Woore Neighbourhood Plan

Report of Examination

Report to Shropshire Council

by the Independent Examiner:

John Parmiter FRICS FRSA MRTPI

11 December 2018

Contents **page**

Summary 3

1. Introduction 4
2. The Neighbourhood Plan - preparation and public consultation 6
3. The Neighbourhood Plan in its planning and local context 8
4. Overview 10
5. Housing policies 10
6. Sensitive Gap policy 13
7. Rural Economy policy 13
8. Infrastructure policies 13
9. Community Facilities and Local Green Space 14
10. Environment policies 16
11. Referendum Area 17
12. Conclusions and recommendations 17

Summary

1. From my examination of the submitted Woore Neighbourhood Plan 2016-2036 and the supporting documents, including all the representations made, I have concluded that the Neighbourhood Development Plan should go forward to a referendum.

2. I have concluded that the plan will meet the Basic Conditions, if modified in accordance with my recommendations. In summary, the Basic Conditions are that it must:

    - Be appropriate to make the plan, having regard to national policies and advice;
    - Contribute to the achievement of sustainable development;
    - Be in general conformity with the strategic policies of the development plan; and
    - Not breach, and be otherwise compatible with, European Union and European Convention on Human Rights obligations.

3. I have concluded that, subject to certain modifications, the plan meets the legal requirements in that:

    - It has been prepared and submitted for examination by a qualifying body – Woore Parish Council;
    - It has been prepared for an area properly designated;
    - It does not cover more than one neighbourhood plan area;
    - It does not relate to "excluded development";
    - It specifies the period to which it has effect – to 2036; and
    - The policies relate to the development and use of land for a designated neighbourhood area.

4. Overall, I have concluded that the Neighbourhood Development Plan should proceed to Referendum and, should it do so, I recommend that the Referendum Area be the same as the designated neighbourhood area.

1. Introduction

1.1 I am appointed by Shropshire Council, with the support of the Woore Parish Council, the Qualifying Body, to undertake an independent examination of the Woore Neighbourhood Development Plan 2016-20-36, as submitted for examination.

1.2 I am an independent planning and development professional of 40 years standing and a member of NPIERS' Panel of Independent Examiners. I am independent of any local connections and have no conflicts of interests.

The Scope of the Examination

1.3 It is the role of the Independent Examiner to consider whether making the plan meets the "Basic Conditions." These are that in making the Neighbourhood Plan it must:

- be appropriate to do so, having 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; and
- not breach, and must otherwise be compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.

1.4 Regulations also require that the Neighbourhood Plan should not be likely to have a significant effect on a European Site or a European Offshore Marine Site either alone or in combination with other plans or projects.

1.5 In examining the Plan I am also required to establish if the plan complies with certain legal requirements; in summary they are whether it:

- Has been prepared and submitted for examination by a qualifying body;
- Has been prepared for an area that has been properly designated;
- Meets the requirements that they must not include excluded development;
- Relates to more than one Neighbourhood Area; and
- Relates to the development and use of land.

1.6 Finally, as independent Examiner, I must make one of the following recommendations in relation to the Plan proceeding to a Referendum:

a) that it should proceed to Referendum, in that it meets all legal requirements; or

b) that once modified to meet all relevant legal requirements it should proceed to Referendum; or

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

1.7 Then, if recommending that the Plan should go forward to Referendum, I am also required to consider whether or not the Referendum Area should extend beyond the Neighbourhood Designated Area to which the Plan relates.

The Examination process

1.8 I was appointed to examine the plan in mid August 2018. The default position is that neighbourhood plan examinations are conducted by written representations, which is what I have done. I carried out an unaccompanied site visit in late September 2018. I completed my draft report for fact-checking in early October. However, I was not satisfied as to the supporting Habitats Regulations Assessment Screening Opinion and required Shropshire Council to prepare a full Screening Report, which needed public consultation - which concluded on 7th December. Having been satisfied as to its adequacy I duly completed my examination.

The Examination documents

1.9 In addition to the legal and national policy framework and guidance (principally The Town and Country Planning Acts, Localism Act, Planning and Compulsory Purchase Act, Neighbourhood Planning Act and Regulations, the National Planning Policy Framework[1], Written Ministerial Statements and the Planning Practice Guidance) together with the development plan, the relevant documents that were furnished to me - and were identified on the Council's websites as the neighbourhood plan and its supporting documentation for examination - were:

- Woore Draft Neighbourhood Plan:
    i. Basic Conditions Statement;
    ii. Consultation Statement, with response form; and
    iii. SEA Screening Report.
- together with responses received under Regulation 16 (referred to later).

The Qualifying Body and the Designated Area

1.10 Woore Parish Council is the Qualifying Body for the designated area that is the neighbourhood plan area. Shropshire Council, the local authority, designated the Neighbourhood Area in February2016. There is no other neighbourhood plan for this area. The neighbourhood area is the same as the civil parish area.

1.11 The plan area is located in the north east of Shropshire on the crossroads of the A51 and A525; the A51 being the old London to Chester post and stage-coach road. It comprises nearly 4,000 acres (1600 ha) and is home to just over 1,000 people462 households. The plan area encompasses the main settlements of Woore, Ireland's Cross and Pipe Gate; other hamlets include Gravenhunger, Dorrington, Beastone and part of Onneley. The nearest towns are Market Drayton and Whitchurch.

1.12 The main village of Woore is mostly residential with a number of small shops, centered on the Post Office and general store, two pubs, a primary school and two churches. There is a cricket club, a tennis club and bowls club. There are no health facilities. A significant number of local people are self-employed, many of whom work from home (twice the County average); nearly half of workers use the car to get to work. There is no public transport, a significant local concern.

[1] The revised Framework was published just before the examination commenced; under the transitional arrangements, set out in Annex 1, para 214 of the revised Framework, the previous Framework applies to this neighbourhood plan (and to those NPs submitted under Reg 15, on or before 24th January 2019).

1.13 Woore parish has grown from about 335 homes in 1981 to 462 at the 2011 census. Most new homes have been concentrated on the north edge of Woore itself. Some 50 dwellings have been approved but not yet built.

2. Neighbourhood Plan preparation and public consultation

The Neighbourhood Development Plan

2.1 The plan is a well-laid out document with a clear structure and paragraph numbering for ease of reference (but no page numbers). It is in eleven parts: Chapters 1 -3 provide the setting and background; Chapter 4 summarises the consultation process; Chapter 5 sets out the vision and objectives; Chapters 6 -11 contains the plan's policies; two appendices contain maps referred to by policies.

2.2 Taking the plan as a whole, I would summarise it as having a focus on three main themes – accommodating growth within the main settlements; protecting their setting and identities; and safeguarding a range of community facilities and green spaces. Around those are policies for rural prosperity, improved infrastructure and sustainable transport.

2.3 Chapter 5 sets out the plan's vision for a parish that continues to thrive with improved facilities and amenities for all; new developments are to be of an appropriate scale and mix reflecting local needs, along with infrastructure improvements; development will be sensitively located and designed to maintain the valued natural environment and rural character.

2.4 This is then developed around six key objectives: to ensure any new housing is relatively small, unobtrusive and reflects local needs; maintaining rural character, especially sensitive gaps between settlements; supporting a vibrant village centre and an enhanced rural economy; improving local infrastructure; protecting and enhancing community services and amenities; and protecting and enhancing the rural environment. These then shape the policies in the rest of the plan.

2.5 The plan contains six policy sections: Housing and Design; Sensitive Gaps; Rural economy; Infrastructure; Community Facilities and Local Green Space designations; and Environment policies.

Strategic Environmental Assessment and Appropriate Assessment Screening

2.6 The plan is accompanied by an SEA Screening Report, dated January 2018. Under Article 3(3) and 3(4) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC an SEA is required of plans and programmes which "determine the use of small areas at a local level". Woore Parish Council's consultants prepared it for them, as the "responsible authority", as they must determine if the plan is likely to have significant environmental effects. SEA concludes (Assessment 2 Conclusion) that the plan "… is unlikely to have a significant effect on the environment". Later at the Screening Conclusion (last para of section 4) that: "*As a result of the Screening Assessment it is concluded that the implementation of the WNP is unlikely to significantly affect the environment and unlikely to adversely affect a designated site, and as such SEA and HRA is not required*."

2.7 The submitted plan was not accompanied by a Habitats Regulations Assessment Screening Report; instead the SEA report dealt with the issue. It noted there are no

European Designated Sites within the plan area (see 2.5), though there are within a 15km radius. At section 4 (first para) it concluded that: "*The assessment concludes that WNP is unlikely to have a significant effect on designated sites and therefore HRA is not required.*" None of the statutory consultees specifically responded on the need for HRA.

2.8 I was not satisfied with this approach as being legally compliant and requested a full Habitats Regulations Assessment Screening Report, and to be subject to public consultation. This has now been carried out and concludes that: "… *the Plan will have no effects, alone or in-combination with other plans or projects, on international sites.*" The responses from the Environment Agency, Natural England and Historic England agree with the conclusions.

Human Rights and European Obligations

2.9 I have no reason to believe that making the plan would breach or is incompatible with the European Convention on Human Rights or other EU obligations.

Plan period

2.10 The neighbourhood plan clearly states on the cover that it is to2036. However, the development plan period of the Core Strategy is to 2026, so the neighbourhood plan is anticipating further growth beyond that period (and the plan refers to the current Local Plan review). This is explained in NDP para 1.11.

Excluded development

2.11 A neighbourhood plan cannot include polices for excluded development, such as minerals and waste. I have concluded that the plan does not do so.

Preparation and consultation process

2.12 The Parish Council (PC) meeting in March 2014 resolved to prepare a plan but a start was not made until March 2016 when a public meeting was held and a steering group was formed. An initial questionnaire was delivered to households on December 2016 and the responses (168, a rate of 30%) were used as a basis to develop the vision, objectives and policy themes.

2.13 The plan must be publicised *"… in a manner that is likely to bring it to the attention of the local community*." Consultation Statement (CS) explains how the plan was prepared and summarises the steps that were taken to survey the plan area, obtain views of residents and to engage with them on the issues. The process of consultation included open meetings in a wide variety of venues, a website, direct contact with statutory consultees and landowners, together with stakeholder workshops on specific topics. The Big Questionnaire of June 2017 was a significant milestone (indeed the plan is possibly over-reliant on it); it asked 30 questions and 304 responses were received (54% response rate) and 92% agreed with the vision and 98% with the objectives. The CS sets out tables of the various stages of consultation involving stakeholders and the process of amendments.

2.14 The pre-submission draft was publicised for a six-week period to 5th March 2018; this involved publicity, a public Drop-In session and direct contact. A total of 30 representations were received. A key decision by the PC was not to allocate any housing sites. Appendix 1 of the CS sets out the comments received and the steering

group responses.

Submission plan - consultation responses

2.15 The submitted plan was open for consultation to 24th July 2018. A total of 8 parties[2] made representations to the submitted plan; parties raising substantive matters included: Gladman, Natural England, Severn Trent and some local residents. I have taken all the representations into account in examining the plan, highlighting specific representations where appropriate.

3. The Neighbourhood Plan in its planning and local context

National policies and advice

3.1 The neighbourhood plan must have regard to national policies and advice contained in guidance issued by the Secretary of State, and contribute to the achievement of sustainable development (the first two Basic Conditions). The National Planning Policy Framework (and see my Footnote 1) is concerned with neighbourhood planning:

"*The application of the presumption [in favour of sustainable development] will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:*

- "*develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; [and]*
- *plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan;"*

3.2 The Framework explains at para 184 that:

"*The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area*". And: "*Neighbourhood plans should reflect these polices and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out on the Local plan or undermine its strategic policies*."

3.3 The Framework's policy on Local Green Space designations is at para 77:

The Local Green Space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;
b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and

c) local in character and is not an extensive tract of land.

3.4 The plan must give sufficient clarity to enable a policy to do the development

[2]Including Shropshire Council's decision statement, if regarded as representations; it contains some suggested text amendments, which relate to development management and which I have taken into account.

management job it is intended to do; or to have due regard to Guidance [noting that this has yet to be updated in the light of the revised Framework]. Paragraph 041 of the Guidance explains that:

"*A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared."* (Reference ID: 41-041-20140306)

3.5 Also, there has to be evidence to support particular policies, notwithstanding it may express a strong and well-intentioned aspiration or concern of the local community. The Guidance (Para 040 ref 41-040-20160211) states:

"*While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no 'tick box' list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.*

A local planning authority should share relevant evidence, including that gathered to support its own plan making, with a qualifying body …… Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need

In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making".

The Development Plan - strategic policies

3.6 The neighbourhood development plan (NDP) must be in general conformity with the strategic policies of the development plan. The development plan for the area is the Shropshire Core Strategy (CS, adopted march 2011) and the Shropshire Site Allocations and Management Development Plan Document (SAMDev, adopted December 2015). The CS locates the neighbourhood plan in the North East Spatial Zone; the SAMDev group areas for specific policies into Place Plans.

3.7 The development plan's strategic policies include:

- CS1 Strategic Approach, which seeks to deliver 27,500 homes to 2026 (9,000 affordable); in NE Shropshire 5,500-6,050 homes and 50-60 ha of employment land;
- CS3 Market Towns and Other Key Centres
- CS5 Countryside and Green Belt
- CS6 Sustainable Design
- CS7 Communications and Transport
- CS8 Facilities, Services and Infrastructure Provision
- CS10 Managed Release of Housing Land

- CS11 Type and Affordability of Housing
- CS17 Environmental Networks
- MD1 Scale and Distribution of Development
- MD3 Delivery of Housing Development
- MD8 Infrastructure Provision
- MD12 The Natural Environment
- S11 Market Drayton Area, which identifies Woore as a Community Hub

3.8 Shropshire Council is currently reviewing the Local Plan to 2036.

4. Overview

4.1 The plan articulates well local issues and aspirations. However, it has two features on which I share some of Gladman's concerns, particularly on evidential support; I also note that, notwithstanding Shropshire Council's support for the plan, they had some points to make on the second aspect. The two issues are: i. Development Boundaries around the three main hamlets (of Woore, Ireland's Cross and Pipe Gate); and ii. Sensitive Gaps, between and around those settlements.

4.2 I found the mapping unclear in places and so Shropshire, at my request, sent me more legible plans of Figures C and D. The legibility of mapping needs to be improved in the published plan.

5. Housing and design policies

5.1 **Policy HOU1– Scale of New Housing** is a policy that seeks to do three things:

1. Set development boundaries (shown on NDP Figure B) around the main settlements of Woore, Irelands Cross and Pipe Gate; and

2. Set the anticipated scale of development at around 30 dwellings over the plan period (to 2036); and

3. Limit the scale of individual developments at up to ten dwellings.

5.2 A difficulty with the development boundaries is the lack of any appraisal evidence to support the particular boundaries. Neither the plan nor its supporting documents display any evidence of a process (robust or otherwise) of an assessment or appraisal that resulted in the lines shown on the plan – resulting in six separate parcels of land only within which new development would be supported in principle. However, the boundaries are derived from an earlier iteration of the North Shropshire Local plan, adjusted to account for more recent development. The new boundary has been the subject of public consultation.

5.3 A potential issue of tightly drawn development boundaries is the effect on the long-term potential of the settlements to continue to grow and accommodate future housing needs, particularly as the NDP has chosen to plan well beyond the current development plan period. I sympathise with Gladman in that this does not necessarily promote positive planning and that the boundaries could well act to preclude the delivery of otherwise sustainable development. They could act as an arbitrary restriction. However, the development plan routinely uses development

boundaries to manage the growth of settlements, so I find this to be consistent.

5.4 The second dimension of the policy - the scale of development at around 30 dwellings – is argued in the supporting text, particularly para 6.3 and following. The commentary notes that, given recent housing growth in the parish, the SAMDev sees limited potential for further development in the parish, of approximately 15 dwellings. The NDP, however, as it is planning beyond the SAMDev horizon and with an eye to the emerging plan, suggests a "fair" proportion of planned growth at about 66 homes; factoring in completions, suggests that a figure of 30 dwellings would be a reasonable local target over the plan period to 2036.

5.5 On the face of it this sounds reasonable and I can see that the plan is seeking to meet local housing needs but the supporting text is not wholly persuasive that the plan is capable of meeting future housing need, which is continuing, especially in the context of an extended plan period. At present the Local Plan is at too early a stage of review to provide a more specific indication of the potential scale that it is planning for in this part of the County. In my view, on balance, the target is appropriate.

5.6 Taking the third aim – limiting the scale of development to "up to ten dwellings per development" - I can see that the plan is seeking to match the scale of new development with the character and scale of the settlements involved, which are mainly small. The consultation responses are quite clear on this and the steering group has reached, in my view, an appropriate judgment.

5.7 Finally, the policy wording needs modifying make it a stand-alone policy (eg. not dependent on "housing numbers" coming out of a Local Plan review that has not yet been completed), to meet the Basic Conditions.

5.8 Taking the above points together, and a modification to HOU2 (the relocation of the final sentence, which emphasises that the areas beyond the settlements are in open countryside), which sits more comfortably here, I **recommend** that the policy be modified to read as follows:

POLICY HOU1 – SCALE AND LOCATION OF NEW HOUSING

Within the community hub of Woore, Irelands Cross and Pipe Gate (as defined in the Shropshire SAMDev Plan) new housing will be supported on sites of no more than 10 dwellings of a scale appropriate to the existing character of the settlements. . It is envisaged that over the plan period around 30 additional dwellings will be accommodated.

Outside these settlements the parish is designated as open countryside, where new development will be strictly controlled in line with the development plan and national policies.

5.9 **Policy HOU2 – New Housing Location** is essentially seeking to control the character and type of development. It does this by supporting developments that (are within the development boundaries and) meet eight criteria, which are expressed in terms of "and/or", which is difficult to apply. There seems no evidence to support a rural exceptions site; such opportunities can always be considered on their own merits.

5.10 To take into account the recommended modifications to HOU1 and GAP 1, later; and to meet the Basic Conditions so as to clarify the operation of the policy for

development management purposes, I **recommend** the policy be modified to read as follows:

POLICY HOU2: HOUSING DEVELOPMENT

Housing developments within the settlements of Woore, Irelands Cross and Pipe Gate will be supported where they have regard to the following:

a) do not adversely affect local landscape character and visual amenity

b) maintain the gaps between the settlements

c) are located on brownfield land

d) infill a gap in the continuity of existing frontages

e) are a conversion of existing buildings

f) replace an existing building

h) do not adversely affect heritage assets or their settings.

5.11 **Policy HOU3** is concerned with achieving an appropriate standard of design that is in character with the locality. To meet the Basic Conditions the policy needs slight modification to enable it to operate for development management purposes. As private views cannot be protected I **recommend** criterion C be deleted; and that the policy be modified to read as follows:

POLICY HOU3 - DESIGN

New housing developments will be supported where they have regard to the following:
A. Where adjoining open countryside they should provide a sympathetic built-to-unbuilt area transition.
B. The topography and natural features of the site should maximise significant views from the site to the surrounding countryside and to minimise impact on the skyline.
C. Minimise adverse impacts on the amenity of future or adjacent property by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour, or in any other way.
E. New dwellings to be normally no more than 2 storeys high, unless such development is appropriate to its setting, topography, and is well designed in its own right.
F. Incorporating a variety of designs, house types and sizes and have individual outside amenity space.
G. Respect the character of the locality and the local vernacular and contribute positively to local distinctiveness.
H. New developments should take account of eco and environmentally sustainable

I. Development should support features beneficial to wildlife where appropriate.
J. Developments should incorporate a native British mix of plants within their landscaping technology and materials.

6. Sensitive Gap policy

6.1 **Policy GAP1**seeks to maintain the rural character of the parish by designating two types of gaps: Settlement Separations (two areas); and Green Borders (two areas). Both are shown on Figure C. The map has no key and confusingly, the pairs of designations are not annotated in the same hatching (but in matching pairs: 7.8 and 7.9; and 7.10 and 7.11). The plan explains (para 7.5) that: *"The purpose of this policy is to maintain the rural/settlement relationships and views out to the surrounding countryside from public places".* Further, the plan explains that: "*It is not intended to create a Green Belt effect and the areas identified are not extensive and do not result in a blanket coverage.*" They are designed to operate with the Development Boundaries, which they largely abut.

6.2 The supporting text explains that this policy is designed *"… to provide further local context to the criteria based policies within Community Hubs and Clusters*". The adopted approach responds to feedback and responses in the Big Questionnaire. While the consultation process gathered support for these gaps – particularly between Woore and Bridgemere Nurseries and between Woore and Irelands Cross, there has been no systematic robust assessment or appraisal. The appeal decision quoted in aid of the policy at para 7.10, I believe, misrepresents the point being made. It does not, in my view, describe what is effectively a Green Gap, rather the inappropriate intrusion of a housing scheme into open countryside.

6.3 The supporting text from 7.7 onwards is designed to justify the two types of areas selected. However, these are essentially descriptive rather than analytical passages. Further the effect of this policy is to further restrict the growth of the main settlements in a way that could well frustrate the ability of the parish to accommodate future housing needs. This is the point taken up by Gladman and I share it.

6.4 What is missing, crucially, is the robust and proportionate evidence that is needed to meet the Basic Conditions. Shropshire Council, notwithstanding their support for the Plan as submitted, pointed out that evidence was required to support the establishment of landscape character, sensitivity, visual impact and environmental value; I agree. Accordingly, I **recommend** that Policy GAP1, its supporting text and Figure C be deleted. It may be more appropriate for the plan to take up this issue in some form of Community Action box as an advocacy statement, or in an Annex to the plan.

7. Rural Economy Policy

7.1 **Policy ECON1**seeks to support a thriving village centre and enhance the rural economy. The policy supports a range of developments that achieve these objectives. Shropshire Council suggests adding the word "traffic" in the first sentence, to ensure that traffic implications of economic development are specifically considered. They also suggest that the phrase "do not cause unacceptable visual or landscape harm" in (b) be removed as an additional visual criteria.

7.2 I agree and **recommend** these modifications, accordingly, to meet the Basic Conditions in terms of clarity.

8. Infrastructure Policies

8.1 **Policy INF1**seeks to resolve the impact of parking in a parish with no local transport and high car ownership. It also encourages new parking provision and sets local

standards. To meet the Basic Conditions, to be a useful development management tool and taking Shropshire Council's suggestions into account, I **recommend** the policy be modified slightly to read:

POLICY INF1 - PARKING

Developments that do not exacerbate existing parking problems, or lead to the loss of existing parking provision (unless the lost parking places are adequately replaced in a nearby and appropriate alternative location), or that provide an agreed alternative transport facility will be supported.

Any appropriate further provision for appropriate car parking in the parish will be supported.

New residential, retail, commercial and business developments that have adequate parking facilities to avoid or minimise 'on street' parking will be supported. For residential developments, the minimum is 2 car parking spaces per 1 – 3 bedroomed dwelling and a minimum of 3 parking spaces per 4+ bedroomed dwelling.

8.2 **Policy INF2** seeks to secure improvements to communications infrastructure. To meet the Basic Conditions, to be a useful development management tool, I **recommend** the policy be modified slightly to read:

POLICY INF2– COMMUNICATIONS INFRASTRUCTURE

The development of advanced high quality communications infrastructure, including high speed broadband and improved mobile network coverage, will be supported, subject to:
a) Minimising the visual and other impacts of the installation, consistent with the efficient operation of the network.
b) The design being sympathetic to the site's context and surroundings.

New housing developments that incorporate high-speed broadband connectivity capabilities will be supported.

9. Community Facilities and Local Green Space

9.1 This section of the plan contains three policies, designed to promote, protect and enhance community facilities and amenities, including the designation of three sites as Local Green Space.

9.2 **Policy COM1** is effectively in three parts: i. promoting the enhancement of community facilities (defined very widely); ii. dealing with changes of use (and re-provision); and iii. supporting new facilities. To work effectively as a development management tool, to meet the Basic Conditions, I **recommend** the policy be modified slightly to read:

POLICY COM1 - COMMUNITY FACILITIES

Proposals for the enhancement of community buildings, car parks and recreational facilities, together with the shops and public houses in the parish, will be supported.

Changes of use or redevelopment of community facilities will be supported where the proposed use will provide equal or greater benefits to the community, or the facility is replaced elsewhere, or it is demonstrated that the facility is no longer required.

New community facilities in appropriate locations will be supported

9.3 **Policy COM2** concerns the protection and, where necessary, the re-provision, of recreation, play and outdoor sports facilities. These are shown on Figure D and six sites are listed (As REC 1-6) in Figure E; more detailed maps of the listed sites are in Appendix 1. However, Fig D also identifies two (of the three) proposed Local Green Spaces; and the policy does not specifically refer to the six sites in Fig E. To work effectively as a development management tool, to meet the Basic Conditions, I **recommend** that, for clarity, Figure D be modified to omit the two Local Green Space designations and the policy be modified slightly to read:

POLICY COM2 – RECREATION, PLAY AND OUTDOOR SPORTS FACILITIES

The following sports fields and play and recreation areas, as shown on Figure D and Appendix 1, will be protected and, where appropriate, enhanced:

[insert REC 1-6]

Proposals for the enhancement of these facilities will be supported.

Development for alternative uses will only be supported when:

i) an assessment has been undertaken which shows the facility to be surplus to requirements; or

ii) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

iii) in the case of the loss of sports and recreation facilities, the development is for alternative sports and recreation facilities, the needs for which clearly outweigh the loss.

9.4 **Policy COM3** designates three sites as Local Green Space. These are identified on Figure F and in Appendix 2. The justification reflects the criteria in the Framework (para 10,14) but it is not clear to me the extent to which this was followed through in the selection of sites. Certainly suggestions were called for in the Big Questionnaire but it is not clear how robust the site selection was. The appraisal is limited to a short table at Figure G, which picks up the Framework criteria (though merging "demonstrably special" with "local significance"). All three clearly are not extensive, are local in character and are in reasonably close proximity to the community they serve.

9.5 The justification in the table is a little thin. But by taking the responses to the consultation process into account, together with my own site visits, I have concluded that the three sites do meet the Framework criteria and should be so designated. However, to work effectively as a development management tool, to meet the Basic Conditions, I **recommend** that the legibility of Figure F be improved and the policy be modified slightly to read:

POLICY COM3 – LOCAL GREEN SPACES

The following sites, as shown on Figure F and the site plans at Appendix 2, are designated as 'Local Green Space':

[insert LGS1-3]

These sites are thus protected from new development unless very special circumstances can be demonstrated.

10 Environment Policies

10.1 The two policies in this section of the plan seek to protect the natural environment. **Policy ENV1** seeks to protect footpaths, rights of way, cycleways, the impact of development on them and the promotion of non-car modes. To work effectively as a development management tool, to meet the Basic Conditions, I **recommend** the policy be modified slightly to read:

POLICY ENV1 - FOOTPATHS/ SUSTAINABLE TRANSPORT

1. Access to the countryside will be promoted through protection and maintenance of the existing Public Right of Way (PROW) network (see Figure H of existing PROW), its enhancement, where possible, and the safety of users of rural roads and lanes.

2. Developments that lead to the loss or degradation of any PROW, or any cycleway, will not be supported.

3. Proposals to divert PROWs or cycleways should provide clear and demonstrable benefits for the wider community.

4. New development that provide easy, accessible traffic-free routes for non-motorised users (to include pedestrians, disabled people, people with prams or baby-buggies, cyclists and where appropriate equestrians) to village facilities, parks and open spaces, and nearby countryside will be supported; and the provision of any additional routes will be supported.

5. The needs of non-motorised users (as described in para 4 above) will be taken into account in assessing the traffic implications of new development, especially in relation to their impact on rural lanes and roads. The impact of an increase in vehicle numbers from agricultural building conversions to residential or commercial use will also be taken into consideration.

Measures to be taken to ensure this may include, for example, separation of pedestrians/cyclists from vehicular traffic where possible, improvements to signage, or means of speed reduction.

10.2 **Policy ENV2** is concerned to ensure that the physical impact of constructing HS2 – temporary works on both land and highways - is mitigated by returning the affected sites to their original condition.

11 Referendum Area

11.1 Planning Practice Guidance on the Independent Examination (Paragraph: 059 Reference ID: 41-059-20140306) says:

"It may be appropriate to extend the referendum area beyond the neighbourhood area, for example where the scale or nature of the proposals in the draft neighbourhood plan or Order are such that they will have a substantial, direct and demonstrable impact beyond the neighbourhood area."

11.2 There are no specific development site allocations in the neighbourhood plan. In my view the nature and scale of what the plan proposes would not*have a substantial, direct and demonstrable impact beyond the neighbourhood area.* I therefore recommend that the Referendum Area be the same as the designated plan area.

12 Conclusions and recommendations

12.1 I can see that the Parish Council volunteers have put in a great deal of hard work into the preparation and submission of the plan and the supporting documents. The plan is well presented and clear. The plan seeks to represent the local community's concerns and aspirations, which it does well. Where it has not succeeded is in the ways I have identified earlier, mainly in relation to some poorly evidenced policies and others which are in need of clearer drafting to act as a development management tool. Consequently, some policies could fail the Basic Conditions without modification.

12.2 Overall, from my examination of the submitted Neighbourhood Plan, together with the supporting documents, including having regard to all the representations made, I have concluded that the making of the plan will meet the Basic Conditions if modified as I recommend; and that the legal requirements will also be met. I have set out my conclusions, drawn from the findings in my report, in the Summary, on page 2.

12.3 In summary, I **recommend** that the Woore Neighbourhood Plan should proceed to referendum once modified. I **recommend** that if the plan does proceed to referendum then the Referendum Area should be the same as the designated plan area.

12.4 Finally, my thanks to both Councils for their support in making the examination so smooth.

John Parmiter FRICS FRSA MRTPI

Independent Examiner

john@johnparmiter.com

www.johnparmiter.com

11 December 2018