

# **HIGH OFFLEY PARISH NEIGHBOURHOOD PLAN 2011-2031**

High Offley Parish Neighbourhood Plan Examination  
A Report to Stafford Borough Council

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## **1. Summary**

- 1 Subject to the recommendations within this Report, made in respect of enabling the High Offley Parish Neighbourhood Plan to meet the basic conditions, I confirm that:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
  - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.
  
- 2 Taking the above into account, I find that the High Offley Parish Neighbourhood Plan meets the basic conditions<sup>1</sup> and I recommend to Stafford Borough Council that, subject to modifications, it should proceed to Referendum.

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<sup>1</sup> It is confirmed in Chapter 3 of this Report that the High Offley Parish Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

## **2. Introduction**

### **The Neighbourhood Plan**

- 3 This Report provides the findings of the examination into the High Offley Parish Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by High Offley Parish Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. At Referendum, should more than 50% of votes be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Stafford Borough Council. The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the High Offley Parish Neighbourhood Area.
- 5 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 the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development.”*

(Paragraph 29, National Planning Policy Framework)

- 6 As confirmed in Paragraph 2.1 on page 3 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, High Offley Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 7 Paragraph 4.4 on page 5 of the Basic Conditions Statement confirms that the Neighbourhood Plan relates only to the designated High Offley Parish Neighbourhood Area and that there is no other neighbourhood plan in place in the High Offley Parish Neighbourhood Area.

- 8 The above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2019<sup>2</sup>) and Planning Practice Guidance (2014).

#### Role of the Independent Examiner

- 9 I was appointed by Stafford Borough Council, with the consent of the Qualifying Body, to conduct the examination of the High Offley Parish Neighbourhood Plan and to provide this Report.
- 10 As an Independent Neighbourhood Plan 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.
- 11 I am a chartered town planner and have eight years' direct experience as an Independent Examiner of Neighbourhood Plans and Orders. I also have thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 12 As the Independent Examiner, I must make one of the following recommendations:
- that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
  - that the Neighbourhood Plan, as modified, should proceed to Referendum;
  - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

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<sup>2</sup> A replacement National Planning Policy Framework was published in July 2018 and amended in 2019. Paragraph 214 of the replacement document establishes that the policies of the previous National Planning Policy Framework apply for the purpose of examining plans, where those plans are submitted on or before the 24<sup>th</sup> January 2019. The High Offley Neighbourhood Plan was submitted to Stafford Borough Council after this date and consequently, it is appropriate to examine the policies of the Neighbourhood Plan against the most recent version of the National Planning Policy Framework.

- 13 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the High Offley Parish Neighbourhood Area to which the Plan relates.
- 14 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

#### Neighbourhood Plan Period

- 15 A neighbourhood plan must specify the period during which it is to have effect.
- 16 The title page of the Neighbourhood Plan provides a clear reference to the plan period, 2011-2031. I note that this coincides with the 2011-2031 plan period of the adopted Plan for Stafford Borough 2011-2031 (adopted 2014).
- 17 Taking the above into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.

#### Public Hearing

- 18 According to the legislation, it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 19 However, it is also the case that *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.

- 20 Further to consideration of the information submitted, I determined not to hold a public hearing as part of the examination of the High Offley Parish Neighbourhood Plan.
- 21 However, in order to clarify a number of points in respect of the examination, I wrote to the Qualifying Body and to Stafford Borough Council and this examination has taken the responses received into account.

### **3. Basic Conditions and Development Plan Status**

#### **Basic Conditions**

- 22 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “*basic conditions*.” These were *set out in law*<sup>3</sup> following the Localism Act 2011. Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
  - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 23 Regulations 23 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28<sup>th</sup> December 2018, applies to neighbourhood plans:
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations.<sup>4</sup>

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<sup>3</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

<sup>4</sup> *ibid* (same as above).

- 24 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
  - has been prepared for an area that has been properly designated for such plan preparation (under Section 61G of the Town and Country Planning Act 1990 (as amended));
  - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that:
  - its 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.
- 25 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>5</sup>
- 26 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

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<sup>5</sup> The Convention rights has the same meaning as in the Human Rights Act 1998.

### European Convention on Human Rights (ECHR) Obligations

- 27 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.
- 28 In the above regard, I also note that information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Various comments have been received in response to active community engagement during the plan-making process. The Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses to comments and to resulting changes to the Neighbourhood Plan.

### European Union (EU) Obligations

- 29 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*  
(Planning Practice Guidance<sup>6</sup>)
- 30 This process is often referred to as “*screening*”<sup>7</sup>. If likely environmental effects are identified, an environmental report must be prepared.

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<sup>6</sup> Planning Guidance, Paragraph 027, Ref: 11-027-20150209,.

<sup>7</sup> The requirements for a screening assessment are set out in in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 31 Stafford Borough Council carried out a screening assessment of the Neighbourhood Plan, which reached the conclusion that it:

*"...is considered unlikely that any significant environmental effects will occur from the implementation of the High Offley NP that were not considered and dealt with by the Sustainability Appraisal of the Plan for Stafford Borough (PFSB). As such the High Offley NP does not require a full SEA to be undertaken."*

- 32 The statutory bodies, Historic England, Natural England and the Environment Agency were all consulted on the screening assessment. None of the three of the bodies demurred from its conclusions.

- 33 In addition to SEA, a Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This Assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information<sup>8</sup>. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.

- 34 A screening assessment was carried out by Stafford Borough Council and this concluded that the Neighbourhood Plan does not require a Habitats Regulations Assessment as:

*"...it is considered unlikely that any significant environmental effects will occur from the implementation of the High Offley NP that were not considered and dealt with by the Habitats Regulations Assessment carried out on the PFSB."*

- 35 Again, the statutory bodies were consulted and none of them raised any concerns, issues or objections to the screening process or the conclusions of Stafford Borough Council.

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<sup>8</sup> Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

- 36 Further to the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

*“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)”* (Planning Practice Guidance<sup>9</sup>).

- 37 In carrying out the work that it has and in reaching the conclusions that it has, Stafford Borough Council has not raised any concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.
- 38 I also note that, in April 2018, in the case *People Over Wind & Sweetman v Coillte Teoranta (“People over Wind”)*, the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a habitats assessment, an *Appropriate Assessment* of those effects must be undertaken.
- 39 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.
- 40 The changes to regulations allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an Appropriate Assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application. These changes came into force on 28<sup>th</sup> December 2018.
- 41 I am mindful that evidence has been submitted to demonstrate that Stafford Borough Council has taken all of the above into account and taking everything into consideration, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

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<sup>9</sup> *ibid*, Paragraph 031 Reference ID: 11-031-20150209.

#### **4. Background Documents and the High Offley Parish Neighbourhood Area**

##### Background Documents

- 42 In undertaking this examination, I have considered various information in addition to the High Offley Parish Neighbourhood Plan.
- 43 Information considered as part of this examination has included (but has not been limited to) the following main documents and information:
- National Planning Policy Framework (referred to in this Report as "*the Framework*") (2019)
  - Planning Practice Guidance (2014, as updated)
  - Town and Country Planning Act 1990 (as amended)
  - The Localism Act (2011)
  - The Neighbourhood Plan Regulations (2012) (as amended)
  - The Plan for Stafford Borough 2011-2031 (Adopted 2014) and The Plan for Stafford Borough: Part 2 2011-2031 (Adopted 2017) (referred to in this Report as the "*Local Plan.*")
  - Basic Conditions Statement
  - Consultation Statement
  - Representations received
  - Strategic Environmental Assessment and Habitat Regulations Screening Reports
- 44 In addition, I spent an unaccompanied day visiting the High Offley Parish Neighbourhood Area.

High Offley Parish Neighbourhood Area

- 45 The boundary of the High Offley Parish Neighbourhood Area is identified on a plan provided on page 3 of the Neighbourhood Plan.
- 46 Stafford Borough Council designated the High Offley Parish Neighbourhood Area on 3<sup>rd</sup> March 2016.
- 47 This satisfies 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).

## **5. Public Consultation**

### **Introduction**

- 48 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 49 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 'Yes' vote at Referendum.

### **High Offley Parish Neighbourhood Plan Consultation**

- 50 A Consultation Statement was submitted to Stafford Borough Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*<sup>10</sup>.
- 51 Further to the designation of the Neighbourhood Area, a Neighbourhood Plan Working Group, comprising Parish Councillors and five residents was created in July 2016. Later in 2016, a Questionnaire was created and distributed to households, farms and businesses.
- 52 A Call for Sites process commenced in February 2017. Letters explaining the process were hand delivered to all households and advertised in the Neighbourhood Area. This resulted in 24 separate sites being offered for development.

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<sup>10</sup> Neighbourhood Planning (General) Regulations 2012.

- 53 On reviewing the information received, plan-makers considered that *"there were 2 opposing requirements"* in respect of housing allocations. Respondents wished to see small infill developments of less than 10 houses, with a total of less than 25 houses altogether, whilst also wishing to see the provision of a new school car park, playground, allotments and a football pitch.
- 54 At a public meeting held *"in order to identify which was the higher priority"* for the community, the results of the Questionnaire were presented and *"a number of options were proposed."*
- 55 The Consultation Statement shows that three Options were proposed. These appear to have been presented in a fairly confusing manner – whereby additional homes in the Rural Area were proposed without clear explanation, but essentially, the Options comprised:
- Option 1: 19 dwellings adjacent to the boundary of Woodseaves plus 5 dwellings in the rural area, plus *"11 other potential dwellings;"*
  - Option 2: Option 1 **plus** 15 dwellings on an additional site adjacent to Woodseaves, *"plus 14 potential other dwellings;"*
  - Option 3: Option 1 **plus** 30 dwellings on an additional site adjacent to Woodseaves, *"plus 17 potential other dwellings."*
- 56 Thus, no matter how residents *"voted,"* they could only choose an option that included all of the sites in Option 1. Essentially, there was no choice in respect of the allocation of the Option 1 sites.
- 57 This is a concern, as no matter how the community voted, they had to vote for all of the Option 1 sites which – as noted below - did not themselves emerge through a particularly robust or detailed site assessment process.
- 58 Despite it already being known that the majority of responses to a previous consultation had rejected the idea of more than 25 dwellings being allocated, the Options proposed either 24 (plus 11) dwellings, 39 (plus 14) dwellings or 54 (plus 17) dwellings. Thus, the Options process did not appear to reflect the fact that the community had already provided its overall view that the Neighbourhood Plan should not allocate land for more than 25 dwellings, as, in this respect, it seems inevitable that an Option for 24 dwellings would be more popular than an Option for 39 or 54 dwellings.

- 59 Instead of, say, setting out Options in respect of where the 25 dwellings might be allocated, residents were simply presented with a *fait accompli* in respect of ten allocations for 24 dwellings that had already been chosen by the plan-makers and were then asked whether they would like to see the allocation of an additional 15 (plus 3) or 30 (plus 6) dwellings.
- 60 Plan-makers state that Options 2 and 3 provided the community with a chance to vote on the provision of more housing that could provide some community benefits. However, there was no opportunity for consultees to consider Options that just involved say, one or two larger sites. This could potentially have been along with some form of local benefit (such as a football pitch, car park or allotments), without the apparently pre-determined allocation of small sites for 24 dwellings bringing no such benefits. Nor was there an opportunity to suggest other ways of providing for the 24 dwellings.
- 61 Whilst plan-makers state that there was no prospect of larger sites being reduced in scale whilst still providing for some kind of community benefit, it is relevant to note that, in respect of one of the sites proposed for allocation (Site 6), the plan-makers initially noted that it was capable of providing for 84 dwellings, but then determined that a reduced site was appropriate for the provision of just 4 dwellings and "*also offered the option of an additional car park...*" Further, as set out below, the numbers of dwellings apportioned to each allocation do not tend to correlate to the site assessment process.
- 62 Notwithstanding all of this, whilst I note that plan-makers state that there was "*overwhelming support*" for Option 1, more than one-third of the 220 votes cast in relation to the three Options, did not support Option 1. A not insignificant proportion of what comprises a relatively small local community appear not to be in favour of the housing allocations set out in the Neighbourhood Plan.
- 63 Each of the Options presented included sites that emerged from the original Call for Sites in 2017. As noted above, the Call for Sites process resulted in 24 potential sites being put forward for consideration. These were assessed on the basis of a table provided in the Consultation Statement.

- 64 Given that the Options process did not allow for any choice in respect of whether or not to support the land allocations ultimately included in the Neighbourhood Plan, it is important in respect of understanding whether or not the Neighbourhood Plan contributes to the achievement of sustainable development, to be able to conclude that the site assessment process from which the allocations emerged was, itself, robust.
- 65 The site assessment table lists a number of basic facts pertaining to each site. These include the “*potential housing yield*” (PHY) of each site. The information below compares the Neighbourhood Plan allocations to the PHY in the site assessment process:
- Site 3: 1 house – PHY 13 dwellings*  
*Site 5: 2 semi-detached houses – PHY 46 dwellings*  
*Site 6: 4 bungalows – PHY 82 dwellings*  
*Site 7: 4 houses – PHY 21 dwellings*  
*Site 10: 5 bungalows – PHY 10 dwellings*  
*Site 11: 1 house – PHY 6 dwellings*  
*Site 14: 1 house - PHY 4 dwellings*  
*Site 15: 3 bungalows – PHY 6 dwellings*  
*Site 16: 2 houses – PHY 2 dwellings*  
*Site 20: 1 house – PHY 1 dwelling*
- 66 With the exception of two of the ten allocated sites, these potential yields bear no resemblance whatsoever to the proposed Neighbourhood Plan allocations.
- 67 Given this, it is reasonable to expect other sustainable development considerations, such as those relating to local character, design, residential amenity and highway safety, to be taken into account – as some consideration of these factors might help support allocations that otherwise, on the face of it, appear to have been determined in a somewhat haphazard manner lacking objectivity and a clear rationale.
- 68 As noted earlier in this Report, it is a basic condition that a Neighbourhood Plan must be in general conformity with the strategic policies of the development plan.
- 69 Local Plan Policy N8 (“*Landscape Character*”) requires development to be sympathetic to landscape character – all development with landscape and visual implications are expected to protect, conserve and where appropriate, enhance local character. The Neighbourhood Plan site assessment process provides no detailed evidence to demonstrate that the allocations are capable of meeting this requirement.

- 70 Local Plan Policy N1 ("*Design*") requires development to have regard to local context, and to preserve and enhance local character, as well as residential amenity. Representations have been received which raise concerns in respect of the impact of the allocations on local character and residential amenity. However, the allocations are not supported by any substantive evidence to demonstrate that they are capable of providing for development that can meet the requirements of Policy N1.
- 71 Further, taking the requirements of Local Plan Policies N8 and N1 into account, I am mindful that the site assessment process applies what appears as an entirely arbitrary approach to housing densities. This is demonstrated by the comparison of "*potential housing yield*" to actual allocations, above. Amongst other things, it is, for example, a very wide range of housing densities, including development at, amongst other very low densities, a development density of just 1 dwelling per acre (1 dwelling/0.4 hectares), without any substantive evidence to justify a lack of regard to national policy, which requires planning policies to:
- "...support development that makes efficient use of land..."*  
(Paragraph 122, the Framework)
- 72 In addition to the above, I am mindful that Local Plan Policy T2 ("*Parking and Manoeuvring Facilities*") requires all development to provide for safe access, egress and internal circulation and not to harm highway safety. No information has been provided to demonstrate that the requirements of Local Plan Policy T2 can be achieved.
- 73 The evidence base for the Neighbourhood Plan need only be proportionate to neighbourhood planning. However, whilst it is therefore not necessary for the information supporting a Neighbourhood Plan to be as detailed as that for say, a Local Plan, it is still important for Policies to be supported by robust evidence.
- 74 The site assessment process does not appear robust.
- 75 Plan-makers state that "*detailed information will be determined at the planning stage,*" but such an approach pre-supposes that a site is capable of meeting requirements, without substantive evidence being presented to demonstrate that this is the case. In this respect I note that Stafford Borough Council "*...was not involved in the land allocation process of assessing and selecting sites.*"

76 In respect of housing allocations in the High Offley Parish Neighbourhood Plan, I am also mindful that, other than the somewhat subjective requirement for development to *respond* to local character, the Neighbourhood Plan's Policies set out little in the way of development requirements. Dwellings, for example, might be of any size and provide any number of parking spaces. Furthermore, no evidence is provided to demonstrate that the allocations will serve to meet the Neighbourhood Plan aim of encouraging young people and families to purchase homes in the Neighbourhood Area, or have emerged from a clear consideration of such matters.

77 Further to all of the above, representations were submitted during the consultation stage claiming that sites allocated in the Neighbourhood Plan favoured land owned by members of the Parish Council or their relatives.

78 In this regard, the Qualifying Body has provided the following statement:

*“Working Group members declared interests in the following sites (see sites in bold below), this is evidenced in the minutes of meetings that can be found on the High Offley Parish Council website under the Neighbourhood Plan tab. In Particular see Minutes 85: 21<sup>st</sup> September 2017, Minutes 86: 6<sup>th</sup> September 2017 and Minutes 87: 15<sup>th</sup> August 2017.*

*(<http://www.highoffleyparishcouncil.org.uk/pgNPlan.html>)*

*Declaration of Interest was a standard agenda item at the meetings”*

**Working Group Members - Sites 6, 13, 14, 17, 18, 19** (also 22, 23, 24, but these were not included in the Neighbourhood Plan)

**Relatives of Working Group Members - Sites 10, 16 & 20**

79 Nine of the sites allocated for development in the Neighbourhood Plan are controlled by Working Group Members or their relatives.

80 However, no substantive evidence has been submitted to support the contention that the plan-making approach “*favoured*” these sites and the Qualifying Body's response, above, demonstrates transparency.

- 81 In respect of the public consultation process, I note that, following the postal vote, which resulted in 66% of voters supporting Option 1 above Options 2 and 3, the Neighbourhood Plan Working Group produced the draft version of the Neighbourhood Plan, which was consulted on during December 2018 and January 2019.
- 82 Consultation was supported by the distribution of letters advertising the process. Twenty six comments were received and the Consultation Statement contains a table setting out how comments were considered.
- 83 Taking all of the above into account, I am satisfied that the Neighbourhood Plan was consulted on in compliance with the neighbourhood planning regulations referred to in Paragraph 50 of this Report.
- 84 However, I am not satisfied that the site allocation process was appropriate or robust. In this respect, I cannot conclude that the Neighbourhood Plan's approach to the allocation of residential land contributes to the achievement of sustainable development, or that this aspect of the Neighbourhood Plan meets the basic conditions.

## **6. The Neighbourhood Plan – Introductory Section**

85 There are a number of typographical errors in the introductory text and I recommend:

- Para 1.3, change to “...and *be* used in determining...”
- Para 5.1, change to “...and no more *than 2* storey housing...”

## **7. The Neighbourhood Plan – Neighbourhood Plan Policies**

### Housing

#### **Policy 1 – Housing Development**

- 86 There is no requirement for a Neighbourhood Plan to allocate land for residential development.
- 87 In the case of High Offley, the Qualifying Body has sought to allocate ten housing sites, “*allowing*” for the development of 24 dwellings.
- 88 Policies SP2, SP3 and SP4 (“*Spatial Principle 2*,” “*Spatial Principle 3*” and “*Spatial Principle 4*”) of the Plan for Stafford Borough 2011-2031 (2014) (referred to in this Report as the “*Local Plan*”) establish the strategic approach for housing provision across the Borough during the plan period. This strategic approach requires 12% of new homes to be provided at Key Service Villages (KSVs), of which Woodseaves is one and 8% of homes to be provided across “*the rest of the Borough*,” outside main settlements.
- 89 Woodseaves, comprising less than 500 dwellings, is one of the Borough’s smaller KSVs and in housing numbers terms, the Neighbourhood Plan sets out a clear rationale, in general conformity with Local Plan Policies SP2, SP3 and SP4, to support the allocation of land for 48 dwellings at the settlement. This rationale is supported by Stafford Borough Council.
- 90 Of these 48 dwellings, 30 have been approved since 2011, leaving a requirement for 18 dwellings. Policy 1 of the Neighbourhood Plan seeks to allocate land for 19 dwellings in Woodseaves. It also notes that a lapsed permission for 9 dwellings is being re-sought and it does not indicate any objection to this.
- 91 The Neighbourhood Plan also seeks to allocate land for 5 dwellings in the Rural Area. Paragraph 7.11 of the Neighbourhood Plan implies that there is a requirement for 24 dwellings in the Rural Area, but states that 8 dwellings are planned or completed and a further 5 dwellings are proposed. Paragraph 7.13 states that 11 more dwellings will be supported in the Rural Area, but no sites are allocated for these.

- 92 This is a confusing approach and I am mindful that Stafford Borough Council considers the Neighbourhood Plan's approach to residential land allocations in the Rural Area to be unclear and inconsistent.
- 93 Notwithstanding this, there is some logic to the Neighbourhood Plan's general conclusion that the Neighbourhood Area should provide for a total of around 72 dwellings over the plan period.
- 94 However, I conclude in Section 5 of this Report that the site assessment process was neither appropriate nor robust. It results in a number of unusual land allocations, including sites where housing would be built at densities of between 2 and 15 dwellings per hectare (around 1 - 6 dwellings per acre) and sites in remote rural locations, which Stafford Borough Council considers would be "*contrary to the Local Plan.*"
- 95 Notwithstanding this, national planning guidance<sup>11</sup> requires Neighbourhood Plans to:
- ...be supported by appropriate evidence."*
- 96 Policy 1 is not supported by appropriate evidence.
- 97 I am mindful that Stafford Borough Council considers that the allocations at Woodseaves are in general conformity with four Spatial Principle policies in the Local Plan and are "*generally*" sustainable. In this regard, I concur in respect of there being some rationale in respect of the Spatial Principle Policies of the Local Plan, but I have also found that the allocation of land for housing in the Neighbourhood Plan does not have regard to national policy and guidance, is not in general conformity with other strategic policies of the Local Plan and does not contribute to the achievement of sustainable development.
- 98 Taking all of this into account, Policy 1, which seeks to allocate residential land for development, does not meet the basic conditions.
- 99 Whilst Policy 1 does not allocate land for additional car parking, the Plan on page 16 (in addition to that on page 17 of the Neighbourhood Plan), identifies the site in an unclear and confusing manner, by shading it as a "*New Housing Site.*" It is recommended that the proposed area for additional car parking, which is allocated in Policy 4, is identified on a revised version of the Plan currently on page 17 of the Neighbourhood Plan.

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<sup>11</sup> Planning Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

100 I recommend:

- **Delete Policy 1**
- **Delete the plan on page 16**
- **Change the plan on page 17 to show “*Local Green Space*” designations, the “*Additional Car Parking*” allocation and “*Local Plan Settlement Boundary*” only**
- **Delete the plans on page 18 and delete the first plan on page 19**
- **Delete Paragraphs 4.1 and 4.2**
- **Delete Paragraphs 5.2 to 5.5**
- **Delete the second and third sentences of Paragraph 7.2**
- **Paragraph 7.3 delete from “...which has been identified...” to the end of the Paragraph**
- **Delete Paragraphs 7.4 to 7.13**
- **Taking account of the above deletion, change Para 5.1 line 5, to read “...small infill sites of no more than 10 dwellings within or close to...”**
- **Delete Paragraphs 14.1 and 14.2**

101 In making the recommendations above, I am conscious that significant work has been undertaken by plan-makers and that the deletion of Policy 1 will come as a disappointment. However, if a Neighbourhood Plan is to progress to Referendum, it is essential that it meets the basic conditions and in this case, I am unable to conclude that Policy 1 does this, or that it can be modified, via examination, in a way that it can do so.

102 However, I draw attention to the fact that, once made, a Neighbourhood Plan can be revised. The work already completed by plan-makers may help to inform an appropriate and robust site allocation process and enable an efficient route to a revised Neighbourhood Plan.

- 103 As noted above, there is some rationale to an approach supporting the provision of around 72 dwellings in the Neighbourhood Area during the plan period and this, together with work already undertaken and the comments made in this Report, could provide a good starting point for the allocation of housing in a revision to a made High Offley Parish Neighbourhood Plan.

**Policy 2 – Housing Types**

104 In support of the Government's objective of significantly boosting the supply of homes, Paragraph 61 of the Framework requires planning policies to assess and reflect the size, type and tenure of housing for different groups in the community.

105 In this regard, the supporting text to Policy 2 recognises that, in the Neighbourhood Area:

*"...there are not enough low cost affordable homes for first time buyers, especially young people."*

106 This follows on from the Neighbourhood Plan's recognition that:

*"...there is a requirement for family houses and bungalows to enable people to downsize and encourage young people to purchase homes in the Parish..."*

107 Given this, it could be anticipated that Policy 2, "*Housing Types*," would set out a policy framework to provide for types of housing including affordable housing and dwellings for young people and first time buyers. However, the Policy does not do this, but does, amongst other things, support the provision of 1 and 2 storey houses and seeks to limit the height of dwellings to 2 stories, taking into account local character and the views of the community.

108 As presented, Policy 2 does not fully reflect the aims of the Neighbourhood Plan, as set out in the supporting text, which itself reflects the findings of the consultation process and the content of Local Plan Policy C1 ("*Dwelling Types and Sizes*"), which requires new developments to provide an appropriate range of dwelling types and sizes to provide for a mixture of different households.

109 I note that the Framework refers to self-build and custom-build housing, rather than "*custom-designed*" housing, which is not defined in the Neighbourhood Plan. This is a matter that is taken into account in the recommendations below.

110 Taking all of the above into account, I recommend:

- **Change Policy 2 to “*New housing development should provide a mix of housing types. Opportunities taken to provide affordable housing and/or dwellings for young people and first time buyers will be supported, as will the provision of innovative self-build and custom-built properties. New dwellings should be no greater than two stories in height. The development of bungalows close to the centre of Woodseaves will be supported.*”**
- **For clarity, change line 7 of Para 5.1 to “...and no more than 2 storey housing.”**
- **Paragraph 7.15, change last sentence to “*The development of bungalows close to the centre of the village may provide opportunities for new housing within close proximity of facilities with minimal impact on local character and residential amenity.*”**

### **Policy 3 – Building Design**

111 National planning policy recognises that:

*“Good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities.”*

(Paragraph 124, the Framework)

112 Local Plan Policy N1, *“Design,”* sets out a number of design principles, which must be met in order to secure enhancements in design quality.

113 Whilst, in general terms, Policy 3 seeks to promote good design, it is significantly less detailed than Policy N1 of the Local Plan and effectively supports development subject only to it *“responding”* to local character amongst five other criteria. In the absence of any clarity in respect of what a *“response”* might comprise, this requirement appears vague, subjective and unsupported by detailed information, contrary to national guidance, which requires planning policies to be clear and unambiguous<sup>12</sup>:

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

114 Further, the Policy provides no indication of which wildlife habitats *“continue to enhance the character of the local area,”* and a requirement for the provision of electricity generation *“up to 4kWh”* could be met through the provision of a fraction of that level, to no apparent purpose. No information is provided in respect of this requirement, adding to the ambiguous nature of the Policy.

115 Also, it is not clear, in the absence of any detail or evidence, how or why every residential boundary, other than a front boundary, must comprise a hedgerow, nor whether such a requirement is deliverable. Consequently, this part of the Policy does not have regard to Paragraph 16 of the Framework, which requires plans to be deliverable.

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<sup>12</sup> Planning Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

116 The Lifetime Homes "*criteria*" comprise guidance, rather than a requirement and in the absence of detail, it is not clear what "*adequate*" recycling storage comprises. Taking these factors and all of the above into account, I recommend:

- **Change Policy 3 to "*All development should be of a high design quality. Development must respect local character and residential amenity and where possible, should enhance biodiversity. The development of new homes should include the provision of electric vehicle charging points and an innovative construction and energy provision that helps achieve a low carbon future will be supported.*"**
- **Delete last sentence of Paragraph 7.17, which reads as though it is a Policy requirement, but is not**

Traffic and Parking

**Policy 4 – Traffic and Parking**

117 Chapter 9 of the Framework, "*Promoting sustainable transport,*" requires safe and suitable access to development sites and requires development to:

*"...create places that are safe, secure and attractive..."*  
(Paragraph 110, the Framework)

118 Policy 4 seeks to encourage development that enhances highway safety and provides for a secure and attractive environment and has regard to national policy.

119 For clarity, I recommend:

- **Change Policy 4 to "*Improvements to highway safety will be supported, as will the development of additional parking provision close to the school, pub or shop. The development of additional car parking provision at Site 6A, shown on the Plan on page XX (NB, page number for revised plan currently on page 17 will be determined once Report recommendations implemented) will be supported. New parking provision requiring planning permission should provide permeable surfaces...paving or grass...run-off.*"**
- **Paragraph 8.3, last line, change to "...convert to a car park."**
- **Paragraph 8.4, line 5, change to "High Offley Parish Council aspires to provide additional car parking facilities and will explore opportunities to do so." (delete rest of Paragraph)**

Local Green Space

**Policy 5 – Local Green Space**

120 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 99 of the Framework states that:

*“The designation of land as a Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.”*

121 The Framework requires policies for the managing of development within a Local Green Space to be consistent with those for Green Belts (Paragraph 101, the Framework). A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.

122 Given the importance of the designation, it is appropriate that areas of Local Green Space are clearly identified in the Neighbourhood Plan itself. The map identifying each Local Green Space is small and the precise boundaries are not easily identifiable. I also note that the indicative areas appear to include land currently used for car parking, gardens and footpaths. Consequently, it is not possible to clearly identify Local Green Space boundaries and I make a recommendation in this regard, below.

123 The designation of land for Local Green Space must meet the tests set out in Paragraph 100 of the Framework.

124 These are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.

125 Each proposed Local Green Space appears to meet the relevant national policy tests and is therefore appropriate for designation.

126 National Policy requires that policies for managing development within a Local Green Space should be consistent with those for Green Belts and the recommendations below take this into account.

127 As set out above, Local Green Space is a distinct designation. It does not apply generally to any green or open space. In this regard, whilst Policy 5 seeks to designate Local Green Space, it also includes confusing references to supporting the retention of other unidentified areas of space for recreation. No information has been submitted to indicate that existing recreational areas are under threat and I note, in any case, that Local Plan Policy C7 ("*Open Space, Sport and Recreation*") affords protection to such land.

128 I recommend:

- **Policy 5, change to "*The areas identified on the plans on pages XX and XX at Willowcroft...(LGS3) are designated as Local Green Space. The management of development within areas of Local Green Space will be consistent with that for development within Green Belts.*"**
- **Provide a new plan (or plans) clearly identifying the precise boundaries of each area of Local Green Space, as agreed by the Qualifying Body and Local Planning Authority. Include only the specific area of Local Green Space to be protected. Update the plan, currently on page 17 as per recommendations in respect of Policy 1, earlier in this Report, to include the revised Local Green Space boundaries.**
- **Delete Paragraphs 9.1 to 9.4, which fail to appropriately introduce Local Green Space and which do not have regard to national policy. Replace with "*Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 99 of the National Planning Policy Framework states that: "The designation of land as a Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.*"**

***The National Planning Policy Framework requires policies for the managing of development within a Local Green Space to be consistent with those for Green Belts and the designation of land for Local Green Space must meet the tests set out in Paragraph 100 of the Framework.***

***These are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.***

***The three sites designated below meet these tests and have been protected in order to retain green space that is of particular importance to the local community."***

Tourism and Leisure

**Policy 6 – Tourism and Leisure**

129 To support the national policy aim of supporting a prosperous rural community, the Framework requires planning policies to enable:

*"...sustainable rural tourism and leisure developments that respect the character of the countryside."*

(Paragraph 83, the Framework)

130 Together, Local Plan Policy E2 ("*Sustainable Rural Development*"), Policy E6 ("*Tourism*") and Policy E7 ("*Canal Facilities and New Marinas*") establish a clear policy framework for the delivery of tourism and leisure development in the rural area. They work with each other and alongside national policy, to ensure that appropriate development can come forward, in support of a prosperous rural community and in a manner that protects the environment.

131 Policy 6 supports the provision of bed and breakfast accommodation, having regard to national policy and in general conformity with the Local Plan. It also allocates land for two small caravan and camping sites and Stafford Borough Council is satisfied that these allocations are in general conformity with the Local Plan.

132 The Policy goes on to seek the allocation of two relatively large areas for two Canal Mooring Basins, as well as a parking area for the smaller of these two Canal Mooring Basins.

133 Amongst other things, Local Plan Policy E7 requires such development to be "*appropriate in scale to its locality,*" for the countryside to be "*protected, in terms of its openness, rural character and attractiveness*" and for facilities, including car parking, to have "*adequate landscaping and screening, to minimise visual impact.*"

134 No information has been submitted to demonstrate that the allocation of the two Canal Mooring Basins meets these requirements.

- 135 Further, Local Plan Policy E7 requires public access to be improved and integrated with canal frontage and for adequate car parking facilities to be provided. Again, there is no substantive information to demonstrate that these requirements would be met by the two allocations.
- 136 In respect of the proposed Canal Mooring Basins, I am also mindful that Stafford Borough Council has stated that it would "*query the appropriateness of the scale of the mooring proposals to their locality.*" In the absence of any detailed information in support of the allocations, I consider that the two Canal Mooring Basins would comprise large developments out of scale with the locality and taking this and the above into account, find that their allocation would not meet the basic conditions.
- 137 I recommend:
- **Policy 6, change to "*Bed and breakfast accommodation and the provision of small campsites at the land allocated as sites 18 and 19 on the plan on page XX will be supported, subject to development respecting local character, residential amenity and highway safety.*"**
  - **Delete the plan on the last page of the Neighbourhood Plan**
  - **Paragraph 10.1, delete from line 5 to the end of the Paragraph ("*The Shebdon...under the road.*")**

## Employment

### **Policy 7 - Homeworking**

138 To meet the national policy aim of supporting a prosperous local economy, Paragraph 83 of the Framework states that planning policies should enable:

*"...the sustainable growth and expansion of all types of businesses in rural areas..."*

139 In general terms, Policy 7 seeks to sustain existing and encourage new employment and in this respect, the aims of the Policy meet the basic conditions.

140 As worded, the Policy includes vague references to *"unacceptably harmed"* and *"substantial external modifications."* No information is provided in respect of how such harm, or such modifications, might be judged, who by or on what basis. Consequently, the Policy does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework.

141 The Policy also refers to *"curtilage"* which, alongside reference to the business *"operation,"* introduces complex, legalistic and unnecessary matters into the Policy without any relevant supporting information. I also note that no information has been provided in respect of why the health and safety impacts of business operations comprise a land use planning matter, or why the Policy wording focuses on *"small scale businesses,"* rather than small scale employment development.

142 I recommend:

- **Policy 7, change to *"Small scale employment development will be supported, subject to it respecting local character, residential amenity and highway safety."* (delete rest of Policy)**

Telecommunications

**Policy 8 – Mobile Phone Infrastructure**

143 Chapter 10 of the Framework, “*Supporting high quality communications,*” recognises that:

*“...high quality and reliable communications infrastructure is essential for economic growth and social well-being.”*

(Paragraph 112, the Framework)

144 National policy goes on to establish that:

*“The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.”*

*“Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development.”*

(Paragraphs 113 and 115, the Framework)

145 The development of new communications masts will be sought where necessary and applications must be supported with necessary evidence. It is not appropriate to simply allocate land for a mobile phone mast, regardless of national policy. Notwithstanding this, the proposed allocation of a mobile phone mast site in Policy 8 is not supported by necessary evidence to justify such development. The Policy does not meet the basic conditions.

146 I recommend:

- **Delete Policy 8**
- **Delete Paragraph 12.1**
- **Delete reference to Site 17 in the second plan on page 19**

## **8. The Neighbourhood Plan: Other Matters**

147 Taking into account the recommendations contained in this Report, I also recommend:

- **Para 13.1, change to “...needs relocating, *but there is no mechanism within the Neighbourhood Plan to provide for this.*”**

148 The recommendations made in this Report will also have a subsequent impact on Contents, including Policy, paragraph and page numbering.

149 I recommend:

- **Update the Contents and where necessary, Policy, paragraph and page numbering, to take into account the recommendations contained in this Report**

## **9. Referendum**

- 150 I recommend to Stafford Borough Council that, subject to the recommended modifications, **the High Offley Parish Neighbourhood Plan should proceed to a Referendum.**

### Referendum Area

- 151 I am required to consider whether the Referendum Area should be extended beyond the High Offley Parish Neighbourhood Area.
- 152 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.
- 153 Consequently, I recommend that the Plan should proceed to a Referendum based on the High Offley Parish Neighbourhood Area approved by Stafford Borough Council on the 3<sup>rd</sup> March 2016.

**Nigel McGurk, March 2020**  
**Erimax – Land, Planning and Communities**

