters

I recommend:

- **Change the Proposals Map in Chapter 11 to take account of the above recommendations:**
 - 1. Remove the Separation Zone**
 - 2. Remove the Burial Ground**
 - 3. Delete LGS7**
 - 4. Remove the Canalside site**
- **Update the policy numbering, paragraph numbers, map numbering, Objectives and pagination based on the recommendations contained in the Report**

8. Summary

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

Subject to these modifications, the Colwich Neighbourhood Plan

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

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

9. Referendum

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

Referendum Area

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

I recommend that the Plan should proceed to a Referendum based on the Colwich Neighbourhood Area as approved by Stafford Borough Council on 7 February 2013.

Nigel McGurk, January 2016
Erimax – Land, Planning and Communities

www.erimaxltd.com