

## **Health Check Report for The Parish of Sandon and Burston in the Borough of Stafford Neighbourhood Plan 2031**

**This health check was completed by Janet Cheesley BA (Hons) DipTP MRTPI on 15 October 2014**

In this review, I have looked at whether the submission version of the Parish of Sandon and Burston in the Borough of Stafford Neighbourhood Plan 2031 meets the Basic Conditions and have advised as to any potential amendments required to ensure the Plan meets the Basic Conditions. This does not involve the re-writing of the policies but provides general advice on what changes need to be made. My detailed recommendations are in the tables below, with the main recommendations as follows:

### **Summary of Main Recommendations**

1) It is the Local Planning Authority (LPA) who is the responsible authority who decides whether a Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) is needed or not. Therefore, if the LPA is saying one is needed and one hasn't been done, then the Plan should fail an examination. The LPA has raised concern on this matter with the Parish Council as qualifying body regarding the proximity of the Cannock Chase SAC.

I understand that screening is being undertaken by the LPA. The Parish Council as qualifying body is obliged to work with the LPA to be sure that the LPA has the information it needs to provide a screening opinion. I recommend the following course of action depending on the outcome of the screening.

The Plan should not progress further until the screening has been completed. If the formal screening concludes that a SEA or HRA is needed, then one will be required. This may require modification to the Plan and further statutory consultation so it will delay things, and send the Plan backwards back down the line, but there is little point in proceeding if the Plan will fail at examination. As the Plan is at a late stage, if a SEA or HRA is required, the Plan would have to go back to at least pre Regulation 14 consultation stage. This is because a draft SEA or HRA needs to be consulted on at the same time as the pre-submission version of the Plan.

2) It has not been shown whether all of the Regulation 14 requirements have been met.

3) A full explanation is needed in the Plan to identify how the proposed developments identified in the projects and the policies would contribute towards the achievement of sustainable development.

4) There needs to be clear reasoned justification for the policies and land use projects, with a full explanation of how the evidence base has been used to formulate the policies and identify the land use projects. There needs to be a clear distinction between land use policy and non land use matters in the projects and policies. Some policies need modification to ensure they are land use policies.

**Part 1 – Process**

	Criteria	Source	Response/Comments
1.1	Have the necessary statutory requirements been met in terms of the designation of the neighbourhood area?	Basic Conditions Statement. The Parish of Sandon and Burston in the Borough of Stafford Neighbourhood Plan 2031 (The Plan) The Consultation Statement	Yes. The Parish submitted an application for designation of a Neighbourhood Area on 15 June 2012. The application was subsequently designated by Stafford Borough Council on 7 February 2013. A Neighbourhood Plan needs to specify the period for which it is to have effect. Whilst 2031 is specified on the front cover, the plan period needs to be specified in the Plan.
1.2	If the area does not have a parish council, have the necessary statutory requirements been met in terms of the designation of the neighbourhood forum?		N/A The Plan covers the Parish of Sandon and Burston
1.3	Has the plan been the subject of appropriate pre-submission consultation and publicity, as set out in the legislation, or is this underway?	The Plan The Consultation Statement	The Consultation period ran from 1 April to 31 May 2013. This satisfies Regulation 14 (a) (iv) with regard to the consultation period. I note that consultation bodies were consulted re Reg 14 (b) and a copy of the Plan was sent to the LPA re Reg 14 (c). However, I have no clear details before me to show that the remainder of Regulation

			14 (a) has been complied with. These matters need to be addressed in the Consultation Statement. In particular, the extent of publicity needs to be explained and all other matters under Regulation 14 (a) (i), (ii), and (iii).
1.4	Has there been a programme of community engagement proportionate to the scale and complexity of the plan?	The Plan The Consultation Statement	There has been considerable community engagement in the production of the Plan preceding the formal pre-submission consultation. This is outlined in the Consultation Statements. However, the programme of community engagement during the Regulation 14 consultation period has not been outlined.
1.5	Are arrangements in place for an independent examiner to be appointed?		The LPA has confirmed that at this stage an independent examiner has not been appointed for the Sandon and Burston NP examination, although this will take place during the six-week consultation stage on the submission plan.
1.6	Are discussions taking place with the electoral services team on holding the referendum?		The LPA has confirmed that initial discussions have taken place in terms of holding a referendum but as the timing of this are uncertain at this stage no detailed have been finalised.
1.7	Is there a clear project plan for bringing the plan into force and does it take account of local authority committee cycles?		The LPA has confirmed that following receipt of the Examiner's report and progressing with a successful referendum the Sandon and Burston Neighbourhood Plan would be part of the Development Plan for the Stafford Borough area. Regular meetings are held of the Cabinet and Council to ensure a timely delivery of the Plan for determining planning applications in due course.
1.8	Has an SEA screening been carried out by the LPA?		Screening is currently being undertaken by the LPA. I note that the LPA is now preparing to investigate the sites on the basis that the maximum of each site allocated will be developed and will then use this data to conduct a screening opinion.
1.9	Has an HRA screening been carried out by the LPA?		Screening is currently being undertaken by the LPA. As Cannock Chase Special Area of Conservation is a site protected under European Law and lies within 15km, I would expect an HRA

			screening.
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## Part 2 – Content

	Criteria	Source	Response/Comments
2.1	Are policies appropriately justified with a clear rationale?	The Plan The Basic Conditions Statement	No. The policies are not accompanied by reasoned justification, although the aims of the Plan are expressed in Section 5. Although there has been extensive consultation, it is not clear in the Plan how the projects were chosen during this consultation process. There needs to be a full explanation of how the evidence base was used to formulate the policies and identify the land use projects. If housing figures are not to be included in the Plan, there needs to be justification of this approach, particularly how this approach is in general conformity with strategic policy.
2.2	Is it clear which parts of the draft plan form the ‘neighbourhood plan proposal’ (i.e. the neighbourhood <i>development plan</i> ) under the Localism Act, subject to the independent examination, and which parts do not form part of the ‘plan proposal’, and would not be tested by the independent examination?	The Plan	No. As a general point, the status of the projects is not clear. Paragraph 17 in the NPPF requires a practical framework. The status of the projects should be clearly defined and the Plan should make clear that planning applications will be determined against the land use policies only. I suggest removing all evidence base appendices apart from the projects. The Parish Map and Historic Landscape Character map can be incorporated into the main body of the text. The remaining Appendices should become a separate evidence base document.
2.3	Are there any obvious conflicts with the NPPF?		Yes. See 2.4 and 2.7 below
2.4	Is there a clear explanation of the	The Plan	No.

	ways the plan contributes to the achievement of sustainable development?	The Basic Conditions Statement	In general, the Plan and the Basic Conditions Statement need to explain how the Plan has identified and assessed options for development sites and how the land use projects and policies would contribute towards the achievement of sustainable development. In particular, from the information before me, it is difficult to assess whether development proposals would constitute isolated dwellings in the countryside or development outside defined settlements. Where applicable, a full explanation is needed in the Plan to identify how such proposed developments would contribute towards the achievement of sustainable development. In addition, see comments under 2.7 below.
2.5	Are there any issues around compatibility with human rights or EU obligations?	Additional Information to Support Application 15 Sept 2014 The Basic Conditions Statement	Yes See SEA and HRA comments.
2.6	Does the plan avoid dealing with excluded development including nationally significant infrastructure, waste and minerals?		Yes
2.7	Is there consensus between the local planning authority and the qualifying body over whether the plan meets the basic conditions including conformity with strategic development plan policy and, if not, what are the areas of disagreement?	Additional Information to Support Application 15 Sept 2014 The Basic Conditions Statement The Plan	No.  1) Flood risk. A number of allocated sites for housing are within Flood Zones 2/3. The National Planning Policy Framework states, with regard to the Sequential Test, that <i>development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development on areas with a lower probability of flooding</i> . This needs to be addressed in the Plan.  2)The Environment Agency has raised concern regarding the allocation of land at Burston Lane for development, due to its close proximity to the top of a bank of a watercourse. The Plan needs to address the impact of this proposal on the watercourse, to meet the

			<p>Basic Conditions.</p> <p>3)The integrity of a European Site, Cannock Chase Special Area of Conservation, which is a site protected under European Law. The Plan area is situated within a 15km radius of this site. It is the Local Planning Authority (LPA) who is the responsible authority who decides whether a Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) is needed or not. Therefore, if the LPA is saying one is needed and one hasn't been done, then the Plan should fail an examination. I recommend that the Plan does not progress further to submission stage until the screening has been completed.</p>
2.8	Are there any obvious errors in the plan?	The Plan	<p>Yes.</p> <p>A map or statement which identifies the area to which the proposed neighbourhood development plan relates is required under 15 (1) (a) of the regulations. Whilst there is a map of the Parish in the appendices, the inclusion of a map in the main body of the Plan clearly showing that the NP area is the same as the Parish boundary would meet this regulation.</p>
2.9	Are the plan's policies clear and unambiguous and do they reflect the community's aspirations?	The Plan The Basic Conditions Statement	<p>The policies reflect the 'Vision' outlined in the Plan.</p> <p>Specific comments area as follows:</p> <p>D1- The second sentence should refer to 'new development' rather than 'proposals'.</p> <p>C1. This is an aspiration, rather than a land use policy. To ensure deliverability, I recommend strengthening Policies C1 and E1 to include relevant lists of the development sites referred to. If these are land use allocation policies, they need to be more specific.</p> <p>SD1. The way this is written it is more of a statement than a land use policy.</p>

			<p>Projects 3 and 8. The Basic Conditions statement refers to the relevance of Local Green Space designation to these sites. If it is the intention that these sites are intended to be so designation, this must be clear in Policy in the Plan, with an appropriate evidence base to show how their designation would comply with the requirements of paragraph 77 in the NPPF...</p> <p>Project 12 Burston Hall. I note that this is a listed building. The <i>Planning (Listed Buildings and Conservation Areas) Act 1990</i> imposes duties requiring special regard to be had to the desirability: at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 12 in the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. An explanation is needed to show how project 12, (and any other projects that may affect the setting of listed buildings), meets these requirements.</p>
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Documents considered:

The Parish of Sandon and Burston in the Borough of Stafford Neighbourhood Plan 2031

The Basic Conditions Statement

The Consultation Statement

Additional Information to Support Application 15 September 2014

Janet Cheesley 15 October 2014