

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

This Report provides the findings of the Examination into the Tatenhill Neighbourhood Plan (referred to as the Neighbourhood Plan).

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

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

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

The Parish Council established a working group, with the Tatenhill Parish Community Group, to lead on the production of the Neighbourhood Plan. The Neighbourhood Plan is a “front runner” and as such, is one of the first tranche of neighbourhood plans to come forward in the country.

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. 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.

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

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.

Public Hearing

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

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

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

2. Basic Conditions and Development Plan Status

Basic Conditions

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

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

I have examined the Neighbourhood Plan against 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 and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary. I am satisfied that the Neighbourhood Plan does not breach, nor is in any way incompatible with the ECHR.

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 have been produced. These reports state that there would be no effect on any habitats subject to the relevant Articles of the Habitats Directive.

In considering matters relating to the above, I am mindful of comments submitted by Natural England. These refer to European designated sites located within the vicinity of the Neighbourhood Area. According to Natural England “...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.”

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

With regards to whether or not a neighbourhood plan requires an SEA and/or a sustainability appraisal, Planning Practice Guidance states that “the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” East Staffordshire Borough Council have raised no concerns in this regard.

To summarise the above: the Neighbourhood Plan has undergone a screening process; Natural England considers that there are unlikely to be any significant environmental effects arising; and East Staffordshire Borough Council raise no concerns. Taking this and all of the information before me into account, I am satisfied that the Neighbourhood Plan does not require an SEA and that it meets European legislation.

Further to the above, Natural England has 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). In this regard, I am mindful that there is no suggestion in the Neighbourhood Plan that housing will be built within the 15km zone; and in particular, I note that Natural England goes on to state that it does not “consider that the plan would result in likely significant effects on Cannock Chase SAC.”

In stating that the Neighbourhood Plan is in conformity with European regulations, the Basic Conditions Statement notes that the Neighbourhood Area is “covered by the National Forest” but that the National Forest is not, itself, subject to the European Habitats Directive.

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 2006)
- Tatenhill Neighbourhood Plan Basic Conditions Statement
- Tatenhill Neighbourhood Plan Consultation Report

Also:

- Representations received during the publicity period

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

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

Tatenhill Parish Council has submitted a Consultation Report to East Staffordshire Borough Council. The information provided in the Report provides evidence of who was consulted and how, together with the outcome of the consultation. As such, the Report complies with neighbourhood planning *regulations*³.

It is clear from the evidence before me that the public consultation undertaken was significant, detailed and well-organised. There were two main periods of consultation: firstly, up to the production of a draft plan; and secondly, the period following the preparation of that draft plan.

The consultation process began with seven events, held between November 2012 and February 2013. These included two "Development Charettes," a Schools Workshop and a Youth Capacity Building event. The latter of these two events demonstrates the efforts plan-makers went to in order to encourage younger people to engage with the neighbourhood planning process.

The above events had an aggregate attendance of over 200 people and informed the production of a draft plan for Tatenhill. Events were well advertised, via social media, newsletters, posters, leafleting and a local newspaper article. Plan-makers also undertook door-knocking and personally invited residents to upcoming meetings.

Further to this initial consultation, a draft plan was launched at a consultation event and underwent an initial six week public consultation period during October and November 2013. Electronic versions of the plan were sent to statutory and non-statutory consultees, including local landowners. Whilst well-advertised, the turnout for the launch event was considered to be low and was therefore followed up with

³Neighbourhood Planning (General) Regulations 2012.

four exhibitions, held in three different venues, over consecutive weekends. The consultation period itself was then extended until January 2014.

Completed questionnaires were received from around 7% of the overall population and written responses were received from other consultees. In addition, a petition was received. This was signed by around 50 households and petitioned against the release of “large development building blocks.” The Consultation Report summarises the responses received.

Further to the consultation above, a series of Group Workshops were held over four evenings in March and April 2014 to consider and address comments received. The 15-strong Group included Parish Councillors and other local community representatives. The Consultation Report sets out how the Group sought to address the comments raised during consultation and indicates all resultant changes to the draft plan.

A presentation was given to the community at a Parish Council meeting in April 2014. This summarised the changes resulting from consultation.

In summary, I note that the Neighbourhood Plan emerged from, amongst other meetings, 14 public events and 13 weeks of public consultation. Taking this and all the above into account, I find the consultation to be reflective of the significant efforts made by all involved to go beyond any statutory requirements. The information before me demonstrates that the process was transparent and widely promoted. There were plentiful opportunities for comment and comments were duly considered.

Consequently, the evidence demonstrates that the policies of the Neighbourhood Plan emerged as a result of seeking and taking into account the views of local people and other consultees.

I am satisfied that significant and robust public consultation was central to the production of the Neighbourhood Plan.

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 and Background to the Parish

The Introduction seeks to set out the status of the Neighbourhood Plan within the planning system.

I note that there is reference throughout the Neighbourhood Plan to both the TPNDP and the NDP. This is confusing:

- **Use either TPNDP or NDP throughout the document**

The Neighbourhood Plan also refers to *CAAMPs*. The Conservation Area Appraisal and Management Plans for Tatenhill and Rangemore comprise important planning documents for significant parts of the Neighbourhood Area. Many readers of the Neighbourhood Plan will be unfamiliar with acronyms and given the importance of these documents to the Neighbourhood Area, I propose the following modification:

- **Change all reference to “CAAMPs” to “*the Conservation Area Appraisal and Management Plans for Tatenhill and Rangemore.*”**

Further to the above, it would also be helpful if a paragraph was included in the introductory section of the Neighbourhood Plan, summarising what these documents comprise.

- **Add a reference paragraph re: the above documents to the Introduction**

The first paragraph is confusing, as it fails to properly reflect legislation. Given that this paragraph would change further to examination anyway (for example, it refers to the upcoming “public examination”), I am satisfied that the following modification corrects the error:

- **Para 1.1 Line 6, replace with “*...case of Tatenhill Parish, this is the East Staffordshire Local Plan (July 2006) plus...*”**

With regards the above, I note that representations, correctly, refer to the fact that the Neighbourhood Plan should be in general conformity with the strategic policies of the adopted development plan. I make this point in the Basic Conditions and

Development Plan Status section of this Report and hence the above change, as well as further, related changes below.

Legislation is entirely clear on this matter. Whilst East Staffordshire Borough Council's emerging Local Plan may be relatively advanced, it is still an emerging and not an adopted document. The policies within it have not been rigorously examined and they are subject to change. They cannot, and should not, be regarded in the same manner as adopted policies.

The Neighbourhood Plan contains a number of incorrect statements in this regard. Whilst a somewhat basic error, in this particular case, for the reasons set out below, it is not one which is fatal to the progress of the Neighbourhood Plan.

In line with the Basic Conditions, the policies of the Neighbourhood Plan are considered against those of the adopted strategic policies of the adopted East Staffordshire Local Plan (July 2006). Whilst the plan-makers' focus has been on emerging Local Plan policies, this in itself does not necessarily lead on to the policies of the Neighbourhood Plan not being in general conformity with those of the adopted East Staffordshire Local Plan (July 2006).

In addition to, and subject to the above, I am mindful that it can make sense for neighbourhood plan-makers to be aware of other emerging policies and to take into account the supporting evidence for them, when developing their own plans. By their very nature, development plans look to the future. Making best use of available information can help to ensure that neighbourhood plan policies are relevant and useful, not only on the day they are made, but during the coming plan period.

- **NB, whilst it is recommended that Para 1.1 is modified, I note, for reference, that neighbourhood planning policies are not "adopted" but "made."**
- **Para 1.4, Line 2, replace "emerging" with "adopted"**
- **Para 1.5. Delete paragraph, which is factually incorrect, and re-word "*The TPNDP period covers 2012-2031. This period has been chosen to coincide with that of the emerging East Staffordshire Local Plan.*"**
- **Delete Para 1.6**

As a general comment, the Background to the Parish section is interesting. It helps to make the Neighbourhood Plan distinctive to Tatenhill and sets the scene for the following vision, objectives and policies.

Vision and Objectives

This section sets out a clear and distinctive vision. It includes a useful reference, which recognises that vision statements are easy to criticise, but that Tatenhill’s own vision has emerged from consultation and that it has an important purpose.

The vision is broken down into eight objectives and a useful “Policy Overview” table demonstrates how each Neighbourhood Plan policy relates to the Objectives.

The approach set out draws a clear, definable and effective link between the vision for Tatenhill and the policies of the Neighbourhood Plan.

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 very clear and easy to navigate document.

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

Strategic Policies

For the reasons given above:

- **Delete Para 5.2**

Policy SP1 – Settlements (General Principles of Development)

This policy focuses development on the two settlements within the Neighbourhood Area, Tatenhill and Rangemore. The first part of the policy is supportive of development and as such, has regard to the Framework, which promotes sustainable growth.

The second part of the policy restricts development to that which would be “acceptable in terms of, where appropriate” a series of factors. However, the policy does not provide any detail as to, on what basis, development proposals would be considered acceptable. Consequently, this part of the policy, as written, is unclear. It conflicts with that part of the Framework that requires policies to provide a clear indication of how a decision maker should react to a development proposal (para 154). The further reference in the policy, to planning conditions and financial contributions, adds little or nothing in the way of clarity.

Notwithstanding the above, the second part of the policy covers a sweeping range of factors, all of which are already the subject of local and/or national policy. As worded, the second part of the policy repeats existing policy and is unnecessary.

- **Delete, “Proposals will only be...or s.106 contributions.”**
- **Delete Para 5.7**

Policy SP2 – Landscape Features

This policy recognises and seeks to protect the intrinsic quality of the Neighbourhood Area's landscape. The policy refers to key characteristics of the landscape highly valued by the local community.

Policy SP2 has regard to national policy, which seeks to protect local character and is explicit about the natural environment being essential to wellbeing. It contributes to the achievement of sustainable development by supporting a strong, healthy community and protecting and enhancing the natural environment. It is also in general conformity with adopted Local Plan policy NE1, which amongst other things, requires development in the countryside to take local character and views into account.

English Heritage has proposed a helpful addition to the Policy, based on which I recommend the following:

- **Policy SP2, first sentence, change to “...an integral natural and historic environment resource.”**

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

Together, the Framework and adopted Local Plan policy BE1 seek to encourage high quality design and to protect local character. National policy recognises good design as a key aspect of sustainable development, indivisible from good planning.

Policy SP3 builds upon a previously prepared Parish Design Statement (2012) and establishes design policy for the Neighbourhood Area. However, the detailed requirements of the policy, as drafted, fail to have regard to the Framework as they are too rigidly applied. For example, there is no national policy requirement for *all* development to enhance local distinctiveness – there may be circumstances where this is not possible or simply unnecessary, or so costly as to lead an otherwise acceptable proposal to be unviable. As worded, Policy SP3 does not meet the Basic Conditions.

In addition to the above, the design criteria set out in Policy SP3 appear as a selective, rather than comprehensive, choice of factors that reflect contextually responsive design. There is no indication as to why these particular design criteria have been chosen above others. I find that this could lead to confusion when Policy SP3 is considered against supporting information and other development plan policies. Consequently, this part of Policy SP3 is unclear.

To meet the Basic Conditions, Policy SP3 needs to be reworded. I recommend the following modifications:

- **Change the wording of Policy SP3 to “Development proposals should be designed to fit in with their surroundings. Proposals should take into account the East Staffordshire Design Guide 2008 and the Tatenhill Parish Design Guide. Development will be supported, subject to it being part of a high quality, contextually responsive design, and subject to the other policies of this Plan.”**

Taking the above into account, Policy SP3 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. However, the wording of the policy is confusing and ambiguous, and it does not match the explanation in the supporting text. Furthermore, as currently worded, Policy SP4 “requires” the utilisation of, for example, on site renewable energy generation technology. This would fail to have regard to national policy, which is not so onerous as to make such technology a requirement of new development.

I recommend the following modifications:

- **Policy SP4, line 4, replace with “Subject to the other policies of the Plan, sustainable buildings and sustainable forms of construction will be supported. Proposals should seek to maximise energy efficiency. They should demonstrate that consideration has been given to – Suitable design...”**
- **Delete Para 5.18**

Subject to the proposed modification, Policy SP4 contributes to the achievement of sustainable development and meets the Basic Conditions.

Housing and Employment (HE) Policy

- **Change title to Housing and Employment (HE) Policies**

The introduction of this section could better reflect the Neighbourhood Plan's approach by clarifying how plan-makers have used available information to inform their approach to housing and employment policies. Furthermore, as currently worded, the approach and subsequent policies fail to have regard to national policy. The recommendations below seek to address these points:

- **6.1 Delete first sentence.**
- **6.1 Delete "some limited"**
- **6.2 Reword "*Housing requirements for the Neighbourhood Area have been determined further to consideration of a variety of information and through consultation. These have included local surveys and taking into account available information relating to the emerging East Staffordshire Local Plan. The policies seek to provide for identified local needs in relation to starter homes and elderly persons accommodation.*"**
- **6.3 line 3, replace "wish" with "wishes."**

Policy HE1 – Parish Housing Strategy

Policy HE1 supports the development of "up to 25 dwellings." It goes on to require a stringent "up to" approach to the distribution of dwellings around the Neighbourhood Area. The supporting text refers to Policy HE1 as being designed so as not to undermine the character of Rangemore and Tatenhill. However, I note that there is no substantive evidence to demonstrate that the limits imposed are necessary to achieve this.

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*.

With its focus on the phrase "up to," Policy HE1 effectively restricts residential development, no matter how sustainable, to a maximum figure. The approach is made even more restrictive by limiting development to no more than 12 dwellings in any five year period and further restricting the number of dwellings that can be developed within each part of the Neighbourhood Area. As such, Policy HE1 seeks to impose an inflexible and in the light of national policy, inappropriate approach to sustainable development. It fails to have regard to the Framework and as worded, does not meet the Basic Conditions.

In order for Policy HE1 to have regard to national policy, I recommend the modifications below:

- **Policy HE1, delete first sentence and replace with “*The NDP supports the development of a minimum of 25 dwellings over the plan period.*”**
- **Replace next sentence with “*The NDP supports the development of a minimum of: 10 dwellings in Tatenhill; 9 dwellings in Rangemore; 2 dwellings in Tatenhill Common; and 4 dwellings elsewhere in the Neighbourhood Area, subject to other development plan policies.*”**

Adopting this approach does not “open the floodgates for development” in the Neighbourhood Area. The policies of the Neighbourhood Plan and those set out nationally and locally would still control development. However, it enables the Neighbourhood Plan to provide for sustainable growth in an appropriately flexible manner.

Policy HE1 goes on to introduce a number of tests. These appear arbitrary – for example, there is no definition of “walking distance” – and as such are unclear. The following modification would enable the Policy to meet the Basic Conditions whilst retaining the intention described in the supporting information:

- **Delete sentence “In granting permission...” and replace with “*Development proposals which meet other policies of the Plan and demonstrate one or more of the following will be supported...*”**

The final sentence of the policy restricts development on any one site to 6 dwellings in Rangemore and 4 dwellings in Tatenhill. I note that this approach 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 adopted Local Plan policy BE1, in that it seeks to protect local character, there appears to be a lack of substantive evidence to justify the rationale of adopting a more restrictive approach in Tatenhill than in Rangemore. National policy is clear in its support for sustainable growth and the efficient use of land. Consequently, I recommend:

- **Change the reference in the final sentence of Policy HE1 to “6” dwellings in Tatenhill village.**

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

The first part of policy HE2 recognises local needs identified through the plan-making process and supports development that meets such needs. This has regard to the Framework, which empowers local communities to bring forward the sustainable development they need. It meets the Basic Conditions.

The second part of policy HE2 requires developments of more than one dwelling to provide 50% affordable units. This is an onerous requirement. Adopted Local Plan policy H12 states that the Borough Council will negotiate for the inclusion of affordable housing on sites with a capacity of 25 or more dwellings. The supporting information to that policy suggests that an average negotiable target for affordable housing should be 30% of total provision.

Clearly, the second part of Policy HE2 is not in general conformity with adopted strategic policy. It does not meet the Basic Conditions.

In order to address the above, I recommend the following modification:

- **Delete the final paragraph of Policy HE2**

The supporting text to Policy HE2 fails to reflect the modifications proposed to this policy, as well as to other parts of the Neighbourhood Plan.

- **Delete paragraphs 6.9 to 6.11. Replace with a brief explanatory paragraph.**

Policy HE3 – Disused Farms/Outbuildings

Policy HE3 supports the re-use of disused farms/outbuildings subject to it being for mixed use or limited residential use. The policy goes on to state a preference for employment or leisure uses, but allows for residential or live-work units, where it can be demonstrated that conversion is otherwise unviable.

As worded, Policy HE3 is more onerous than national policy. For example, the Framework provides less restrictive support for the re-use of redundant and disused buildings in rural areas for residential use than that set out in Policy HE3. Furthermore, Permitted Development Rights⁴ already allow the kind of development that Policy HE3 seeks to restrict to take place without planning permission.

Taking the above into account, Policy HE3 fails to meet the Basic Conditions as it fails to have regard to national policy. I also note that, to some degree, it is irrelevant due to existing Permitted Development Rights.

⁴ As set out in the Town and Country Planning (General Permitted Development)(Amendment and Consequential Provisions)(England) Order 2014.

- **Delete Policy HE3 and supporting text**
- **Delete paragraph 6.2**

Policy HE4 – 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 adopted Local Plan policy R15.

The last sentence of Policy HE4 makes an important point but is a statement of intent, rather than a land use planning policy. Such information is better located in the supporting text.

- **Move final sentence of Policy HE4 to Para 6.18.**

Policy HE5 – Airfield

The boundary of Tatenhill Airfield is defined in the adopted Local Plan.

- **Check proposed boundary of Airfield on Neighbourhood Plan Proposals Map to ensure it coincides with that in the adopted Local Plan.**

Tatenhill Airfield is recognised as a valuable employment resource for the Neighbourhood Area. Policy HE5 states that it supports *existing* (B1 Use Class) business uses, and supports the development of aerospace related industries and appropriate leisure uses (referred to in the supporting text). General industrial (B2 Use Class) and Storage and Distribution (B8 Use Class) uses are resisted.

This restrictive approach conflicts with adopted Local Plan policy T13, which allows for the assessment of development proposals against various factors including environmental impacts and economic/employment advantages. The approach set out in policy T13 is reflective of the national policy presumption in favour of sustainable development. Specifically, the Framework supports the sustainable growth and expansion of all types of business and enterprise in rural areas (para 28).

Taking the above into account, I recommend the following modifications:

- **Policy HE5, change first paragraph to read “*The NDP supports the development of business facilities at the aerodrome.*”**
- **Delete second sentence of Para 6.20**

Subject to the above modifications, Policy HE5 supports economic growth and contributes towards the achievement of sustainable development. It 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 the opportunities for tourism.

Policy RT1 – Footpaths/Bridleways/Cycle paths

Policy RT1 supports 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. Policy RT1 meets the Basic Conditions.

Policy RT2 – Designated Trails (Gyms, Heritage)

The first and final paragraphs of Policy RT2 support the improvement of existing and the creation of new, recreational routes and trails. Like Policy RT1, these parts of the policy meet the Basic Conditions.

However, the second paragraph of Policy RT2 is a statement of intent rather than a land use planning policy.

- **Move second paragraph of Policy RT2 to Para 7.8.**

Policy RT3 – Recreation and Sports Pitches

Policy RT3 supports the protection of existing recreation and sports facilities. The policy is in general conformity with adopted Local Plan policy LT1, which 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

Policy RT4 states that it supports the protection and enhancement of existing tourism assets. However, in land use planning terms, the wording of the policy is ambiguous and therefore, unclear. I recommend the following modification:

- **Policy RT4, change opening sentence to “*The NDP supports development that preserves and/or enhances existing tourism...*”**

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

Landscape and Countryside (LC) Policies

- **Para 8.2, delete second sentence**

Policy LC1 – Key Views and Vistas

Policy LC1 requires all new development to protect and enhance key views, vistas and gateways. The protection of key views and vistas has regard to national policy and is in general conformity with adopted strategic local policy, which, together, seek to protect local character. However, there is no national or local policy requirement for development to enhance such views and vistas. Such a requirement would be onerous, as it may not be necessary or achievable and as worded, Policy LC1 does not meet the Basic Conditions.

I recommend the following modifications:

- **Policy LC1 line 1, re-word as “*...development preserves and/or enhances...*”**
- **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 – Protected Green Spaces and Green Gap

Policy LC2 seeks to introduce “protected green spaces” which it proposes will be “protected from all development types.”

This proposal has no basis in national or local planning policy. It does not meet the Basic Conditions.

The Framework enables neighbourhood plans to introduce Local Green Spaces. However, there is no suggestion in the Neighbourhood Plan that the “protected green spaces” proposed are, or would be treated in the same way as, Local Green Spaces. Notwithstanding this, Local Green Spaces do not preclude development.

I note that the “protected green spaces” referred to appear to correspond with spaces identified and protected within the Conservation Area Appraisal and Management Plans. Consequently, I am mindful that these areas are already afforded protection commensurate with their Conservation Area status.

Policy LC2 then goes on to refer to not permitting development within a “Strategic Green Gap.” Again, this proposal has no basis in national or local planning policy. It does not meet the Basic Conditions.

Policy LC2 fails to meet the Basic Conditions. I recommend the following:

- **Delete Policy LC2 and supporting text**

I note that Policy LC2 also refers to Sites of Biological Interest. As Sites of Biological Interest, I note that, by definition, these are already afforded protection.

Policy LC3 – National Forest and Green and Blue Infrastructure

Policy LC3 is supportive of development that meets the aims of the National Forest. As such, it contributes to the achievement of sustainable development. However, proposals should be compliant with the Neighbourhood Plan as a whole, rather than just with Policies LC1 and LC2 (the deletion of which is recommended).

- **Policy LC3 second para, change last line to “...*subject to the policies of the Plan.*”**

There is no national or local policy requirement for all planning applications to contribute to, or restore the overall biodiversity and green and blue infrastructure network. As worded, the final paragraph of Policy LC3 does not meet the Basic Conditions. However, proposals that achieve this will contribute towards sustainable development. I recommend the following modification:

- **Begin last para, “*Subject to other policies of the Plan, the NDP supports planning applications which contribute towards the overall...*”**

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.

Whilst I recommend removing “**and literate**” from the first sentence of Policy DC1, as it does not comprise plain-English and makes the policy more difficult to understand, this has no bearing on the Basic Conditions.

During my site visit, I noted that not all buildings within Tatenhill and Rangemore have active frontages, oriented to face the roadways and that this is not a factor which necessarily detracts from the character and appearance of the Conservation Areas. Consequently, it appears to me that Criteria 1 may prevent development that could preserve or enhance the Conservation Area. This would fail to have regard to national policy, which has an assumption in favour of sustainable development. I proposed the following modification:

- **Criteria 1, add “*in general, new...*” to the start of the sentence**

Further to the above, following a comment by English Heritage, I recommend the additional modification to Criteria 1:

- **Change to read “*...active frontages, respecting the historic building line and be oriented...*”**

Whilst there is a requirement to preserve the character and appearance of Conservation Areas, there is no national or local planning policy requirement to maintain all views. Policy DC1 can protect important glimpses and views, whilst meeting the Basic Conditions by including the following modification:

- **Criteria 2, first line, change to “*...should ensure that important glimpses and views out to...*”**

Criteria 5 limits all development to traditional vernacular materials. This conflicts with an earlier policy in the Neighbourhood Plan. It also fails to have regard to national policy, which does not seek to limit development in Conservation Areas to traditional vernacular materials. I note that Criteria 5 then introduces confusion by suggesting that specific elements should be avoided unless they comprise a specific design detail.

- **Delete Criteria 5**

Policy DC1 states that the Tatenhill Parish Design Guide (2012) “has been adopted as a daughter document to the NDP.” There is no indication that such an approach

abides by any relevant legislation and as such, the statement carries little if any weight. However, the following modification presents an appropriate way in which the relevant background information can be referred to.

- **Change penultimate para to read “*The above criteria have been developed from the Tatenhill Parish Design Guide (2012). Proposals should consider the contents of this Design Guide alongside this policy.*”**
- **Delete Para 9.4**

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.

Policy DC2 also requires “all applicants to demonstrate how they are restoring front boundaries to their former quality.” I note that there is no indication of what “former quality” comprises. As such, this part of the policy is unclear and conflicts with national policy.

- **Policy DC2, delete second sentence**

Subject to the above modification, Policy DC2 meets the Basic Conditions.

Policy DC3 – Heritage Assets

Policy DC3 repeats national policy and is unnecessary. It is not the role of neighbourhood plans to duplicate existing policy. The supporting text, however, is useful and should be retained.

- **Delete Policy DC3**

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. However, I am mindful of comments submitted by the Council, indicating that the specific uses proposed could result in harm to amenity. This would lead Policy IN1 to fail to be in general conformity with adopted Local Plan policy BE1, which amongst other things, protects the general environment from harmful impacts. I propose the following modification:

- **Policy IN1, change first paragraph to read *“The NDP supports the diversification of community buildings and associated land which is ancillary to their existing use, subject to other development plan policies, and their remaining easily accessible to either of the villages for pedestrians and cycles. Community-led schemes will be considered favourably.”***
- **Delete “including any of the above” from next para**

Subject to the above, Policy IN1 meets the Basic Conditions.

Policy IN2 – Highway Works

There is no evidence to demonstrate that the Neighbourhood Plan can implement the highway improvements suggested. Policy IN2 does not comprise a land use planning policy that the Neighbourhood Plan can control or implement.

- **Delete Policy IN2**
- **I recommend that the first sentence and last paragraph of Policy IN2 form part of an introductory paragraph above Para 9.22.**

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. I note that the Highways Authority, Staffordshire County Council, has commented on policy IN3 and has no objections to it. Subject to the modification below, Policy IN3 meets the Basic Conditions.

The first paragraph of Policy IN3 is a statement of intent.

- **Move the first paragraph of Policy IN3 to the supporting text at Para 9.24**

7. Appendices to the Neighbourhood Plan

The Neighbourhood Plan includes four appendices, including the Proposals Maps and a useful Glossary.

- **Update Proposals Map to take into the account proposed modifications above (for example, deletion of Policy LC2)**

Appendix 2 refers to the emerging policies of the East Staffordshire Pre-Submission Local Plan (2031).

- **Delete Appendix 2**

8. Summary

The Tatenhill Neighbourhood Plan is the result of a significant, sustained community effort. It reflects the hard work and commitment of many people.

I have recommended a number of modifications to it, with specific regard to the Basic Conditions. 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.

In this way, 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, September 2014
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