

TATENHILL NEIGHBOURHOOD PLAN 2012 - 2031

A Report to East Staffordshire Borough Council
of the Examination into the Tatenhill Neighbourhood Plan

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

Nigel McGurk

Erimax Land, Planning and Communities

erimaxltd.com

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1. Introduction

The Neighbourhood Plan – Background

This Report provides the findings of the Examination into the Tatenhill Neighbourhood Plan (referred to as the Neighbourhood Plan) carried out during October and November 2015.

I examined a previous version of the Tatenhill Neighbourhood Plan in August 2014 (referred to as the Neighbourhood Plan 2014) and the subsequent Examiner's Report was published in September 2014.

The Examiner's Report recommended changes necessary for the plan to meet the Basic Conditions (the Basic Conditions are referred to later on in this Report). On consideration of these recommendations, Tatenhill Parish Council decided that, whilst most recommended changes could be accepted, others would be so significant as to, in the opinion of the Parish Council, potentially result in a "No" vote at Referendum.

Amongst other recommended changes, Tatenhill Parish Council was particularly concerned with the recommended deletion of Policy LC2 – Protected Green Spaces and Green Gap. Whilst its inclusion meant that the Neighbourhood Plan 2014 failed to meet the basic conditions – and so, the Neighbourhood Plan could not have progressed to Referendum whilst it included the Policy - Policy LC2 was strongly supported by members of the local community.

Choosing not to abandon the significant work undertaken and start all over again, Tatenhill Parish Council sought to work together with East Staffordshire Borough Council, in the spirit of the Localism Act (2011) and with the specific aim of achieving a positive solution, as quickly as appropriate. This resulted in the production of the Neighbourhood Plan the subject of this Examination.

By and large, this Neighbourhood Plan is the same as the Neighbourhood Plan 2014. The main differences being that it incorporates the majority of the Examiner recommendations made previously; it includes two completely revised versions of Policies LC2 and IN2 ("Highways Safety"); it includes information to support the revised Policy LC2; and it includes a small number of other changes.

The (revised) Neighbourhood Plan was submitted to East Staffordshire Borough Council and underwent a formal six week consultation period during August and September 2015. East Staffordshire Borough Council, with the agreement of Tatenhill Parish Council, then submitted the Neighbourhood Plan for examination.

This is an unusual situation. In the case of neighbourhood planning, it is my understanding that it is unprecedented. Consequently, I consider the process in more detail below.

The Neighbourhood Plan - A "Second Examination"

It is a requirement of the Town and Country Planning Act 1990¹ that the recommendations made in an Examiner's Report must be considered by the relevant local authority, which must then decide on what action to take in response to each recommendation.

If the local authority is satisfied that the Basic Conditions and any legal requirements are met as a result of modifying the neighbourhood plan in accordance with the Examiner's recommendations, then a Referendum must be held to determine whether the neighbourhood plan should be *made* (the neighbourhood planning equivalent of "adopted") by the local authority.

The Town and Country Planning Act 1990 states² that where

"the local authority propose to make a decision which differs from that recommended by the examiner, and the reason for the difference is (wholly, or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact, the authority must notify prescribed persons of their proposed decision (and the reason for it) and invite representations. If the authority consider it appropriate to do so, they may refer the issue to independent examination."

In this case, East Staffordshire Borough Council has proposed to make a decision that differs from the Examiner's recommendations and in particular, it has taken a different view from the Examiner in respect of part of the following three Policies: Policy HE1, Policy LC2 and Policy IN2. It has also taken a different view from the Examiner with regards a minor part of Policy HE5 and the content of some of the Neighbourhood Plan's supporting text.

Taking the above into account, further to changes being made to the Neighbourhood Plan 2014 East Staffordshire Borough Council decided to undertake a full, six week, submission consultation on the (revised) Neighbourhood Plan. As noted above, this was carried out during August and September 2015.

Following this consultation period, East Staffordshire Borough Council considered it appropriate to refer the (revised) Neighbourhood Plan to independent examination. Taking this and all the above into account, it appears to me that East Staffordshire Borough Council has carried out its duty with full regard to the requirements of the Town and Country Planning Act 1990, with specific regard to the paragraph highlighted above.

I also consider it relevant to point out that the approach taken by East Staffordshire Borough Council appears to sit comfortably within the spirit of the Government's approach to Localism and planning. In January 2015, when introducing a raft of

¹ Paragraph 12, Schedule 4B.

² Paragraph 13, Schedule 4B (as inserted by the Localism Act 2011).

proposals to speed up and simplify the neighbourhood planning process, Housing Minister, Brandon Lewis stated that

“...I want to see more communities making the most of the powers we’ve put in their hands. These measures will speed up the process, making it quicker and easier to get a neighbourhood plan together...”

In this light, in my view, East Staffordshire Borough Council is to be commended for what appears to be the adoption of a pro-active approach to bringing forward a neighbourhood plan without unnecessary delay, whilst at the same time, carrying out its duties with full regard to the requirements of the Town and Country Planning Act 1990.

The Setting Out of This Report

The Neighbourhood Plan has been submitted to me for examination. I confirm that I have examined it, and all relevant supporting documents, as a whole. As might be expected, this Report focuses particular attention on those changes that do not necessarily reflect the previous Examiner recommendations. In addition, as time has passed since the previous examination and planning policy – and the world of town planning - is dynamic, I have considered all aspects of the Neighbourhood Plan.

In the above regard, there have been changes to planning over the last year or so, not least as a result of new national planning policy and advice. In addition, the East Staffordshire Borough Council Local Plan was adopted during the course of this examination, on Thursday 15 October 2015. I have taken these factors into account in completing this Report.

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)

Tatenhill Parish Council is the *qualifying body* 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). The Parish Council established a working group, with the Tatenhill Parish Community Group, to lead on the production of the Neighbourhood Plan.

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 Neighbourhood Plan would be *made* by East Staffordshire Borough Council. It would then be used to determine planning applications and guide planning decisions in the Tatenhill Neighbourhood Area.

Role of the Independent Examiner

I was appointed by East Staffordshire Borough Council, with the consent of Tatenhill Parish Council, to conduct an examination and provide this Report as an Independent Examiner. As explained above, I also examined the Neighbourhood Plan 2014.

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;
- 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 Tatenhill 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 front cover of the Neighbourhood Plan clearly states that it covers the period from 2012 to 2031. I therefore confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

East Staffordshire Borough Council

In its representation to consultation (September 2015), East Staffordshire Borough Council confirmed that, in its view, the Neighbourhood Plan meets the Basic Conditions.

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 am satisfied that it was possible to complete the examination of the Tatenhill Neighbourhood Plan 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*³ 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.

EU and ECHR Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR, that it does not breach, nor is in any way incompatible with the ECHR and that it complies with the Human Rights Act 1998. There is no substantive evidence to the contrary.

Planning Practice Guidance states that where a neighbourhood plan *could* have significant effects, it *may* fall within the scope of European legislation, whereby an SEA is 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 sites as a result of the implementation of a plan or project.

A Basic Conditions Statement and an SEA Screening Report were produced for the Neighbourhood Plan 2014. These reports stated that there would be no effect on any habitats subject to the relevant Articles of the Habitats Directive. Whilst the changes between the Neighbourhood Plan 2014 and this Neighbourhood Plan do not appear so significant as to alter this (and there is no substantive evidence to the contrary), I note that the SEA Screening Report which was revised in the light of the revisions to the Neighbourhood Plan 2014, reached the same conclusion – that an SEA was not required.

During the previous examination of the Neighbourhood Plan 2014, I noted comments submitted by Natural England. In referring to European designated sites

³ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

located within the vicinity of the Neighbourhood Area, Natural England previously stated that

“...in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) there are unlikely to be significant environmental effects from the proposed plan.”

Natural England has commented upon the Neighbourhood Plan and has not raised any points that conflict with this previous view.

Natural England also previously commented that the boundary of the Neighbourhood Area is 14.5km from Cannock Chase Special Area of Conservation and that housing development that comes forward within the 15km Cannock Chase Zone of Influence should be subject to screening under the Conservation of Habitats and Species Regulations (2010).

As noted in the previous examination, there is no suggestion in the Neighbourhood Plan that housing will be built within the 15km zone and Natural England did not consider that the plan *“would result in likely significant effects on Cannock Chase SAC.”* In commenting on the Neighbourhood Plan, Natural England has provided the further comment that

“We have considered the distance between the parish and the Cannock Chase Special Area of Conservation (SAC) and have no objections to the amended policy.”

I note that the Basic Conditions Statement states that the Neighbourhood Area is *“covered by the National Forest”* but that the National Forest is not, itself, subject to Articles 6 and 7 of the European Habitats Directive.

With regards to whether or not a neighbourhood plan requires an SEA and/or a sustainability appraisal, Planning Practice Guidance is clear:

“the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.”

As stated above, East Staffordshire Borough Council considers that the Neighbourhood Plan meets the Basic Conditions. Taking this, the information before me and all of the above into account, I am satisfied that the Neighbourhood Plan does not require an SEA and that it is compatible with European obligations.

3. Background Documents and Tatenhill Neighbourhood Area

Background Documents

In undertaking this examination, I have considered a number of documents, in addition to the Tatenhill Neighbourhood Plan, including:

- The National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- East Staffordshire Local Plan (Adopted 2015) (Local Plan)
- Tatenhill Neighbourhood Plan Basic Conditions Statement
- Tatenhill Neighbourhood Plan Consultation Report
- Decision Statement by East Staffordshire Borough Council (17 August 2015)

Also:

- Representations received during the publicity period

In addition, I undertook unaccompanied site visits in the Tatenhill Neighbourhood Area, with particular reference to proposed Local Green Space.

Tatenhill Neighbourhood Area

The Tatenhill Neighbourhood Area coincides with that of the parish boundary. The first page of the Neighbourhood Plan shows a plan of the Neighbourhood Area (“Plan Boundary”).

Further to an application made by the Parish Council, East Staffordshire Borough Council approved the designation of Tatenhill as a Neighbourhood Area in December 2012.

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 will become 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.

Tatenhill Neighbourhood Plan Consultation

In the previous Examiner's Report, I considered consultation in some considerable detail. I found that the Consultation Report complied with neighbourhood planning *regulations*⁴ and that the public consultation undertaken was significant, robust and central to the production of the Neighbourhood Plan.

As above, this Neighbourhood Plan examination is somewhat unusual. Whilst a "Consultation Statement" has been submitted, this simply sets out how consultation has taken place further to receipt of the Examiner's Report for the Neighbourhood Plan 2014. In so doing, it refers to 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.

From consideration of the evidence, it appears to me that Tatenhill Parish Council worked in a positive and collaborative manner with East Staffordshire Borough Council to amend the Neighbourhood Plan 2014 with the specific aim of meeting the basic conditions. A public meeting was held, at which modifications were reviewed and opportunity was provided for comment. The results were published (in the Parish Council's Newsletter) and actions agreed "*at public meetings in June 2015.*"

Further to the above, I note that the six week consultation period undertaken during August and September 2015 provided the opportunity for interested parties, including statutory consultees, to comment upon the Neighbourhood Plan.

⁴Neighbourhood Planning (General) Regulations 2012.

5. The Neighbourhood Plan – Introductory Sections

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. However, I have also considered the introductory sections of the Neighbourhood Plan and make recommendations below. These are aimed at making it a clearer and more user-friendly document.

Introduction

Given the circumstances of this examination, I consider it inappropriate that the Neighbourhood Plan does not refer to the previous Neighbourhood Plan 2014, especially as a major part of the Introduction to the Neighbourhood Plan comprises a description of how it was prepared. This presents a good opportunity to provide clarity with regards the process undergone. I also note that the Introduction includes information that is out-dated and incorrect.

I recommend:

- **Para 1.1, change line five to “*...in general conformity with the strategic policies of the development plan and have regard to national policy and advice.*” (delete rest of paragraph)**
- **Para 1.2, delete first sentence and final sentence. Change second sentence to “*...project (one of 200 such projects supported by the government) in Summer 2012.*”**
- **Para 1.3, change start to “*Neighbourhood plans are to be...community.*” Change line two to “*...Group was to act...*”**
- **New Para after 1.3 “*This Neighbourhood Plan incorporates changes to a previous Neighbourhood Plan that underwent independent examination in 2014. These changes were made in order to meet the aims of the local community whilst ensuring that the neighbourhood planning Basic Conditions were met, in line with legislation.*”**
- **Para 1.5 change to “*...must be in general conformity with the strategic policies of the East...*”**
- **Para 1.6, line three, delete “*...held over the course of a year.*”**
- **Para 1.7, delete “*..,for more detail...Report.*”**

- Add new row to Table on page 3, with reference to the first three columns of that Table

“Revisions to previous Plan.

“Together with East Staffordshire Borough Council, changes were made to the previous Neighbourhood Plan, following publication of the Examiner’s Report. These were considered at public meetings.

“January 2015-September 2015.

- Add new row to Table on page 3, with reference to the first three columns of that Table

“Submission Consultation.

Formal six week consultation, including statutory consultees.

19/08/15 to 30/09/15.

- Delete Para 1.11

Vision and Objectives

I note that the Objectives set out on pages 7 and 8 of the Neighbourhood Plan are simply that and that they do not form Policies of the Neighbourhood Plan. With regards Objective 4, I note that the Neighbourhood Plan will not implement traffic calming measures.

In the interest of clarity, I recommend:

- Page 8, re-word *“The TDNDP should create an attractive and useable public realm...services.”*

Paragraph 4.2 is unnecessary, confusing and adds little to the Neighbourhood Plan. There is no reason, for example, why a development proposal in a village should be subject to a Policy that concerns development outside of the villages.

- Delete Paragraph 4.2

6, Neighbourhood Plan Policies

The Neighbourhood Plan clearly distinguishes between Policies and supporting text. Policies are set out in boxes, which themselves are colour-coded, depending upon which category the Policies fall into (eg Housing and Employment, Landscape and Countryside). This provides for a clear and easy to navigate document.

Further to the above, the numbering of the policies is simple. It reflects the relevant categories and adds to clarity.

Strategic Policies

For the reasons given above, I recommend:

- **Delete the first sentence of Para 5.1**

The Policies do not ensure “*that development preserves and enhances the landscape setting and local design features.*” Such a requirement would be unduly onerous and is not contained in the Policies. I recommend:

- **Para 5.3, delete “...with a strong focus...features.”**

Policy SP1 – Settlements (General Principles of Development)

Part of Policy SP1 is rather vague and could be taken to mean that any development will be supported, so long as it actively contributes to the improvement of services, infrastructure and facilities. This could result in apparent Policy support for inappropriate development. For clarity, I recommend:

- **Policy SP1, change third sentence to “*The improvement of Parish services...will be supported.*”**

Subject to the above, the Policy supports development and has regard to the Framework, which promotes sustainable growth.

Policy SP2 – Landscape Features

Policy SP2 seeks to protect those qualities of the landscape highly valued by the local community. It has regard to national policy, which seeks to protect local character and recognises the natural environment as being essential to wellbeing.

The Policy contributes to the achievement of sustainable development by protecting and enhancing the natural environment and is in general conformity with Local Plan policy SP30, which amongst other things, protects landscape character.

However, as worded, the Policy sets out requirements without providing substantive evidence to demonstrate that all such requirements are achievable. To address this, I recommend:

- **Policy SP2, change second sentence to “*Where possible and appropriate, development outside of villages should seek to achieve the following:*”**

Subject to the above, Policy SP2 meets the basic conditions.

Policy SP3 – Contextually Responsive Design (design that fits with its surroundings)

National policy recognises good design as a key aspect of sustainable development, indivisible from good planning. Together, the Framework and Local Plan policy SP24 seek to encourage high quality design and to protect local character.

Policy SP3 builds upon a previously prepared Parish Design Statement (2012) and establishes design policy for the Neighbourhood Area. It provides for quality development, distinctive to the Neighbourhood Area and in this way, it meets the Basic Conditions.

Policy SP4 – Sustainability and Climate Change

Policy SP4 seeks to encourage sustainable development. It has regard to national policy and meets the basic conditions.

Housing and Employment (HE) Policy

I note above the position with regards the East Staffordshire Local Plan. Given this, I recommend:

Para 6.2, delete “...emerging...”

Policy HE1 – Parish Housing Strategy

Policy HE1 supports the development of “approximately 25 dwellings.” It goes on to require an “approximate” approach to the distribution of dwellings around the Neighbourhood Area.

The Framework, in establishing a presumption in favour of sustainable development, states that plans should meet objectively identified needs, with sufficient flexibility to adapt to rapid change. It recognises that sustainable development is about *positive growth*.

By use of the phrase “approximately,” I consider that Policy HE1 provides for flexibility whilst adopting a pro-active and supportive approach to sustainable growth. It does not unduly restrict or limit development from coming forward, but provides for some degree of certainty by identifying broad locations for sites. Furthermore, I find that the approach will not undermine local character and there is no evidence to demonstrate otherwise. Consequently, the Policy enables the Neighbourhood Plan to provide for sustainable growth in an appropriately flexible manner.

The final sentence of the policy states that applications for the development of more than 6 dwellings in Rangemore and for 6 dwellings in Tatenhill will not be permitted. This approach takes into account the size of the settlements and local character, and is intended to reflect the community aspiration to prevent the development of “large blocks” or areas of land for housing. Whilst the overall approach has regard to national policy, and is in general conformity with Local Plan policy SP24, in that it seeks to protect local character, it provides no substantive evidence for treating Tatenhill differently to Rangemore.

National policy is clear in its support for sustainable growth and the efficient use of land and for clarity, I recommend:

- **Change the final sentence of Policy HE1 to “*Applications for more than 6 dwellings in Tatenhill and Rangemore villages will not be supported.*”**

Paragraph 6.9 refers to overall housing targets. The Neighbourhood Plan identifies broad locations but does not set any housing targets. I recommend:

- **Para 6.9, delete “...but should be counted towards overall housing targets.”**

Subject to the modifications proposed, Policy HE1 has regard to national policy, is in general conformity with adopted local strategic policy and contributes to the achievement of sustainable development. It meets the Basic Conditions.

Policy HE2 – Local Housing Needs

Policy HE2 is a supportive Policy that recognises local needs identified through the plan-making process and supports development that meets these needs. The Policy has regard to the Framework, which empowers local communities to bring forward the sustainable development they need and meets the Basic Conditions.

The final sentence of policy HE2 simply refers to the provisions of another document not under the control of the Neighbourhood Plan. Consequently, Policy HE2 does not, itself, set out planning policy. Whilst I note that the reference provides some guidance with regards affordable housing, I consider that this is a matter sufficiently dealt with by the supporting text.

In addition, I consider it sufficient to simply refer to the Local Plan, rather than to seek to summarise affordable housing requirements in the Neighbourhood Plan. I recommend:

- **Policy HE2, delete final paragraph**
- **Para 6.11, delete “...with a target...balanced community.” (For clarity, end the paragraph at “current Local Plan.”)**

Policy HE3 - Employment and Retail

This policy is supportive of development that supports the vitality and viability of village centres and restricts retail uses away from villages. This has regard to national policy and is in general conformity with Local Plan policy SP21.

Policy HE4 – Tatenhill Airfield

Policy HE5 supports economic growth. It is in general conformity with Local Plan policy SP14, which allows for the assessment of development proposals against various factors including environmental impacts and economic/employment advantages, and it contributes towards the achievement of sustainable development.

By reference to uses that will be “particularly” supported, the Neighbourhood Plan encourages high tech engineering and aerospace related development. This is a

locally distinctive, pro-active approach that contributes to the achievement of sustainable development.

Policy HE4 meets the Basic Conditions.

Recreation and Tourism (RT) Policies

The policies in this section reflect the high value placed by the local community on sport and recreation within the Neighbourhood Area, and recognise opportunities for tourism.

Policy RT1 – Footpaths/Bridleways/Cycle paths

Policy RT1 seeks to support the improvement of existing and provision of new footpath and cycle connections. This has regard to the Framework, which promotes walking and cycling and supports development that seeks to improve health and wellbeing. To prevent the Policy from inadvertently supporting inappropriate development, I recommend:

- **Policy RT1, change first line to “*the improvement of footpath and cycle connections within the Parish will be supported.*”**

Policy RT2 – Designated Trails (Gyms, Heritage)

Policy RT2 supports the improvement of existing and the creation of new, recreational routes and trails and like Policy RT1, the Policy meets the Basic Conditions.

However, an objection has been received that points out that one of the designated trails shown on the Proposals Map comprises private land and is, therefore, incorrectly included.

Whilst I note later that, visually, the Proposals Maps are of poor quality, it is still essential that all of the information shown on them is correct. If the Proposals Map is showing private land that does not benefit from public access as a designated trail, then this must be removed.

- **Analyse the Proposals Maps and ensure that all information is entirely accurate. Remove any inaccuracies.**

Policy RT3 – Recreation and Sports Pitches

This Policy supports the protection of existing recreation and sports facilities. The policy is in general conformity with Local Plan policy SP32, which, amongst other things, seeks to prevent the undue loss of sports pitches and related facilities.

Policy RT3 goes on to support development that helps deliver play facilities in Tatenhill. This has regard to national policy, which promotes health and well-being. Policy RT3 meets the Basic Conditions.

Policy RT4 – Tourism and Visitor Assets

This Policy seeks to support the protection and enhancement of existing tourism assets. In line with previous recommendations, with the aim of providing for clarity, I recommend:

- ***Policy RT4, change to “The preservation and/or enhancement of existing tourism...and cycling will be supported.”***

Taking the above into account, Policy RT4 has regard to the Framework, which promotes tourism and meets the Basic Conditions.

Landscape and Countryside (LC) Policies

The second sentence of Paragraph 8.2 is incorrect. There is no evidence to demonstrate that national or local planning policy requires local character to be enhanced. This would be an onerous requirement that may not be relevant, or achievable, in all circumstances. Consequently, ensuring that this occurs does not have regard to national policy, nor is it in general conformity with the strategic policies of the development plan. I recommend:

- **Para 8.2, delete second sentence**

Policy LC1 – Key Views and Vistas

Policy LC1 requires all new development to protect and/or to enhance key views, vistas and gateways. This has regard to national policy and is in general conformity with adopted strategic local policy, which, together, protect local character.

There is no policy requirement for development to enhance Conservation Areas and Paragraph 8.4 should therefore reflect this. I recommend:

- **Para 8.4, line 3, change to “*and/or enhancing*”**

Subject to the above modifications, Policy LC1 contributes towards the achievement of sustainable development and meets the Basic Conditions.

Policy LC2 – Local Green Spaces

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.” (Para 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.

Policy LC2 seeks to designate “Local Green Spaces.” It refers to these as being shown on the accompanying proposals map. The Proposals Maps do not form part of the Neighbourhood Plan, but have been included as Appendices. This is inappropriate – especially where the Maps include designated areas of land.

Further to the above, the quality of the Proposals Maps is very poor. They are difficult to read, they do not show boundaries in any great detail and they lack general detail. In short, they are inappropriate for inclusion in a Neighbourhood Plan. With specific regard to the designation of Local Green Space, it is essential that each Local Green Space is identified in such detail that all boundaries are clearly visible at a legible scale.

For the reasons given above, I recommend below that a new series of Proposals Maps are produced, using an Ordnance Survey base and that these are included within the Neighbourhood Plan itself, rather than as Appendices to it.

The final paragraph of Policy LC2 does not accurately reflect Local Green Space policy, as set out in the Framework. Rather than have regard to the Framework, it seeks to introduce a new approach to Local Green Space. No evidence has been provided to support such a significantly different approach to that set out in the Framework and Policy LC2 fails to meet the basic conditions in this regard.

The supporting text provides a disjointed summary of Green Belt policy. This is neither helpful nor necessary, but adds much confusion.

Policy LC2 seeks to designate six areas of Local Green Space. These are listed in the Policy but are not individually identified with any clarity on the Proposals Maps. This is inappropriate. Not least given the importance of the designation, each Local Green Space should be clearly labelled.

Policy LC2 goes on to refer to “*these green spaces.*” This fails to have regard to national policy. The Framework, in paragraphs 76 to 78, refers to the ability of local communities to designate “Local Green Space,” rather than “green spaces” in general.

Appendix 4 is entitled “Local Green Space Justification Table.” This appendix sets out why, in the opinion of Tatenhill Parish Council, the proposed areas of Local Green Space meet the requirements of the Framework.

Three areas of Local Green Space are proposed for Rangemore. The Recreation Area/Bowling Green is demonstrably special to the local community because of its recreational value. Land to the south of the Church and School, and land to the rear of Rangemore Club comprise two sites demonstrably special to the local community

largely because of their historic significance. All three sites are in close proximity to the community they serve and comprise land that is local in character and not extensive.

Land to the south of Cedars, Tatenhill and land opposite The Old Rectory, Tatenhill comprise sites demonstrably special to the local community largely because of their historic significance. The two areas of land are in close proximity to the community they serve and comprise land that is local in character and not extensive.

The two remaining sites comprise land to the north and south of Branston Road, Tatenhill. The sites are immediately adjacent to one another, separated by Branston Road. The smaller of the two sites, to the south of Branston Road, comprises 4.3 hectares. Relative to the size of Tatenhill village, this is a very large site.

By way of example, Policy H1 of the Neighbourhood Plan refers to the delivery of approximately 25 dwellings during the plan period. At a suburban average of 30 dwellings per hectare, all of these dwellings would fit on to less than one third of the site to the north of Branston Road. Furthermore, during my site visit, I estimated that the site was the size of at least five full size football pitches and that the majority of the urban area of Tatenhill village would fit within it.

Taking all of the above into account, it is my view that, relative to the Neighbourhood Area, the proposed Local Green Space to the south of Branston Road comprises an extensive tract of land. Consequently, its designation fails to meet all of the tests set out in the Framework and does not meet the basic conditions.

The proposed Local Green Space to the north of Branston Road is more than twice as large as that to the south. There is no doubt whatsoever that this is an extensive tract of land. In addition, it is located some considerable distance away from the community that it “serves.” The proposed designation of land to the north of Branston Road fails to meet all of the tests set out in the Framework and does not meet the basic conditions.

Whilst for the reasons given above, the designation of these two sites fails to meet the basic conditions, I am also concerned with the reasoning behind the “justification” for the proposed designation of these two sites.

National policy is unambiguous in establishing that the Local Green Space designation will not be appropriate for most green areas or open space. Much of the case for both sites being demonstrably special to the local community appears to be founded on the land being undeveloped and providing a “buffer” to the nearby settlement of Burton on Trent. Indeed, the justification refers specifically to “visual separation.” However, the land is not unique in this regard, as there are many hectares that “visually separate” Tatenhill from Burton.

Furthermore, the Framework provides specific examples of why a site might hold a particular local significance – because of its beauty, historic significance, recreational

value, tranquillity or richness of its wildlife. There is no compelling evidence to demonstrate particular local significance for either site in any of these respects. Whilst I note that some information relating to local history has been presented, much of this could relate to many parts of the wider area and I note that Historic England, the body responsible for the protection of England's heritage assets, has not provided any substantive evidence in support of the proposed designation.

Taking the above into account, there is little in the way of compelling evidence to demonstrate that land to the north and south of Burton Road is, in the context of the Framework, demonstrably special and locally significant.

For all of the reasons set out above, the proposed designation of the two sites as Local Green Space does not meet the basic conditions.

I acknowledge that many members of the local community wish to prevent future development on these two sites. However, this is not a factor that means that the sites pass the necessary tests set out in the Framework.

Taking the above into account, I recommend:

- **Change title of Policy LC2 to “*Local Green Space*”**
- **Produce new Local Green Space Proposals Maps. These should be on an Ordnance Survey base and show the boundaries of the Local Green Space designations in clear detail. Each Local Green Space should be clearly labelled.**
- **Move the Proposals Map from the Appendices into the body of the Neighbourhood Plan. This Map includes the boundary of the Neighbourhood Area and it is important that this is included within the Neighbourhood Plan.**
- **Policy LC2, change first paragraph to “*The following areas of land are designated as Local Green Space: (delete second sentence, which is unnecessary)*”**
- **Delete the fourth and fifth bullet points. For clarity, the land to the north and south of Branston Road is not designated as Local Green Space**
- **Delete final paragraph and replace with “*Within Local Green Space, development is ruled out other than in very special circumstances.*”**
- **Remove Appendix 4 from the Neighbourhood Plan. Delete Paragraphs 8.7, 8.8, 8.9 and the last sentence of Paragraph 8.10.**

Subject to the above, Policy LC2 meets the basic conditions.

Policy LC3 – National Forest and Green and Blue Infrastructure

Policy LC3 is supportive of development that meets the aims of the National Forest. It contributes to the achievement of sustainable development and meets the basic conditions.

Design and Conservation (DC) Policies

Policy DC1 – Design in Conservation Areas

Policy DC1 aspires to high quality design. This has regard to national policy, which recognises good design as integral to sustainable development.

Policy DC2 – Front Boundaries

The intent of Policy DC2 is to protect local character. This is in general conformity with adopted local strategic policy and has regard to national policy.

Infrastructure (IN) Policies

Policy IN1 – Community Buildings

Policy IN1 supports mixed use development and the diversification of community buildings and land. This has regard to national policy, which supports sustainable growth.

Policy IN2 – Highway Safety

The opening paragraph of Policy IN2 comprises a positive approach to land use planning. It has regard to national policy and to the strategic policies of the East Staffordshire Local Plan, which together seek to ensure that development provides for a safe environment. The wording of this paragraph can be tightened through the recommendation below.

No indication is provided with regards what *“calming measures and landscape designs which define settlements”* actually means. Consequently, this part of the Policy does not provide decision makers with a clear indication of how to react to a development proposal.

The last paragraph, as worded, is vague. It refers to *“these works”* but no specific works have been identified. No indication is provided as to what *“appropriate contributions”* might be and it is entirely unclear how the Neighbourhood Plan will appropriately seek contributions from development outside the Parish. Furthermore, there is no detailed information to demonstrate how the potential impact of development inside and outside the Parish to *“increase traffic flows”* along every route and junction within the Parish will be measured, including for example, what criteria will be used to establish negative impacts.

In addition, I note that, grammatically, the final paragraph is ambiguously worded - it suggests traffic calming measures being *“negatively impacted,”* rather than routes and junctions.

Taking all of the above into account, I recommend

- **Policy IN2, change first sentence to *“Improvements to highway safety within the parish...Rangemore School, will be supported.”***
- **Re-word the second and third paragraphs of Policy IN2 *“Proposals for traffic calming measures which improve highway safety will be supported. Developer contributions, including the use of the Parish receipts from CIL, may be sought for appropriate traffic calming measures from developments which are likely to significantly increase traffic on routes where there are highway safety problems.”***

Policy IN3 – Public Realm in Villages

Policy IN3 seeks to preserve the public realm and supports development that enhances the public realm. This has regard to national policy, which protects local character.

7. Neighbourhood Plan – Other Matters

The Neighbourhood Plan includes four appendices, including the Proposals Maps and a Glossary. I recommend above that Appendix 3 be removed and that plans be included within the Neighbourhood Plan itself; and that Appendix 4 be deleted.

Part of Appendix 1 reads as though it were a Policy, which it is not. I recommend:

- **Delete last sentence of Appendix 1 ("The Parish...this list.")**

8. Summary

There has been a sustained community effort to revise the Tatenhill Neighbourhood Plan in order to meet the Basic Conditions. It is a document that reflects the hard work and commitment of many people.

I have recommended a number of modifications to the Neighbourhood Plan. Subject to these recommended modifications, the Tatenhill 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.

Consequently, the Tatenhill Neighbourhood Plan meets the Basic Conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

I recommend to East Staffordshire Borough Council that, subject to the modifications proposed, the **Tatenhill 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 Tatenhill Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Tatenhill Neighbourhood Area as approved by East Staffordshire Borough Council in December 2012.

Nigel McGurk, November 2015
Erimax – Land, Planning and Communities

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