

GNOSALL NEIGHBOURHOOD PLAN

Gnosall Neighbourhood Plan Examination,
A Report to Stafford Borough Council

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June 2015

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1. Introduction

The Neighbourhood Plan

This Report provides the findings of the examination into the Gnosall 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)

Gnosall 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 Gnosall Neighbourhood Area.

Role of the Independent Examiner

I was appointed by Stafford Borough Council, with the consent of Gnosall 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 Gnosall 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 introduction to the Neighbourhood Plan states that it covers the period up to 2031. The Neighbourhood Plan Period is also referred to in paragraph 4.3 of the Basic Conditions Statement. I note that the Plan for Stafford Borough also covers the period up to 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 Gnosall Neighbourhood Plan could be examined without the need for a Public Hearing.

One party stated that a hearing should take place because this is the first Neighbourhood Plan in Stafford Borough and could set a precedent. However, the possibility of setting a precedent is not something that legislation regards as being one of the reasons why a public hearing must be held.

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 all of the basic conditions above.

I note that the Basic Conditions Statement, prepared by Gnosall Parish Council and submitted to Stafford Borough Council refers to the need for the Neighbourhood Plan to “have” general conformity with the strategic policies of the development plan. Whilst, instead of “have” the words “**be in**” should be used, I find this to be a relatively minor grammatical error.

In this regard, I am also mindful that, in attempting to paraphrase the relevant part of the Town and Country Planning Act 1990 the authors have effectively changed the basic conditions. The basic conditions are of fundamental importance to neighbourhood planning. It is not the role of a neighbourhood plan to re-write legislation, even if meant as a way of attempting to present it in an easy to read format.

To avoid any confusion, I recommend:

- **Re-word 3.3 as “*In accordance with legislation, the Neighbourhood Plan must meet the basic conditions. To meet these, 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.”***

This approach avoids any doubt and confusion.

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

Whilst the paraphrasing of legislation is to be avoided, I note that, in line with Schedule 4B of the Town and Country Planning Act 1990, it is the Independent Examiner's role to consider whether or not the Neighbourhood Plan meets the basic conditions.

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

The Basic Conditions Statement considers the Neighbourhood Plan to be compatible with European Union obligations.

Planning Practice Guidance establishes that *the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations*. Stafford Borough Council has undertaken a screening report to test whether the Neighbourhood Plan requires a full Strategic Environmental Assessment (SEA).

The screening report concluded that the Neighbourhood Plan will be unlikely to have any significant environmental impacts and that an SEA is not required.

According to European legislation, a Habitats Regulations Assessment (HRA) is required when it is considered that likely negative, significant effects could occur on protected European sites as a result of the implementation of a plan or project.

A HRA screening report has been undertaken by Stafford Borough Council. This identifies six European sites in Stafford Borough which may be affected by policies in the Neighbourhood Plan. These comprise Cope Mere RAMSAR, Aqualate RAMSAR; and the Special Areas of Conservation (SAC) at Motte Meadows, Cannock Chase, Chartley Moss and Pasture Fields Salt Marsh.

The HRA screening report states that the Plan for Stafford Borough was subject to full HRA assessment and that the Neighbourhood Plan is in accordance with the Plan for Stafford Borough. It goes on to conclude that the implementation of the Neighbourhood Plan would not result in likely significant, or in-combination, effects on European sites and that a full HRA is not required.

Stafford Borough Council consulted Natural England, the Environment Agency and English Heritage. None of these bodies raised any objections to the conclusions of Stafford Borough Council in relation to the SEA and HRA screening reports. I note that, as set out in its response, English Nature "...concur with the screening outcome

i.e. that no SEA is required...agree with the Council's conclusion of no likely significant effect upon the named European designated sites."

Taking all of the above into account, and in the absence of substantive evidence to the contrary, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

3. Background Documents and Gnosall Neighbourhood Area

Background Documents

In undertaking this examination, I have considered various information in addition to the Gnosall 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)
- The Basic Conditions Statement
- The Consultation Statement
- The Screening Assessment

Also:

- Representations received during the publicity period

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

Gnosall Neighbourhood Area

A plan showing the Parish Boundary is provided on both Map 1 on page 2 and Map 9 on page 34 of the Neighbourhood Plan. Paragraph 1.3 of the Neighbourhood Plan states that “The Plan covers the whole of the Parish.”

For clarity, I recommend the following:

- **Paragraph 1.3, re-word opening sentences “*The Neighbourhood Area equates to all land within the Parish Boundary and is shown on Maps 1 and 9. The Neighbourhood Plan covers the period up to 2031, which...(PFSB).*”**
- **Map 1, change title to “Map 1: Gnosall Parish Boundary (Neighbourhood Area) and Map 9, change Key to refer to “Parish Boundary (*Neighbourhood Area*)”**

Further to an application made by the Parish Council, Stafford Borough Council approved the designation of Gnosall as a Neighbourhood Area on 4 July 2014.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Public Consultation

Introduction

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

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

Gnosall Neighbourhood Plan Consultation

Gnosall Parish Council submitted a Consultation Statement to Stafford Borough Council. 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*³.

I conclude below that, taking into account the evidence provided, the production of the Neighbourhood Plan was supported by robust public consultation. It is clear that the views of the wider community were actively sought and taken into account and that Gnosall Parish Council undertook public consultation in line with the requirements of legislation.

Following the decision to produce a Neighbourhood Plan, a Working Group was established in September 2013. This was made up of 11 Parish Councillors and local residents and was chaired by a local resident with professional planning experience. The Team met monthly and all of its meetings were open to the public and minuted. The minutes were published on the Parish Council noticeboard and the Parish Council website.

A comprehensive community survey was undertaken in January 2014. This was distributed by hand to all 2,600 households in the Parish and was made available on the website. Notably, more than 500 completed questionnaires were returned. The information helped to form the basis of the emerging Neighbourhood Plan and a Feedback Report was produced and published in July 2014.

To support the evidence base and provide background for the strategic housing and settlement boundary policies, a Call for Sites exercise was advertised and carried out, and public comments encouraged. A public presentation and consultation event was held in October 2014, to provide an update and a question and answer session.

³Neighbourhood Planning (General) Regulations 2012.

Pre-Submission Consultation was subsequently held during December 2014 and January 2015. A wide range of statutory and non-statutory consultees were consulted and letters were hand delivered to all households. The Pre-Submission Neighbourhood Plan was placed on the website, with hard copies made available in local community buildings and pubs. The Neighbourhood Plan was modified to take responses into account and the changes made are set out in the Consultation Statement.

Taking the above into account, I am satisfied that the Parish Council actively sought comments during the plan-production period. The consultation process itself was publicised via a dedicated Neighbourhood Plan section on the Parish Council's website. Notes of meetings, documents, consultation notices and other information were made available on the website. Information was placed on Parish Noticeboards and in the local monthly newsletter, Gnosall Parish News.

Given the evidence provided in the Consultation Statement, I find consultation was comprehensive and transparent. It was appropriately publicised and comments were duly considered. People and organisations were actively encouraged to engage in shaping the Neighbourhood Plan. There is evidence to demonstrate that the Neighbourhood Plan reflects the views of local people.

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

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 which are aimed at making it a clear and user-friendly document.

One of the first things noticeable about the Neighbourhood Plan is the use of photographs throughout the document. I find that this greatly enhances appearance, presenting an interesting, attractive and distinctive Neighbourhood Plan.

The Foreword provides helpful background information and is concise. The inclusion of the map of the Neighbourhood Area on the second page clearly presents the geographical context of the Neighbourhood Plan. The Contents page is useful and concise.

However, the Introduction repeats information provided in the Foreword and again on page 7. It includes references that would appear out of date in a made document. I recommend:

Delete Para 1.1 and change Para 1.2 to read:

- ***“The production of the Gnosall Neighbourhood Plan was supported by a wide range of information. Working Group minutes and all Neighbourhood Plan documents are available on the Parish Council website www.gnosallparishcouncil.org.uk”***

I note that a recommendation above (page 9 of this Report) states that Para 1.3 should change to take account of the Neighbourhood Area. I consider that the rest of page 4 presents an excellent introduction to the Neighbourhood Plan.

The Next Steps section will appear out of date in any made Plan. I recommend:

- **Delete Paras 1.6 to 1.8 inclusive**

The Vision is clear and concise, as are the Key Objectives. Together, the Vision and Objectives help provide a link between the results of consultation and the Policies of the Neighbourhood Plan. In this regard, an objection to Key Objective 5 considered that it was inappropriate for the delivery of new, well-designed housing to be “in line with local expressed preferences for housing types.” However, I find that such an approach has regard to the Framework’s aim of allowing people and communities back into planning. I note above that consultation was robust and I am also mindful

that information gathered during consultation indicated local preferences with regards housing types.

Paragraph 3.2 refers to neighbourhood plans being “formally adopted.” This is not the case, as, further to a successful Referendum, a neighbourhood plan is formally “made.”

- **Para 3.2, change to “...have them formally *made* by the Borough...”**

I recommend above (page 9 of this Report) that Para 3.3 should change to set out the basic conditions, rather than the inaccurate basic conditions shown.

Paragraphs 3.4 to 3.15 repeat information set out in the Consultation Statement. Whilst unnecessary, their inclusion does not mean that the Neighbourhood Plan does not meet the basic conditions and no change is recommended.

The Need for a Neighbourhood Plan section is informative and provides useful context for the Policies that follow. However, Para 3.28 refers to matters that will quickly become out of date. I recommend:

- **End sentence at line 14 “...been provided.” Delete rest of sentence.**

The rest of this section up until the end of Para 3.34 provides useful background information. Paras 3.35 and 3.36 once again refer to Consultation. Given the inclusion of Paras 3.4 to 3.15, as well as the Foreword, I find that this repetition is unnecessary and amounts to “overkill,” detracting from the Neighbourhood Plan. I recommend:

- **Delete Paras 3.35 and 3.36**

6. The Neighbourhood Plan – Neighbourhood Plan Policies

Chapter 4 of the Neighbourhood Plan introduces the first Policies. The Policies are the most important part of the Neighbourhood Plan. Rather than simply continue Chapter 4 on the same page as the preceding background information, I recommend:

- **Move Chapter 4 to a new page, to clearly denote the start of the Policy section of the Neighbourhood Plan.**

Employment, Rural Diversification and the Rural Economy

Policy 1 – Home Working

Policy 1 is a positive policy in favour of home-based businesses. It allows for the creation of home-based businesses requiring planning permission, whilst providing for the protection of local character and residential amenity.

Policy 1 has regard to the Framework, which supports economic growth, and is in general conformity with the Plan for Stafford Borough, which promotes sustainable rural development (Policy E1) whilst protecting local character (Policy N1).

As a minor point, I recommend:

- **Add to (a) “...noise and disturbance, smell...”**

Policy 1 meets the basic conditions.

Policy 2 – Rural Diversification

National policy supports the creation of a prosperous rural economy and requires plans to support the sustainable growth and expansion of business and enterprise in rural areas (Chapter 2 of the Framework). However, the wording of Policy 2 appears confusing, in that it allows for general diversification (rather than growth and expansion of existing businesses, or business that supports tourism and leisure – as set out in the Framework), but then limits all development to being “compatible with existing agricultural operations,” without providing any guidance as to what this actually means.

Furthermore, there is no indication of how the Parish Council will “encourage” development in rural areas.

I recommend that the Policy is changed to ensure that it has regard to national policy:

- **Re-word Policy 2, “*The sustainable growth and expansion of businesses and enterprise in rural areas, through conversion of existing buildings and well designed new buildings, will be supported.*”**

I note that other policies in the Neighbourhood Plan, the Plan for Stafford Borough and national policies and advice provide for the protection of local character, highway safety and heritage assets.

Taking the recommended changes above into account, Policy 2 meets the basic conditions.

Community and Housing

I acknowledge that the “Why does the Parish need more new homes?” section is an attempt to balance a common resistance to providing for new housing against some of the reasons for doing so. However, it doesn’t really achieve this in a balanced manner and consequently, adds nothing to the Policies that follow. National policy could not be clearer in setting out its support for sustainable growth and this is also reflected in the recently adopted Plan for Stafford Borough. Consequently, there is no need for the Neighbourhood Plan to set out reasons why some people don’t want to provide for new housing in line with requirements.

I recommend changes to the supporting text in pages 18 and 19, in order to provide more relevant context to the Community and Housing Policies that follow, having regard to national policy. I recommend:

- **Delete Paras 5.1 to 5.10 and replace with “5.1 National policy establishes that the purpose of planning is to help achieve sustainable development. “Sustainable” means ensuring that better lives for ourselves don’t mean worse lives for future generations. “Development” means growth. We must house a rising population, which is living longer and wants to make new choices.**

5.2 There are many factors in determining how much new development is needed and these include the social, economic and environmental impacts of accommodating new development. For example, relevant factors include demographics and the impact of the market on demand and supply. The starting point for this Neighbourhood Plan is to provide for a reasonable share of the 1,200 new dwellings allocated to the Key Service Villages (KSVs), proportionate to the function and sustainability of Gnosall; as well as a share of the 800 dwellings for the remaining rural area of the Borough (2011-2031). It is noted that the 800 figure is an overall Borough figure, rather than one intended to be apportioned to different rural areas/Parishes.”

Para 5.11 of the supporting text clearly sets out the link between the Neighbourhood Plan and the Plan for Stafford Borough. The following paragraph outlines how the Neighbourhood Plan has apportioned its share of dwellings allocated to KSVs. Rather than provide for one-twelfth of the 1,200 dwellings, the Neighbourhood Plan adopts a pro-rata approach based on population and as a consequence, provides for one-fifth of the total. Gnosall comprises 20% of the total KSV population and 20% of 1200 is 240. The Neighbourhood Plan seeks to provide for this via 230 homes plus a “Non-Implementation Allowance” of 11 homes.

The above housing numbers for the Borough form part of a recently adopted development plan. The Plan for Stafford Borough provides for flexibility and for neighbourhood-level determination of how the KSV housing requirement will be met. In Gnosall, the community has determined this through the Neighbourhood

Plan. In this way, it has regard to national policy and is in general conformity with the strategic policies of the Plan for Stafford Borough. The Neighbourhood Plan provides for its share of housing growth and contributes to the achievement of sustainable development.

I note that one of the objections to the above approach from those with an interest in developing housing land points out that some of the KSVs are constrained by Green Belt and other factors. Whilst I acknowledge this, I find that, by providing for one-fifth of the 1,200 dwellings for the twelve KSVs, the Neighbourhood Plan can be considered, to some significant degree, to be compensating for less development in other KSVs. I am also mindful that there is no substantive evidence before me to demonstrate that the remaining four-fifths of the KSV requirement could not be met elsewhere in the Borough.

In the above regard, it is relevant to note that Stafford Borough Council has no objection to how the Neighbourhood Plan seeks to provide for a reasonable share of housing growth in the Borough. This is an important factor. Whilst the Plan for Stafford Borough comprises an up to date development plan, there is a need for it and neighbourhood plans to be complementary – not least given the Plan for Stafford Borough’s approach to providing for new housing. Stafford Borough Council has raised no concerns in this regard.

The first part of the sentence of Para 5.13 appears unnecessary and to some degree, it repeats the preceding sentence. It goes on to refer to matters “at the time of writing” which would inevitably become out of date during the plan period. The first sentence of Para 5.14 is also unnecessary. I recommend:

- **Delete 5.13 and begin 5.14 with “By November 2014, more than 200 dwellings had already been built or committed with planning permission. Taking account of...fair, appropriate and sustainable target.”**

With reference to use of the word “target” in Para 5.14, I note that national policy is clear in establishing that development that is sustainable should go ahead without delay. Given this, a housing numbers “target” can thus be considered as the very minimum figure that needs to be achieved. This is a relevant factor given my comments below.

Policy 3 – Housing Provision 2011-2031

The first part of Policy 3 states that “the dwelling allocation” is 230 dwellings for Gnosall village and 20 dwellings for the rural area. Whilst I recognise how the Neighbourhood Plan has arrived at determining a share of housing growth, I am concerned that, as presented, Policy 3 appears to imply that the Neighbourhood Area is subject to a set, or maximum, number of dwellings to be built over the plan period, in the form of “the dwelling allocation.”

Whether or not this is the intention, having regard to national policy and taking into account my comments, above, I consider that Policy 3 should be re-worded. I also consider that the reference to the Plan for Stafford Borough adds unnecessary detail. I recommend:

- **Re-word Policy 3 to state “To meet the housing needs of the Parish over the plan period, the development of at least 230 dwellings within the Settlement Boundary and at least 20 dwellings in the rural area will be supported.”**

In the above way, the first part of Policy 3 provides for certainty, for sustainable development and for the flexibility and choice required by the Framework (*Chapter 6 Delivering a wide choice of high quality homes*). It is in general conformity with Policies SP3 and SP4 of the Plan for Stafford Borough, and it contributes to the achievement of sustainable development. It meets the basic conditions.

The second part of Policy 3 is confusingly worded. It sets out particular support for 40% smaller and more affordable one or two bedroom homes. As worded, this means that applications for new dwellings that are 40% smaller will be supported, although no indication is given as what the new homes should be 40% smaller than. Taking all of the background information into account, this is not the intention of the Policy, which is, instead, that particular support will be given for schemes where 40% of homes are smaller and which include more affordable one or two bedroom homes.

No detail is provided as to what would comprise more affordable homes or what the smaller homes should be smaller than. It is, for example, possible for a two bedroom dwelling to be large and a four bedroom dwelling to be small. In addition, there is no substantive evidence to justify the figure of 40%, nor any clear indication as to why such an approach would contribute towards the achievement of sustainable development. Taking this and the above into account, I find that this part of Policy 3 fails to provide decision makers with a clear indication of how they should react to a development proposal, as required by the Framework (Para 154). I recommend:

- **Delete second part of Policy 3**

Paras 5.15 to 5.20, together with Table 1, refer to a snapshot in time and will inevitably become out of date as the plan period progresses. Altogether I find that this section adds little to the Neighbourhood Plan and to some considerable degree, detracts from the document’s clarity and purpose. I recommend:

- **Delete Paras 5.15 to 5.20 inclusive and delete Table 1**
- **Delete the last sentence of Para 5.22**

Policy 4 – Dwelling, Barn and Farm Building Conversions

Policy 4 sets out to support development that will result in more housing from the conversion of existing houses, or through the re-use or conversion of other buildings. This general approach has regard to the Framework, which seeks to support a prosperous rural economy (Para 28) and promotes the delivery of a wide range of high quality homes (Para 50).

However, as worded, Policy 4 requires all conversions and re-use of buildings for residential development to provide for economic regeneration, or environmental enhancement and allow the improvement of heritage assets; and seeks to introduce an undefined “first preference” system for employment conversions in the countryside. There is no evidence that such a restrictive approach has regard to national policy or is in general conformity with the Plan for Stafford Borough.

In addition to the above, the phrase “provision for increased residential capacity” is unduly verbose as, in the context of Policy 4, it is simply intended to mean “more houses.”

I recommend:

- ***Re-word Policy 4 “The conversion of existing houses and the re-use and conversion of other buildings to create more housing will be supported where it can be demonstrated that the amenity and character of existing residential areas would be retained. Housing in rural areas should be located where it will maintain the vitality of rural communities.”***

The above approach achieves the general aims of Policy 4 as previously set out whilst having regard to Chapter 6 of the Framework (Delivering a wide choice of high quality homes). In so doing, it helps contribute to the achievement of sustainable development.

I note that existing national and local policy provide for highway safety and the protection of heritage assets.

Policy 5 – Support for Creative and Innovative Infill Development

This Policy supports infill development. Whilst I note that the Policy title refers to creative and innovative development, there is no reference to this in the Policy itself. The Policy is also repetitive (leading it to appear overly long) and given that the Neighbourhood Plan includes a detailed design Policy, is unnecessarily prescriptive with regards local character.

To address the above, I recommend:

- **Re-word Policy 5, “Infill development that does not harm residential amenity or the overall character of the area will be supported. Particular support will be afforded to creative or innovative forms of infill development that complement local character.”**

Subject to the above, Policy 5 has regard to the Framework, which protects local character and is in general conformity with the Plan for Stafford Borough Policy SP7, which supports development that relates well to existing settlements.

Policy 6 – Support for Good Design

As per its title, Policy 6 supports good design. It has regard to the Framework, which requires good design (Chapter 7) and is in general conformity with the Plan for Stafford Borough’s design policy, Policy N1. By supporting development that meets a detailed series of design criteria, Policy 6 contributes to the achievement of sustainable development. Subject to the comments below, it meets the basic conditions.

As worded, Policy 6 is unduly restrictive and would be very difficult and potentially impossible for much development to achieve, as it only supports development that meets every one of the 13 criteria. I recommend:

- **Delete “...and;” at the end of the first 12 criteria.**

It may not be appropriate for development to ensure the retention and enhancement of all trees and shrubs. Not all trees and shrubs are attractive and/or provide valuable wildlife habitats, and their management can take different forms. I recommend:

- **Re-word (e) “retain wildlife habitats and retain trees, shrubs and hedges that contribute to local character;”**

Requirement (f) may stifle the innovative or creative design sought by Policy 5. To ensure a consistent approach, I recommend:

- **“Add to (f), “...their environments unless it can be demonstrated that the use of non-traditional materials can complement local character. The use of...”**

Subject to the above, Policy 6 meets the basic conditions.

Settlement Boundary and Housing Distribution

Policy 7: Settlement Boundary

This is a positive Policy that establishes a defined settlement boundary within which development will be supported. It has regard to national policy, which supports sustainable growth.

Policy 7 does not need to state that it accords with the Plan for Stafford Borough. It is a legislative requirement for the Policies of the Neighbourhood Plan to be in general conformity with the strategic policies of the development plan. I recommend:

- **Change Policy 7 to: *“Development within the Settlement Boundary, as defined on Map 6, will be supported.”***

The supporting text to this section will need to be updated in recognition of the recommended modifications.

There is no need to repeat vast chunks of text from the Plan for Stafford Borough. Similarly, Policy 7 does not need to be supported by long descriptions of how the Policy came about or discussion of why another approach would not be appropriate. Limiting text to concise supporting information directly relevant to the Policy itself makes for a clearer, easier to understand document. I recommend:

- **Delete Paras 6.1 to 6.13**
- **Introduce a new introductory Para 6.1, *“The Settlement Boundary, as shown on Map 6, provides for sustainable growth over the plan period taking into account a variety of factors, including:”* ...Provide the 14 bullet points from Para 6.7 (minus the confusing headings) here *“...coalescence of Gnosall and Gnosall Heath.”***

Policy 8 – Enhancing, protecting and, where possible, increasing informal and formal Recreation Provision

The title of Policy 8 is particularly unwieldy and reads almost as a Policy itself. I recommend:

- **Change title to “*Policy 8 – Space for Recreation*”**

The second part of Policy 8 begins positively, stating that the provision of an area for recreation in Gnosall Heath will be supported, but then goes on to set out requirements for something which itself, is not a requirement. I recommend:

- **Change second sentence to “*...arise, especially where this incorporates a children’s play area and a space for casual sports.*”**

Taking the above into account, Policy 8 supports the provision of sports and recreational facilities. As such, it contributes to the achievement of sustainable development and has regard to the Framework’s aim of creating healthy, inclusive communities, as set out in Chapter 8. It meets the basic conditions.

Policy 9 – Protecting and Enhancing Rights of Way

Rights of Way are protected by law. Consequently, I recommend the following modification:

- **Change wording to “*Any new developments must ensure that...*”**

The Policy goes on to state that improvements will be sought wherever possible. No clarity is provided as to when such improvements would, or would not be possible. Furthermore, it is not clear how such improvements would be sought as part of “any development proposals.” It would, for example, be inappropriate to seek improvements to the public rights of way network as part of a proposal for, say, a residential extension. I recommend:

- **Change second sentence to “*The improvement or extension of the existing rights of way network will be supported.*”**

Taking the above into account, the proposal has regard to the Framework, which promotes the protection and enhancement of public rights of way (Para 75) and meets the basic conditions.

Policy 10 – Open Countryside

Policy 10 refers specifically to land management measures rather than land use planning. It is not a land use planning policy.

- **I recommend that Policy 10 is deleted. However, rather than remove the text, which relates to a key objective of the Neighbourhood Plan, I propose that the text is retained under the title “Community Action.” The text should not be in bold font, as it will simply comprise supporting information.**

For the avoidance of doubt, a Community Action is not a Policy.

Policy 11 – Local Green Spaces

Policy 11 designates a number of Local Green Spaces. Having regard to the Framework, the development of these, other than in very special circumstances, is ruled out.

The Local Green Space designation is an important one. It affords protection consistent with policy for Green Belts. Taking this into account, I find the supporting text for this Policy to be inappropriate for such an important designation. Not all of the Local Green Spaces are named. No clear, detailed boundaries of the Local Green Spaces are provided - the small scale of Map 10 provides insufficient detail. Much of the supporting text relates to land that isn't even being designated as Local Green Space. The specific reason why each Local Green Space is being designated is not provided.

The Policy itself, through poorly conceived paraphrasing of the Framework, fails to have regard to national policy, but rather, misinterprets the protection afforded by Local Green Spaces and sets out an entirely different approach, which conflicts with national policy.

However, despite all of these severe flaws, I find that, further to consideration of all of the evidence before me, Policy 11 can be revised to meet the basic conditions, subject to the substantial alterations recommended below. In this regard, I am especially mindful of the fundamental importance afforded to the green spaces of Gnosall by local people, as made clear during consultation and the plan-making process. I recommend:

- **Delete reference to consistency with the Plan for Stafford Borough in Para 7.16. The Plan for Stafford Borough does not designate Local Green Space.**
- **Delete Paras 7.17 to 7.18**

- **Include a new paragraph of supporting text. This should set out that Local Green Spaces have been designated in the Neighbourhood Plan to afford special protection to green areas of particular importance to the local community. It should also state, briefly with specific bullet points, why each, named, Local Green Space is demonstrably special to the local community and what the particular local significance of each space comprises.**
- **The detailed boundaries of each Local Green Space should be provided, in this section, on clearly defined maps. This should be in addition to the smaller scale Policy Map at the rear of the Neighbourhood Plan.**
- **Policy 11 should be re-worded as follows *“The areas shown individually on Maps X-Y (numbers of new Maps) and together on Map 10, are designated as Local Green Spaces, where new development is ruled out other than in very special circumstances.”* All of the rest of Policy 11 should be deleted.**

Planning Obligations and Local Infrastructure Priorities

Policy 12 – Pre-application discussions

The introductory text to this section appears long-winded, is confusing and it adds little to the Neighbourhood Plan.

Policy 12 is not a land use planning policy. It simply sets out an aspiration. However, I recognise that the aspiration itself, for pre-application engagement, is an important one. I recommend:

- **Delete Policy 12**
- **Delete Paras 8.1 to 8.6**
- **Retain the text of Policy 12 and re-title as a “Community Action.” Change “shall” to “should.”**

For the avoidance of doubt, a Community Action is not a Policy.

Policy 13 – Consultation on draft Planning Obligation terms

As with Policy 12, Policy 13 is not a land use planning policy. I recommend:

- **Delete Policy 13**
- **Retain the text of Policy 13 and re-title as a “Community Action.”**

For the avoidance of doubt, a Community Action is not a Policy.

Policy 14 – Local Priorities for Infrastructure in Gnosall

This Policy provides clarity by prioritising projects to be paid for by the Qualifying Body’s receipts from relevant sources of funding. It contributes to the achievement of sustainable development and meets the basic conditions.

7. Summary

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

Subject to these modifications, the Gnosall 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 Gnosall Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

8. Referendum

I recommend to Stafford Borough Council that, subject to the modifications proposed, the **Gnosall 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 Gnosall 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 Gnosall Neighbourhood Area as approved by Stafford Borough Council on 4 July 2014.

Nigel McGurk, June 2015
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