

# **Newborough Parish Neighbourhood Plan 2012-2031**

**A report to East Staffordshire District Council on the  
Newborough Parish Neighbourhood Plan**

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## **Executive Summary**

- 1 I was appointed by East Staffordshire District Council in May 2016 to carry out the independent examination of the Newborough Parish Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 18 June 2016.
- 3 The Plan proposes a range of policies and seeks to bring forward positive and sustainable development in the plan area. It is distinctive to its historic character, its limited size and rural nature. It includes very specific policies to guide new development in general and residential development in particular.
- 4 The Plan has been significantly underpinned by community support and engagement. It seeks to achieve sustainable development in the plan area and which reflects the range of social, environmental and economic issues that it has identified.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Newborough Parish Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

**Andrew Ashcroft**  
**Independent Examiner**  
**21 June 2016**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Newborough Parish Neighbourhood Plan 2012-2031 (NPNP).
- 1.2 The Plan has been submitted to East Staffordshire District Council (ESBC) by Newborough Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the NPNP is legally compliant and meets the Basic Conditions that apply to neighbourhood plans. It also considers the content of the plan and, where necessary, recommends changes to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the NPNP should proceed to referendum. If this is the case and that referendum results in a positive outcome the NPNP would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

## **2 The Role of the Independent Examiner**

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by ESBC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both ESBC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles I have over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute.

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the NPNP is submitted to a referendum; or
  - (b) that the NPNP should proceed to referendum as modified (based on my recommendations); or
  - (c) that the NPNP does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

### *The Basic Conditions*

- 2.5 As part of this process I must consider whether the submitted NPNP meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the 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; and
  - be in general conformity with the strategic policies of the development plan in the area; and
  - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted NPNP against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.9 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations the Parish Council undertook a Strategic Environmental Assessment exercise. This exercise was supported by separate work by ESBC. This process was followed to determine whether or not the NPNP would require a Strategic Environmental Assessment (SEA) and/or a Habitats Regulations Assessment (HRA). Following an

analysis of likely significant effects both the Parish Council and ESBC considered that the NPNP was unlikely to have any significant effects on the environment. It therefore determined that a strategic environmental assessment of the NPNP was not required. Appropriate consultation was undertaken with all three statutory bodies.

- 2.7 ESDC also used the analysis of likely significant effects to consider whether the NPNP would be likely to give rise to significant environmental effects on European designated sites. Following this analysis, it was concluded that the NPNP was unlikely to have significant effects on European Designated Sites. As such the NPNP was screened out from any requirement for further assessment under the Habitat Regulations.
- 2.8 Having reviewed the information provided to me as part of the examination I am satisfied that a thorough, comprehensive and proportionate process has been undertaken in accordance with the various regulations. The information provided is succinct and proportionate to the NPNP. The whole process provides confidence both in general and in terms of the liaison and responses as part of the consultation process in particular. None of the statutory consultees have suggested that any further environmental work is required. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted NPNP is compatible with this aspect of European obligations.
- 2.9 In a similar fashion I am satisfied that the submitted NPNP has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis I conclude that the submitted NPNP does not breach, nor is in any way incompatible with the ECHR.

#### *Other examination matters*

- 2.10 In examining the NPNP I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (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); and
  - the 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.
- 2.11 Having addressed the matters identified in paragraph 2.10 of this report I am satisfied that all of the points have been met subject to the contents of this report.

### **3 Procedural Matters**

3.1 In undertaking this examination I have considered the following documents:

- the submitted NPNP.
- the NPNP Basic Conditions Statement.
- the NPNP Consultation Statement (and its appendices)
- the representations made to the NPNP.
- the adopted East Staffordshire Local Plan 2015
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- recent Ministerial Statements (March, May and June 2015).

3.2 I carried out an unaccompanied visit to the Plan area on 18 June 2016. I looked at the overall character and appearance of the Plan area and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.14 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the NPNP could be examined without the need for a public hearing. I advised ESBC of this decision early in the examination process.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This statement is thorough, comprehensive and professionally-prepared. It is supported by an extensive range of information which provides a very significant level of detail. It also provides specific details on the consultation process that took place on the draft version of the Plan. These details (its Section 14) set out how the emerging plan took account of the various comments and representations. The Plan itself also helpfully summarises the community consultation events from February 2014 to November 2015
- 4.3 The Statement also sets out details of the wider consultation process that has been carried out as part the evolution of the Plan. Details are provided on:
- the various workshops
  - the extensive range of surveys, questionnaires and consultations that were employed to generate the evidence base
  - the Six Hats Thinking exercise
  - the engagement with school children and the Cool Wall
- 4.4 It is clear to me that consultation has fundamentally underpinned the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. Consultation and feedback has been at the heart of the Plan throughout the various stages of its production. Many of the engagement techniques have been particularly innovative.
- 4.5 Section 14 of the Consultation Statement have been particularly informative to my examination of the Plan. It sets out how the Plan evolved between the pre-submission and submission phases. The positive approach that was taken in responding to the earlier comments is reflected in the nature of the representations received to the submitted plan (see 4.7 below) and their generally positive nature.
- 4.6 From all the evidence provided to me as part of the examination, I can see that the NPNP has promoted an inclusive and comprehensive approach to seeking the opinions of all concerned throughout the process. ESBC is satisfied that the consultation process was of an appropriate nature.

*Consultation on the submission Plan*

4.7 Consultation on the submitted plan was undertaken by the District Council for a six-week period and which ended on 27 May 2016. This exercise generated comments from the following persons or organisations:

- Mike O’Connell
- Noreen O’Connell
- Andrew Clay
- National Grid
- ESBC
- Bethan Waite
- Phil Spencer
- Shirley Daley
- Staffordshire County Council
- Coal Authority
- Environment Agency
- Carl Bullingham
- Staffordshire County Council Flood Risk Team
- June Bullingham
- E.J. Hall
- Guy Harte
- Mrs B.I Skippers
- Newborough Parish Council
- Sarah Skippers
- David Jefferies
- Ron Skippers
- The National Forest
- Harry Skippers
- RJ and JM Rushton
- A Nelson
- Rosemary Jeffries
- Jackie Beeston
- Margaret Beeston
- Tracey Harte
- Corrine and John Blackmore
- Lee Mainwaring
- Karen Mainwaring
- David Williams

## **5 The Plan Area and the Development Plan Context**

### *The Plan Area*

- 5.1 The Plan area covers the whole of the parish of Newborough. It was formally designated as a neighbourhood area on 29 November 2012.
- 5.2 The Plan area is located in the eastern part of the East Staffordshire Borough Council area. The parish is located approximately seven miles to the west of Burton upon Trent and six miles to the south of Uttoxeter
- 5.3 The Plan area is predominantly rural in character. As the Plan indicates the area is characterised by a rolling plateau landscape. It is used for mixed farming in a semi-regular pattern of hedged fields and scattered native broadleaf woodlands. Part of the parish is covered by National Forest designation. At its heart is the compact and attractive village of Newborough. Its built form comprises of red brick farm houses, farmsteads and scattered cottages. This distinctive pattern has generated very specific and distinctive planning policies.

### *Development Plan Context*

- 5.4 The development plan context is comprehensive and has provided a clear framework for the preparation of the neighbourhood plan.
- 5.5 The East Staffordshire Local Plan was adopted in October 2015. The Plan provides an up to date context against which the NPNP can be assessed as one of the basic conditions.
- 5.6 Strategic Policy 2 of the Local Plan establishes a settlement hierarchy in the Borough. Newborough is classified as a Tier 3 Small Village. Tier 3 Small Villages and other settlements (without settlement boundaries) and employment areas without boundaries are treated as open countryside where development will be permitted only in exceptional circumstances as set out in Policy NP1 and Strategic Policies 8, 14, 15, 18, 20 and 21.
- 5.7 Tier 3 Small Villages have not been given settlement boundaries because of their size and lack of facilities. No site allocations are made but there is an overall development allowance for all Tier 3 villages. This will be achieved through development under the housing Exceptions Site policy which will permit development of a handful of new properties in a village over the Local Plan period or through the Neighbourhood Plan process.
- 5.8 Neighbourhood Policy 1 identifies the policies in the plan that are strategic policies for the purpose of neighbourhood planning. This is good practice. It is clear that the Local Plan has been designed to assist the roll out of the comprehensive neighbourhood planning agenda in the Borough. The policy identifies that for the purposes of meeting the basic conditions in the neighbourhood plan agenda, East

Staffordshire Borough Council consider the following Local Plan policies to be strategic:

- P1 Principle of Sustainable Development
- SP1 East Staffordshire Approach to Sustainable Development
- SP2 Settlement Hierarchy
- SP3 Provision of Homes and Jobs 2012-2031
- SP4 Distribution of Housing Growth 2012 - 2031
- SP5 Distribution of Employment Growth 2012 – 2031
- SP8 Development outside Settlement Boundaries
- SP13 Burton and Uttoxeter Existing Employment Land Policy
- SP14 Rural Economy
- SP16 Meeting Housing Needs
- SP17 Affordable Housing
- SP18 Residential Development on Exception Sites
- SP20 Town and Local Centres Hierarchy
- SP32 Outdoor sports and Open Space

In addition, Neighbourhood Policy 1 sets out an expectation that all Neighbourhood Plans should include proposals for monitoring the policies in the plan. Should monitoring indicate that the development is not coming forward as envisaged in the Neighbourhood Plan action will be taken by the Borough Council to bring forward sites through a Development Plan Document in accordance with Policy SP6.

#### *Site Visit*

- 5.9 I carried out an unaccompanied visit to the Plan area on 18 June 2016. When I arrived the area around the pub and the church was bustling with both local residents and visitors to watch the Aviva Women's Tour 2016 Stage 4 pass through the village. This brought an unexpected interest to the site visit. There was particular local support for Lizzie Armitstead.
- 5.10 Once normality had resumed I walked to the western end of Yoxall Road and up to its junction with Dark Lane. I saw the identified limit of linear development as set out on the proposals map. I also saw the difference in character and appearance between the two sides of Yoxall Road.
- 5.11 I then walked along Hollybush Road to the northern outskirts of the village. In doing so I saw the limit to linear development at the River Swarbourn.
- 5.12 I then looked at the centre of the village and that part identified on the proposals map as a focus for public realm improvements.
- 5.13 As I walked around the village I looked in turn at the four proposed local green spaces. They were all beautifully-maintained. They are precisely the type of green spaces that the authors of the NPPF must have had in mind in 2012.

5.14 I then drove around the other principal roads in the neighbourhood plan area to understand its wider setting.

## **6 The Neighbourhood Plan as a whole**

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and concise document.

6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.9 of this report have already addressed the issue of conformity with European Union legislation.

### *National Planning Policies and Guidance*

6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.

6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Newborough Parish Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Local Plan.
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities.
- proactively driving and supporting economic development to deliver homes, businesses and industrial units and infrastructure.

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the ministerial statements of March, May and June 2015.

6.7 Having considered all the evidence and representations available as part of the examination, and having read the Basic Conditions Statement I am satisfied that the NPNP has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area and promotes sustainable growth. At its heart are a suite of policies that set out to implement the strategic

approach included in the adopted local plan whilst respecting the very distinctive landscape and heritage of the Plan area.

6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.

6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted NPNP has set out to achieve sustainable development in the plan area. In the economic dimension the Plan includes policies for new business development of an appropriate scale and size (HE1). It also promotes sensitive housing development (HE2/3). In the social role it includes a policy to protect community facilities and to encourage new facilities to come forward (CF1). In the environmental dimension the Plan positively seeks to protect the natural, built and historic environment of the parish. In particular, it includes detailed policies on design (SP4), open spaces (CF2) and the National Forest (CF3).

*General conformity with the strategic policies in the development plan*

6.11 I have already commented in detail on the development plan context in the East Staffordshire Borough area in paragraphs 5.4 to 5.8 of this report.

6.12 I consider that the submitted NPNP delivers a local dimension to this strategic context and supplements the detail already included in the adopted Local Plan. It is clear that the authors of the NPNP have set out to produce a Plan that develops the strategic dimension into local action. This is best practice.

## **7 The Neighbourhood Plan policies**

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is thorough and distinctive to the Plan area. Other than to ensure compliance with national guidance I do not propose that major elements of the Plan are removed or that new sections are included. The wider community and the parish council have spent considerable time and energy in identifying the issues and objectives that they wish to be included in their Plan. This gets to the heart of the localism agenda.
- 7.4 In some cases I have recommended that elements of policies that are more aspirational and not land use based are repositioned into the supporting text of the Plan. This approach directly reflects Planning Practice Guidance (41-004-20140306) which indicates that neighbourhood plans must address the development and use of land. The same paragraph identifies that the neighbourhood planning process can inspire local people to consider ways to improve their neighbourhood other than through the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. In some cases, there are overlaps between the different policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *Sections 1 to 4 of the Plan*

- 7.8 These introductory elements of the Plan set the scene for the range of policies. They do so in a concise and proportionate way. The Plan is well-presented and arranged.
- 7.9 The Introduction to the Plan provides a very clear context to the role and purpose of neighbourhood planning and the designation of the neighbourhood planning area. It also sets out a good summary of the history of the Plan's preparation and the associated consultation process. Section 2 sets out the background to the Parish and how it provides a context to current development and future planning. It sets out helpful information about the population of the Plan area, its social and economic profile, its landscape and its heritage and historic built environment. Section 3 then

sets out the Vision and Objectives for the Plan. They are both appropriate and distinctive to the Plan area. Section 4 helpfully relates the Plan policies to the eight objectives. This is particularly helpful and informative.

- 7.10 These introductory sections provide assurance that the NPNP has been prepared and submitted in a professional way. The policies have been developed in an iterative fashion and are the outcome of proper research and the assessment of available information.

#### *Policies in General*

- 7.11 The Plan policies are helpfully set out in four major blocks as follows:

- Strategic policy
- Housing and Employment
- Community Facilities
- Transport and Access

The presentation of the Plan makes a clear contrast between the policies themselves and the supporting text. This will ensure that decision-makers have clarity on the policies in the NPNP. In appropriate circumstances the policies are criteria-based

#### SP1 - Sustainable Development

- 7.12 This and other strategic policies are designed to affect the outcome of all planning applications in the Plan area. This policy sets out to define the factors against which planning applications will be assessed in terms of their delivery of sustainable development. To that extent it has the ability to be a strong and effective land use policy.

- 7.13 However as set out in the submitted Plan the policy does not provide the clarity required by the NPPF. Its language does not identify what will and will not receive planning permission. In addition, the various criteria and factors are written in different styles and which make the policy difficult to follow.

- 7.14 To address these matters I recommend a series of linked modifications below. In doing so I also include technical comments made by the Environment Agency to the submitted Plan. This will ensure that the Plan meets the basic condition to have regard to national policy.

#### **Modify policy to read:**

**In determining the acceptability or otherwise of planning applications the extent to which the proposed development addresses the following points, where relevant, will be used to guide the delivery of sustainable development:**

- **Residential and business.....village; and**
- **Development introduces appropriate highways improvements or other identified measures to accommodate increased traffic flows; and**

- **Appropriate communications.....developments; and**
- **The resulting development would not increase.... flood risk areas and takes account of the predicted impact of climate change; and**
- **The resulting development preserves or enhances the local.... species; and**
- **The resulting development would be of an appropriate design...setting; and**
- **The resulting development would be accessible.... public transport; and**
- **The resulting development would restore and enhance.... Newborough.**

SP2 - River Management and Flood Risk

- 7.15 This policy and its supporting text is particularly detailed and technical. Its design reflects recent flooding incidents and associated inconvenience. It addresses surface water runoff, sustainable urban drainage systems, enhancement of areas along the River Swanbourn and the introduction of Natural Flood Management principles. It has attracted technical representations from the Environment Agency and Staffordshire County Council. Plainly this is a specific and distinctive policy.
- 7.16 As set out in the submitted Plan the policy is unclear in certain respects. In some sections its language applies to all new development. As such this would cause the decision-maker to apply its contents to every planning application within the plan area irrespective of its scale or impact on surface water run-off and flood risk. I address this in my recommended modifications by applying the policy tests to developments that arise from the implementation of policies HE1 and HE3 – these policies will deliver any significant development that may arise within the plan area.
- 7.17 I also recommend the use of policy wording rather than the various use of words and expressions such as ‘must consider’, ‘should be utilised’ and ‘should be delivered’. This will provide the clarity required by the NPPF. In addition, I also recommend that supporting text type language is repositioned into the explanatory text that follows the policy itself.

**Recommended modifications:**

**Combine the first and second paragraphs to read:**

**New housing and employment development proposed pursuant to policies HE1 and HE3 of this Plan will be expected to be designed in a way that will minimise its impact on surface water run-off and flooding of rivers and watercourses. Such new developments will also be expected to demonstrate no exacerbation in the overall levels of surface water runoff through the use of Sustainable Urban Drainage Systems.**

**Delete the (existing) third paragraph of the policy.**

**Replace the fourth paragraph of the policy with the following:**

**Proposals that will result in enhancement of publicly-accessible areas along the River Swarbourn and in community-led projects that will improve the wider use of the river will be supported.**

**Delete final paragraph of the policy.**

*Delete second and third sentences of paragraph 5.10. Insert the (existing) third paragraph of the policy at this point*

*Modify paragraph 5.11 to start: There are opportunities to introduce Natural Flood Management....*

*Insert the final paragraph of the policy at the end of the modified paragraph 5.11.*

SP3 – Communications Infrastructure

- 7.18 This policy recognises the importance of a good broadband and mobile phone signal to the sustainability of the parish. It sets out to support developments that would improve communications infrastructure whilst respecting the quality of the environment in the Plan area.
- 7.19 The policy is entirely appropriate in the Plan area. However as drafted it includes both policy wording and supporting text. I recommend below that the supporting text elements should be repositioned accordingly (5.14 to 5.16).
- 7.20 I also recommend a modification to the second part of the policy so that it is clear that the policy relates to the exercise of the development management function.

**Recommended modification:**

**Delete second sentence of the first part of the policy**

**Modify second part of the policy to read:**

**The impact of communications infrastructure.... distance views will be carefully assessed as part of the determination of planning applications. Schemes which are highly visible or prominent from the conservation area or from key viewpoints as shown on the proposals map will not be supported.**

**Delete second sentence of the third part of the policy**

*Insert the second sentence of the third part of the policy as supporting text at the end of paragraph 5.16*

SP4 – Heritage and Design

- 7.21 This is an important policy in the context of the wider Plan. It sets out to promote high quality design and to preserve or enhance the conservation area, the setting of scheduled ancient monuments and listed buildings.
- 7.22 As with other policies there is an overlap between policy and supporting text wording. I reflect this in my recommended modifications. They also include modifications to ensure that the language used in part of the policy reflects national policy and to

clarify the application of the Traditional Farmsteads supplementary planning document both generally, and to Strategic Policy 14 of the Local Plan.

**Modify policy to read:**

**New development will be required to promote high quality design and offer a positive, contextually responsive contribution to the parish's historic built environment and its specific heritage assets.**

**New development will be expected to preserve or enhance the character or appearance of the conservation area, the fabric and setting of Scheduled Ancient Monuments, and listed buildings. Planning applications will be expected to address the interaction between the .... Renewable Energy.**

**Planning applications for the conversion and adaptation of traditional farmsteads for residential or employment use will be expected to demonstrate how they have taken account of the guidance on Traditional Farmsteads in East Staffordshire supplementary planning document (March 2011). Proposals that do not respond positively to this guidance or which would result in harm to the character or appearance of any farmstead will not be supported.**

**New development will be expected to respect the dark skies in the Plan area. Proposals that generate additional and insensitive light pollution will not be supported.**

**New development will be expected to take account of known surface and sub surface archaeology and ensure that other potentially significant deposits are identified and appropriately safeguarded during development.**

*Insert final sentence of the fifth part of the policy (as set out in the submitted plan) as supporting text at end of para 5.18.*

**HE1 – Employment**

- 7.23 This policy sets out a positive basis against which proposals for new employment development will be assessed. At its heart is an ambition to provide employment opportunities in the plan area. As the Plan comments many persons living in the neighbourhood area have to travel elsewhere for employment. The policy is well-crafted and is distinctive to the Plan area.
- 7.24 There is a degree of uncertainty in two parts of the policy. The first is the comment that larger employment schemes are unlikely to be acceptable. I have recommended a modification to this part of the policy so that there is a clearer distinction between what will and will not be acceptable in planning terms. The second is the element of the policy that addresses working from home. I recommend that it is re-fashioned so that it more precisely offers support for working from home proposals. This will

ensure that it relates properly to the reasoning set out in paragraph 6.7 of the explanatory text.

- 7.25 I have included these two elements into my recommended modifications below. As modified the policy will provide a strong and robust basis against which to assess employment-related proposals. It is at the heart of the Plan's contribution to the economic dimension of sustainable development.

**Replace the second sentence of the first part of the policy with the following:**

**Larger employment proposals will not be supported unless they can demonstrate a specific locational or operational need and comply with other development plan policies**

**Replace the fourth paragraph of the policy with the following:**

**Proposals for home working will be supported where they are of a scale and nature commensurate with the rural nature of the parish and comply with other development plan policies. Proposals that make provision for home working within employment schemes will also be supported.**

HE2 – Number and Type of Dwelling

- 7.26 This policy sets out the Plan's approach to the delivery of new housing. It reflects the strategic approach set out in the adopted Local Plan. It proposes the development of approximately 17 dwellings over the Plan period. As paragraph 6.10 of the Plan identifies this figure is a proportionate element of the 250 dwellings required for the 15 identified tier three villages in the Local Plan. I am satisfied that this approach has regard to national policy and is in general conformity to the strategic policies of the development plan. The policy approach will assist in boosting the supply of housing both in the Plan area and in the wider Borough.
- 7.27 The policy has a combination of policy and supporting text wording and which I remedy in my recommended modifications. I also recommend that the final paragraph of the policy is repositioned so that it follows on from the first part. This will provide complete clarity to its purpose. I have also recommended a modification to paragraph 6.12 of the Plan. As currently drafted its first sentence is unclear.
- 7.28 I have also recommended a modification to correct a typographical error in the first part of the policy

**Recommended Modifications:**

**In first paragraph of the policy replace 'policies' with 'policy'**

**Incorporate the second paragraph of policy into the first paragraph and delete its final sentence.**

**Insert the final paragraph of the policy after the (new) first part of the policy and modify its wording to read:**

**‘Applications that would deliver housing for first time buyers (starter homes), for the elderly and for those wishing to downsize (including proposals for bungalows) will be particularly supported subject to compliance with other development plan policies’.**

**Reposition the (existing) third paragraph to the end of the policy and modify its wording to read:**

**‘In all cases any development proposal that would create more than four dwellings will be resisted’.**

*Include the following sentence at the end of para 6.10: ‘In determining the cumulative number of delivered in the Plan area, schemes developed under the permitted development prior notification process will be included’.*

*Modify first sentence of paragraph 6.12 to read: ‘Policy HE2 provides a particular focus for the delivery of homes for first time buyers and for those wishing to downsize but continue to live in the community’.*

*Modify paragraph 6.15 final sentence to read: ‘The restriction to four dwellings has been carefully designed to preserve the character of the village, to safeguard its landscape setting and to preserve or enhance the character or appearance of the conservation area’.*

#### HE3 – Location of New Dwellings

- 7.29 This policy is a key delivery tool of the Plan. It complements and adds site specific detail to Policy HE2. It is the element of the Plan that has attracted the greatest interest and representation. It has two related parts. The first part provides a positive context for infill, conversions and replacement buildings. The second part provides a positive context for certain types of linear development on Hollybush Road and Yoxall Road.
- 7.30 I paid particular attention to this policy on my visit to the Plan area. In doing so I looked in detail at the two identified limits to linear development. I also considered and assessed the other potential development options set out by those making representations to this policy. I saw the significant differences that exist between the character of the north-west and south-east of Yoxall Road.
- 7.31 I am entirely satisfied that the approach taken in the Plan (subject to my recommended modifications) meets the basic conditions. In particular, the policy-led approach towards linear development respects the character and appearance of the village. I recommend a series of modifications to this policy to achieve the clarity required by the NPPF. In summary they are as follows:
- A correction to the title of the first part of the policy
  - A reconfiguration of the structure of the first part of the policy
  - A separation of part D of the first part of the policy from the other three types of acceptable proposals
  - A reconfiguration of the structure of the second part of the policy

- Word changes to the final part of the policy
- Clarifications to both the second part of the policy and to paragraph 6.20 to ensure that any linear development respects the form and depth of the existing linear development from which it would extend.

**Recommended modifications:**

**In the opening element of policy – delete ‘normally’**

**In the first component of the policy – replace ‘Conservations’ with ‘Conversions’**

**In the first component of the policy – replace initial sentence with the following:**

**The following proposals that would result in the creation of single dwellings will be supported:**

**A: (unchanged)**

**B: Replace ‘which.... alteration’ with ‘where any associated extensions and/or alterations would be of a scale and type that would not detrimentally affect the character, appearance or integrity of the building concerned’**

**Remove the association between category D and A-C and position the following modified paragraph to sit at the end of this first part of the paragraph.**

**‘Other planning applications for the creation of a single dwelling will be supported where they would meet a demonstrated local housing need that could not be viably or practically be delivered on the basis of this policy’.**

**In the second part of the policy replace the initial sentence with the following:**

**‘Planning applications for residential development that extend the linear north-south form of Newborough village will be supported subject to the following criteria’:**

**Modify the three criteria to read:**

**A: The application site is located fronting.....Yoxall Road (south) and proposes development that respects the form and depth of the existing development of which it would be a linear extension; and**

**B: The application site would not result in a linear extension....**

**C: The proposal would not exceed the development of four dwellings**

**Final part of the policy**

**Replace ‘resisted’ with ‘will not be supported’**

**Delete final sentence of the final part of the policy**

*Insert the following sentence at the end of paragraph 6.20:*

*In both locations within the village the linear developments that may be generated by this policy should respect the format and plot depth of the existing linear developments on these two roads. This is particularly important as in the case of both Yoxall Road north and Hollybush Road west the anticipated linear extensions of the village sit in extensive agricultural land holdings.*

*Insert final sentence of the policy into the supporting text at the end of paragraph 6.22 with the following modification:*

*'The final part of Policy HE3 does not offer support to linear development in this part of the village. This approach has been adopted to preserve the setting.....run off water'.*

#### HE4 – Design for New Development

- 7.32 This policy puts design at the heart of the Plan. It does so in a positive way that both reflects the character of the Plan area on the one hand but does not stifle innovative projects coming forward on the other hand.
- 7.33 Its approach has regard to national planning policy in general, and section 7 of the NPPF in particular. It responds directly to paragraph 58 of the NPPF which comments that neighbourhood plans should develop robust and comprehensive policies that set out the quality of development to be expected. The NPNP meets this obligation in an exemplary fashion.
- 7.34 I recommend a series of modifications to bring clarity to the wording and structure of several components of the policy. These modifications will have the associated benefits of making the policy more robust and applicable as part of the development management process. In other cases, I recommend that supporting text captured in the policy itself is appropriately repositioned.

#### **Recommended modifications:**

**Delete second sentence of first paragraph of the policy**

**Modify the start of the second paragraph of the policy to read: 'The design and layout of development proposals should....'**

**Modify the start of the sixth, seventh and eighth criteria respectively in the second paragraph of the policy to read**

**The importance of safeguarding....**

**The inclusion of sufficient car parking....**

**The inclusion within the design....**

**Modify the eighth criterion so that its second sentence (beginning 'To maximise opportunities...') becomes a free-standing ninth criterion**

**In third paragraph of the policy insert ‘of adjacent properties’ between ‘amenity’ and ‘should’.**

*Relocate second sentence of the first part of the policy to the end of paragraph 6.25.*

#### CF1 – Community Facilities & Services

- 7.35 This policy covers a range of matters in its component parts. The first part encourages new retail and associated services to promote sustainability. The second part deals with diversification of uses proposed for community assets. The third part deals with applications that may affect the longer term use of community facilities. These range of issues are entirely appropriate for the neighbourhood area.
- 7.36 The first section lacks the necessary clarity in its wording to meet national planning policy. In particular, the policy is not directly linked to the planning application process. This is reflected in my recommended modifications. I also recommend that the second paragraph of the policy is incorporated into the first paragraph of the policy so that its applicability is clear
- 7.37 I also recommend that the supporting text is modified so that it clarifies the viability issue contained in the third part of the policy.

#### **Modify policy as follows**

**First paragraph to read: Planning applications that propose the delivery of .... will be supported.**

**Include the second paragraph of the policy as part of the first paragraph (as modified)**

**In the third paragraph of the policy insert ‘planning applications that propose’ between Community Value)’ and ‘a diversification’.**

*Insert the following sentence at the end of paragraph 7.7:*

*In coming to a judgement on the economic viability or otherwise of an existing community facility as set out in the final part of Policy CF1, planning applications proposing an alternative use will be expected to provide viability information and evidence that the property concerned has been made available on the open market for a period of at least six months without practical or realistic interest from other retail or community uses.*

#### CF2 – Open Space and Recreation

- 7.38 This policy has two complementary parts. The first identifies and safeguards local green spaces. The second part offers support to proposals for the provision of new multifunctional open space subject to certain criteria. The two components are appropriate to the neighbourhood area.
- 7.39 I looked at the four local green spaces as part of my visit to the Plan area. I am satisfied that in turn they meet the criteria set out in paragraph 77 of the NPPF.

- 7.40 I recommend modifications to the policy to clarify the wording of its first part and to remove unnecessary duplication with the very helpful supporting text in paragraph 7.10 of the submitted Plan. I also remedy a factual error in the second part of the policy and in paragraph 7.10.

**Modify the initial section of the policy to read:**

**The following sports and recreational facilities as shown on the Proposals Map are designated as Local Green Spaces and will be protected from built development**

**In second part of the policy change 'TA3' to 'TA2'.**

*In paragraph 7.10 of the Plan replace 'appendix 4' with 'appendix 3'*

CF3 – Landscape and the National Forest

- 7.41 This policy covers a series of matters relating to tree planting, landscape structure, biodiversity and habitats. It is supported by The National Forest Company

- 7.42 The policy meets the basic conditions.

CF4 – Renewable Energy

- 7.43 This policy provides a basis against which renewable energy projects will be assessed. It usefully sets out a distinctive and well-developed set of criteria.

- 7.44 The final section of the policy appropriately identifies that planning applications will be refused in circumstances where they do not comply with the assessment criteria or where there is no other alternative design solution and/or location. I recommend a modification to this part of the policy to provide the necessary clarity required by the NPPF.

**Modify the final part of the policy to read:**

**Planning applications that would have an adverse effect on the assessment criteria set out elsewhere in this policy will be resisted unless.....Borough'**

TA1 – Public Realm and Traffic Management

- 7.45 This policy provides a positive context for the delivery of new public realm works. The policy address related issues of public realm, traffic management and gateway and other traffic calming measures.

- 7.46 The policy is well-crafted. It is land-use based and builds in appropriate safeguards in relation to the rural character of the area and to limit light pollution. The policy meets the basic conditions.

TA2 – Footpaths and Leisure Routes

- 7.47 The policy sets out to provide an overarching context for the delivery of new and enhanced footpaths and leisure routes. It addresses general enhancement issues and the need for new developments to provide safe access.

- 7.48 The policy incorporates a mix of policy and supporting text wording. In particular, its final paragraph is a comment on maintenance and health and well-being rather than a land use policy. This is reflected in my recommended modifications.
- 7.49 As included in the submitted Plan the policy with regards to new developments is unclear on its applicability. As drafted it requires that all new development, irrespective of type or size should provide safe access for pedestrians and cyclists and safe routes to and from the centre of the village. Policies elsewhere in this Plan and in the Local Plan are designed to restrict development in the neighbourhood area within the context of the Local Plan settlement hierarchy (its Policy SP2). On this basis it is unlikely that major or significant development will come forward within the plan period. Nevertheless, there may be opportunities whereby it would be appropriate for new residential or employment developments to be designed in a fashion to provide safe pedestrian and cycle access. In this regard and to give clarity to the policy I recommend that linkages are made to Plan policies HE1 (employment) and HE3 (housing). Given the particular design of the latter policy I recommend that the need for compliance with the policy starts at proposals for two or more developments. This would exclude the various other acceptable outcomes of that policy and which would generate a single dwelling.

**Modify first paragraph of the policy to read:**

**Insofar as planning permission is required, proposals to enhance existing walking and cycle routes and bridleways and/or to deliver new access provision and connections will be supported. Planning applications that would result in the loss of public rights of way will be resisted.**

**Replace the first sentence of the second paragraph of the policy with the following:**

**‘Subject to the provisions of policies HE1 and HE3 of this Plan proposals for new employment development and for two or more dwellings will be expected to provide safe access for both pedestrians and cyclists. Where it is appropriate and practical to do so these developments will also be expected to connect into existing footpaths that provide access to the village centre’.**

**Delete fourth paragraph of the policy**

*Insert the fourth paragraph of the policy as supporting text at the end of paragraph 8.12*

**TA3 – Parking**

- 7.50 This policy sets out to ensure that adequate and well-designed car parking is provided with new development proposals. It identifies specific car parking standards. It responds well to the distinctive issues that affect parking and traffic issues in the Plan area.
- 7.51 The first part of the policy seeks to ensure that parking provision accords with specified standards in the Plan and any future standards whichever is the greater. This approach would be inconsistent with circumstances where for good reason and

based on evidence the parking standards were reduced. In any event this part of the policy lacks the clarity required by the NPPF. Future changes would be incorporated into any review of the Plan based on evidence. As such I recommend the deletion of this part of the policy.

- 7.52 As included in the submitted Plan the first sentence of the second part of the policy does not provide clarity on its intent. I address this matter in my recommended modifications.
- 7.53 The final part of the policy sets out to ensure that new car parking is sensitively incorporated into the public realm. However, its wording is in places unclear and in other places is aspirational rather than policy-based. Again this is reflected in my recommended modifications.

**Recommended modifications:**

**End the first paragraph of the policy with ‘standards:’**

**Delete ‘and any.....greater’**

**Modify the initial part of the second paragraph of the policy to read:**

**Car parking for residential development should be provided either on site or in courts in accordance with the following standards....**

**Replace the fourth paragraph of the policy with the following:**

**Development proposals will be expected to minimise the impact of the private car on the street scene and to reflect the character and appearance of the immediate locality. Development proposals that would generate on street parking, that would clutter the public realm or which would reduce the safety of pedestrians and cyclists will not be supported.**

## **8 Summary and Conclusions**

### *Summary*

- 8.1 The NPNP sets out a wide range of policies to guide and direct development proposals in the period up to 2031. It is thorough and distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following this independent examination I have concluded that the Newborough Parish Neighbourhood Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a range of modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

### *Conclusion*

- 8.4 On the basis of the findings in this report I recommend to East Staffordshire Borough Council that subject to the incorporation of the modifications set out in this report that the Newborough Parish Neighbourhood Plan should proceed to referendum.

### *Referendum Area*

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view the neighbourhood area is entirely appropriate and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by East Staffordshire Borough Council on 29 November 2012.
- 8.6 It is very clear to me that a huge amount of hard work and dedication has been put into the preparation of this Plan. I would like to record my thanks to all who have assisted me in a variety of ways in its examination.

**Andrew Ashcroft**  
**Independent Examiner**  
**21 June 2016**

