

The Madeley Neighbourhood Development Plan

Examination Version

Report to Telford & Wrekin Council

by the Independent Examiner

John Parmiter FRICS FRSA MRTPI

June 2014

Contents	page
Summary of conclusions and recommendations	1
Introduction	2
Housing	12
Green Spaces and Public Spaces	15
Local Economy	17
Local Character	20
Getting around	22
Monitoring and Review	23
Conclusions and Recommendations	24
Annex	31

Summary of conclusions and recommendations

1. From my examination of the Madeley Neighbourhood Development Plan and its supporting documents, including all the representations made, I have concluded that, subject to policy modifications, the plan meets the Basic Conditions, in that:

- It has due regard to national policies and advice;
- It contributes to the achievement of sustainable development;
- It is in general conformity with the strategic policies of the development plan; and
- It does not breach, and is otherwise compatible with, European Union and European Convention on Human Rights obligations.

2. I have also concluded that:

- The plan has been prepared and submitted for examination by a qualifying body – the Madeley Town Council;
- The plan has been prepared for an area properly designated – the town (originally parish) council area;
- The plan specifies the period to which it has effect – to 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

3. I recommend that the plan, once modified, proceeds to Referendum, on the basis that I have concluded that, once modified, it can meet all the relevant legal requirements. To that end I have made various recommendations to modify policies and text to ensure the plan meets the Basic Conditions.

4. In recommending the plan should go forward to Referendum, I have considered whether or not the Referendum Area should be extended beyond the designated area to which the plan relates. I have concluded that it should not; the Referendum Area should be the same as the designated plan area.

1 INTRODUCTION

- 1.1 I am appointed by Telford & Wrekin Council, with the support of Madeley Town Council (the Qualifying Body), to undertake an independent examination of the Madeley Neighbourhood Development Plan, as submitted for examination.
- 1.2 I am a planning and development professional of 40 years standing and a member of the National Panel of Independent Examiners. I am independent of any local connections and have no conflicts of interests.

The Scope of the Examination

- 1.3 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “Basic Conditions.” These are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. In order to meet the Basic Conditions, the making of the Neighbourhood 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 (see Development Plan, below) for the area; and
 - not breach, and must be otherwise compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.
- 1.4 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) require that the Neighbourhood Plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007) either alone or in combination with other plans or projects.

1.5 In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, (TCPA) to establish whether:

- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body
- The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA).
- The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (ie. the Plan must specify the period to which it has effect, must not include provisions about development that is excluded development, and must not relate to more than one Neighbourhood Area) and
- 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 PCPA.

1.6 Finally, as Independent Examiner, I must make one of the following recommendations:

- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Plan once modified to meet all relevant legal requirements should proceed to Referendum; or
- c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

1.7 If recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this Report.

The Examination process

1.8 I commenced examination of the plan in mid-April 2014. The default position is that neighbourhood plan examinations are held by written representations. However, I considered it necessary to hold a public hearing on certain matters where I required clarification by oral evidence. This was on four topics, around two themes: housing

and retail. A public hearing took place on Friday 6th June, at the Park Lane Centre, Woodside, Telford, within the Madeley neighbourhood plan area.

- 1.9 In the early part of the examination process I raised some points of clarification with the Town and Borough Councils, mainly on two matters, which have now been clarified for me by email:
- Industrial provision and the removal of part of the Tweedale Industrial Estate from the area allocated for employment use; and
 - Local Nature Reserves, and specifically Tweedale Pit and Blists Hill.
- 1.10 More significantly, after the publication of the hearing agenda, the Town and District Councils continued to discuss the issues I had identified for the public hearing, as is recommended in the National Planning Policy Guidance. As a result, I was provided with four topic papers from the Town Council, on the four matters on the agenda, which helped shape the hearing discussions and informed my recommendations. These were also posted on the Town Council website.
- 1.11 I am particularly grateful for the support I received from the Telford & Wrekin Council staff who assisted me in the examination and in setting up the hearing, along with the Town Council.

The Examination documents

- 1.12 In addition to the legal and national policy framework, the documents that were furnished to me and were identified on the website as the plan and its supporting documentation for examination were:
- Madeley Neighbourhood Development Plan – Examination version
 - Basic Conditions Statement, with appendices:
 - SEA Screening Consultation Report
 - SEA Screening Statement
 - SEA Screening Determination
 - Regulation 14 Consultation [Statement]
 - Consultation Statement Appendices
 - Historic Conservation Assessment

- Evidence Base Summary

1.13 I was also provided with the relevant notices and decisions concerning the designation of the neighbourhood area and the preparation of the plan.

The Qualifying Body and the Neighbourhood Area

1.14 Madeley Town Council is the parish council for the geographical area that is the neighbourhood plan area. Telford & Wrekin Council designated the Madeley Town Council Neighbourhood Area, under S.61G of the Town & Country Planning Act 1990, as the appropriate neighbourhood area. The area is shown at Fig 2.1 of the Neighbourhood Plan.

The Neighbourhood Plan area

1.15 Madeley is an historic settlement surrounded by later, mostly new town, development. The area was extensively developed as part of Dawley (later Telford) New Town, in the 1960s and 1970s, comprising two large Radburn design neighbourhoods – Sutton Hill and Woodside - and two industrial areas – Tweedale and Halesfield.

1.16 The neighbourhood plan area comprises three wards – Cuckoo Oak, Madeley and Woodside. The plan area is some 881 ha located in the south of Telford & Wrekin borough. The main residential areas run (very broadly) from the A4169 (Ironbridge By-pass/Queensway) in the north to the River Severn/Ironbridge Gorge in the south; with Coalbrookdale and the A442 marking the western and eastern borders, respectively. The industrial areas lie to the east of the A442 Brockton Way.

1.17 The resident population is some 17,500 in around 3,780 households, in a significant level of rented accommodation (35%) compared with a borough average of 28%, reflecting the legacy of new town development. Owner -occupiers comprise only 52% of households in one ward. The housing market is perceived to be weak and the condition of the new town housing estates is a local concern.

Neighbourhood Plan preparation and public consultation

- 1.18 The Madeley Parish Council (as was) resolved in February 2011 to be involved in the neighbourhood plan front runner process and was chosen as a Neighbourhood Plan “Front Runner” in April 2011. This started the first consultation exercise on the plan, from September 2011 to January 2012, a process which continued through a range of local initiatives, including focus groups and workshops.
- 1.19 Under the heading of newsletters such as *Your Neighbourhood, Your Views*, the first main stage of the consultation was *The Big Map*. This sought to identify issues and gain a snapshot of local opinion.
- 1.20 The Town Council undertook an extensive process of consultation from 2011 to 2013 in advance of the statutory Regulation 14 process. The results of that were some 746 responses, summarised in a Consultation Statement in August 2013.
- 1.21 The Regulation 14 consultation stage on the pre-submission version of the plan took place between August and October 2013 and is set out fully in the Regulation 14 Statement; in summary, it involved:
- Uploading the draft plan and supporting documents to the Town Council website, which contained a dedicated Neighbourhood plan page, together with links to the published documents and response forms
 - Providing a hard copy of the plan and supporting documents at four local venues
 - Publicising the plan in a number of ways and encouraging feedback using an on-line consultation hub; or by using a standard form; or by email
 - Displaying posters at 20 locations across the plan area
 - Issuing press releases to the local press
 - Formally contacting various stakeholders direct, including
 - Statutory undertakers
 - Neighbouring parishes
 - Shropshire Council
 - Other community stakeholders and interest groups
 - All Town Council and Ward members

- 1.22 Local residents were made aware of the consultation through the Town Council website, Madeley Matters newsletters and the press.
- 1.23 The Town Council received 19 separate responses to the pre-submission version of the plan. These covered 150 distinct comments from residents, statutory consultees and landowners. Of these 127 comments were submitted about specific policies in the plan; the remaining 32 were coded according to the nature of the representation. Each comment was considered individually – these are set out in the Town Council’s August 2013 Statement - and the Town Council endorsed, at its meeting on 28th October 2013, the revised plan as amended by its Steering Group on 21st October, which had made the changes they considered necessary.
- 1.24 However, prior to finalising the plan, a motion was put to an Extraordinary Meeting of the Town Council, concerning an amendment to the town centre boundary. The result was a period of further consultation on Policy R1 (Concerning Madeley Town centre and its boundary), for a 3 week period (in January/February 2014) which involved the revisions being posted on the website, hard copies in the four locations (as before), publicity, posters, press release and re-consultation with stakeholders. In total five comments were received from four respondents. The principal concerns were raised by Telford & Wrekin Council, related to the use of a frontage policy.
- 1.25 Delegated authority was given for the Chair and Vice Chair to approve the final version of the plan, taking into account representations received. No changes were considered necessary and the revised policy was incorporated into the Examination version of the plan. Overall, the Town Council considered that their plan was well received, with the majority supporting the plan, and with the bulk of comments requiring no change to the plan’s content.
- 1.26 The Examination version of the plan was submitted to Telford & Wrekin Council on 11th February 2014. It was advertised by the Borough Council for 6 weeks and resulted in eight representations. These were posted on the website; I have taken these into consideration in my report; one of the parties who made representations took part in the public hearing.

Environmental Assessment and EU Directives

- 1.27 The Neighbourhood Plan's supporting material includes a Strategic Environmental Assessment (SEA) Screening Consultation Report, which sets out the process that the Town Council followed. An SEA Screening Report was submitted to the consultation bodies in January 2013. In light of the responses, the Town Council concluded that the plan would not be likely to have significant environmental effects and so took a formal decision – a Screening Determination - that the plan did not require an SEA. This was made publicly available for 28 days in February 2013.
- 1.28 In relation to the Habitats Regulations, the Town Council consulted Natural England in 2012, who confirmed on 12 October 2012 that: "Telford and Wrekin Borough Council have recently carried out a habitats regulations Assessment. Since this document is recent it is acceptable to Natural England for Madeley Parish Council to make reference to the document in their Neighbourhood Plan. Having checked our records there do not appear to be any Natura 2000 (European Designated Sites) within close proximity to Madeley Parish, therefore reference to the Borough's information and reports is acceptable."
- 1.29 From the neighbourhood plan material I have concluded that the neighbourhood plan is not likely to have a significant effect on a European Site. I have thus reached the overall conclusion that the plan is compatible with, and does not breach, the relevant European Union obligations.

Human Rights

- 1.30 I have no reason to believe that the plan breaches or is incompatible with the European Convention on Human Rights.

Plan period

- 1.31 The Monitoring and Review section of the plan (p 94) states that the plan covers the period 2014-2031. It would aid use of the plan if this was set out in the introductory chapter.

The Development Plan and its strategic polices

1.32 The Development Plan for the area is the Telford & Wrekin Core Strategy DPD (adopted in 2007) together with Saved Polices from the Wrekin Local Plan (adopted 2000). I was advised that the relevant strategic policies for the plan area are considered to be:

Core Strategy -

- CS1: Homes
- CS2: Jobs
- CS3: Telford
- CS5: District and Local centres in Telford
- CS8: Regeneration
- CS9: Accessibility and social inclusion
- CS10: Community facilities
- CS11: Open Space
- CS12: Natural Environment
- CS13: Environmental resources
- CS14: Cultural, Historic and Built Environment

together with Wrekin Local Plan (Saved policies):

- UD2 Design Criteria
- UD3 Urban Design Assessments
- H23 Affordable Housing
- OL3 Green Network
- OL4 Development in the Green Network
- OL11 Woodland and Trees
- OL12 Open Land and Landscape – Contributions from New Development
- T4 Development Principles

- 1.33 One of the Basic Conditions is that the plan must be in general conformity with the strategic policies of the development plan. I have concluded that the policies listed above do comprise the relevant policies; and that the neighbourhood plan is in general conformity with them.
- 1.34 The text of the plan asserts on page 7 that the Neighbourhood Plan must, inter alia, conform to local strategic policy including the “emerging Shaping Places Local Plan.” This is incorrect and the reference should be removed.
- 1.35 Telford & Wrekin Council are progressing a new Local Plan, under the heading *Shaping Places*. I have been made aware of this and, to some degree, the extent of the evidence base that is being produced and the potential for future local plan policy to impact on the neighbourhood plan area. For example, I am aware that Telford & Wrekin Council were consulting on housing and employment allocations, which included a number of sites in the Neighbourhood Plan area, at the same time as the examination. However, the emerging Local Plan is not yet part of the development plan.
- 1.36 Some representations raised questions about the relationship between the emerging Local Plan and the Neighbourhood Plan. Whilst the timing of the former clearly gave the Town Council some difficulties in how far they could go in planning for growth, I am of the view that the neighbourhood plan does not need to be in conformity with an emerging plan. As it happens, it does not raise conflicts with it; and Telford & Wrekin Council confirmed to me that, in their view, it did not.

The Neighbourhood Plan and its objectives

- 1.37 The plan is divided into two sections: Section One is contextual – comprising an introduction, setting out the background, process & summary and a section on the issues and core objectives. Section Two is concerned with the plan’s five main policy themes.
- 1.38 While there is no overall, or articulated, Vision for the plan area, the plan has some overarching objectives, which can be found in the Foreword and are set out in the Introduction; they can be summarised as:
- Providing better housing for local people

- Protecting and enhancing green spaces
- Supporting Madeley town centre and the local economy and provide jobs for local people
- Protecting and enhancing local heritage
- Encouraging more walking and cycling and public transport usage
- Improving accessibility between the communities, the town centre and employment areas.

1.39 These objectives are taken forward into the plan's policy themes. These arose out of the public consultation process and preparation of the evidence base. Section 4 of the plan sets out the issues raised by local people and the Core Objectives that were developed. Thus, this section outlines, under each of the five policy themes, the issues identified and a set of Objectives to resolve them. The themes are positive about development, regeneration and the prosperity of the plan area.

1.40 A difficulty the Town Council faced was how far they could go in planning for sustainable development, regeneration and growth, as much of the evidence they would seek to rely on, or refer to, was at too early a stage of preparation, as part of the *Shaping Places* process. Nevertheless, from these objectives and the way they are translated into land use policies and proposals, I have concluded that the plan does contribute to the achievement of sustainable development, one of the Basic Conditions.

The plan's policy themes

1.41 The plan is divided into five main policy themes:

- Housing;
- Green Spaces and Public Spaces;
- Local Economy;
- Local Character; and
- Getting Around.

1.42 In addition there is a concluding chapter on Monitoring and Review of the plan. At the end of each policy chapter there is summary table, drawing together the Core Objectives and the relevant policies that are designed to achieve them. I now turn to deal with each of the policy chapters, in turn.

2 HOUSING

- 2.1 There are nine policies, each with the prefix H. These policies are intended to meet the objectives set out on p 29 of the Examination version, which in turn are informed by the issues raised as part of the local consultation process. These include the need for more family housing, affordable housing, supported housing, reductions in deprivation and the regeneration of the Sutton Hill and Woodside estates, including the quality of provision. There was also an identified need for more energy efficient housing; and the need to build new housing on brown-field and vacant land.
- 2.2 The premise in the supporting text is that the housing market is not expected to improve significantly over the next few years. The plan-makers therefore adopted the approach that contributions for affordable housing be secured by way of commuted payments, in lieu of affordable housing provision on site. The intention was to pool these contributions with other sources and target their use into Targeted Intervention Areas (a designation borrowed from an initiative promoted by the Borough council) including Woodside and Cuckoo Oak.
- 2.3 **Policy H1** sought to give effect to the commuted payment approach, which would have to be in conformity with the National Planning Policy Framework (NPPF), paragraph 50, to be acceptable. The NPPF normally expects affordable housing provision to be on site; financial contributions are possible where they can be “robustly justified” and the approach contributes to the objective of creating mixed and balanced communities. In my view it failed to do so, or be robustly justified, and consequently would fail to meet the Basic conditions unless modified.
- 2.4 The borough council, which had maintained its objections to the approach, had continued to discuss modifications to the policy with the town council. Accordingly the parties put suggested modifications to me at the public hearing. I have adopted these suggestions in my recommended modifications; though the second and sixth paragraphs of the supporting text (on pages 33 and 34 will also need to be modified, to reflect the change in policy wording.

- 2.5 **Policy H2** is concerned with estate renewal. However, as drafted, it is over-focused on the two new town housing estates and is too inflexible; also it is not always well-related to the evidence base and some parts are not about land use. Again, the town and borough councils put to me some suggested modifications, which I have incorporated into the modifications I have recommended to ensure the policy meets the Basic Conditions.
- 2.6 **Policy H3** is concerned with the retention of affordable housing. The intention is understood but the wording is quite inflexible and in parts not about land use. It fails to have sufficient regard to the NPPF and so, without significant modification, fails to meet the Basic Conditions. I propose a simple re-wording.
- 2.7 **Policy H4** is concerned with adapting to climate change and requires only minor drafting modifications to ensure sufficient flexibility, to meet the Basic Conditions.
- 2.8 **Policy H5** is concerned with providing local renewable and low carbon infrastructure and in my view met the Basic Conditions.
- 2.9 **Policy H6** allocates one site – Rough Park 3 – for housing. This is the only housing allocation in the plan. It was an allocation in the old Wrekin Local Plan and had also emerged as part of the consultation process; in addition, it was in the ownership of the Housing and Communities Agency (HCA). Apart from some minor drafting clarifications, including conformity with modified H1, the main modification I recommend is to remove the requirement for a Design Brief to be produced in advance of a planning application, due to the way the requirement is drafted and given the clear guidance in the policy; it is unnecessarily onerous.
- 2.10 The borough and town councils suggested an amendment, which I have incorporated in my own recommendations. As modified it would meet the Basic Conditions.
- 2.11 **Policy H7** concerns windfall sites and infill development. It is designed to promote development on brown-field land as a priority. Given that only one site was allocated for housing this is an important policy and would meet the Basic Conditions if modified to be consistent with modified H1 (by removal of the third bullet) and deletion of the second sentence.

- 2.12 **Policy H8** is concerned with accessible and adaptable homes. As drafted it is too inflexible and onerous, to meet the requirements of the NPPF; and there is no evidence to support a threshold of three dwellings – a threshold of 10 (ie a large scheme) would be more reasonable. The reference to open market dwellings in this policy is not appropriate. I have made modifications to enable it to meet the Basic Conditions.
- 2.13 **Policy H9** is a detailed set of requirements, designed to improve quality housing and, in particular, inclusive housing standards. Given the use of the word “reflect”, it avoids being over-prescriptive and I consider it to meet the Basic Conditions.

3 GREEN SPACES AND PUBLIC SPACES

3.1 The NPPF introduced the designation of Local Green Spaces and the plan takes advantage of the opportunity to protect a number of local spaces.

Policy GS1 designates two local parks as Local Green Space, which is particularly supported by Natural England. I consider meets the criteria in the NPPF and is supported by the local consultation and evidence base; and this meets the Basic Conditions.

3.2 **Policy GS2** concerns designation of Local Nature Reserves; the supporting text refers to four, which are shown on maps. As designation is something that only the Borough Council can do, in consultation with Natural England (who made supportive representations), this cannot meet the Basic Conditions; it is essentially an advocacy policy and as such need to be expressed as such, which I have modified it to do.

3.3 Also the Policies Map (Fig 5.1) should show these as *Proposed* LNRs. And the Figures in the plan should be the final versions.

3.4 **Policy GS3** is concerned with protection of a range of designated sites, all of which are supported by Natural England. The reference to “other habitats and natural features of local value” lacks a statutory context and precision. I have made some minor drafting suggestions, these are to ensure clarity of operation and so that the policy meets the Basic Conditions.

3.5 **Policies GS4** – Protection of trees and woodlands – and **GS5** – provision and protection of allotments and community orchard – both meet the Basic Conditions.

3.6 **Policy GS6** is concerned with protection of play spaces. The first part needs a minor modification to relate it to land use development. The second part is effectively an advocacy policy, which should sit in the supporting text. With such modifications, it meets the Basic Conditions.

3.7 **Policy GS7** seeks contributions towards green spaces and recreational improvements. It is in two parts: the first seeks contributions from new development in the plan area that will be directed to open space and recreational

use. This was not evidenced and does not meet the requirements of the NPPF and I recommend that it be deleted. The second part is about accommodating appropriate recreational provision on-site and meets, subject to clarifying modifications, the Basic Conditions.

4 LOCAL ECONOMY

- 4.1 This chapter has three groups of policies, dealing with Madeley Town Centre (R1-R4), Employment (E1) and Tourism (T1-2).

Madeley Town Centre

- 4.2 The plan seeks to focus retail, financial and professional services, restaurants, pubs and hot food in the town centre; as well as recognising that a number of residential properties also make a contribution to its vitality. The town centre caters for local needs and contributes towards maintaining sustainable communities. It is also a historic centre, where the plan seeks to maintain an appropriate balance of ground floor uses. Local consultation supported a widening of the town centre boundary, to provide further development opportunities and diversity of uses, thereby encouraging daylong activity.
- 4.3 **Policy R1** is concerned with changes in the retail composition. It defines a town centre boundary (Fig 8.1) and controls the degree of change of ground floor uses by reference to frontages (Fig 8.2) and by percentages (including a marketing test). The Borough Council had concerns over its practical operation and conformity with the NPPF, notably paragraph 23. At the public hearing the two councils offered suggested amendments to the policy and the mapping. Other representations queried the conformity of the town centre boundary with the NPPF definition.
- 4.4 While the boundary in Fig 8.1 stretches the NPPF definition – an “area ... including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area” – I was satisfied that the local rationale, arising as it did from extensive consultation (and again, specifically on the boundary) could be supported.
- 4.5 To meet the requirements of the NPPF a primary shopping area is required, as opposed to a designation based on frontages. Accordingly Fig 8.2 from the August 2013 Consultation was proposed by the Town Council to be substituted at the public hearing; this was supported by the Borough Council. I agree with this suggestion and have taken it on board as part of my recommendations (though

the map needs to replace the word *Frontage* with *Area*, in the title block). And to follow this through, some drafting suggestions were also put forward to deal with controlling changes of use: using units instead of measured frontages. Subject to these modifications I consider the policy meets the Basic Conditions.

4.6 **Policy R2** deals with the economic regeneration of Madeley Town Centre.

It is an advocacy policy not a land use policy, though it seeks land use policy ends in many ways. The penultimate bullet seeks financial contributions from developments, which are not evidenced and purports to be land use policy and so should be amended. The policy does not meet the Basic Conditions but can still stand in the plan as supporting text.

4.7 **Policy R3** is concerned with offices - design and use changes. The first bullet – requiring new offices to have an active street frontage - was not supported by evidence; and seems unduly onerous for the type of use. I recommend it be deleted, to meet the Basic Conditions.

4.8 **Policy R4** is concerned with the impact of entertainment and the night-time economy. Apart from some minor clarification modifications, to secure clarity of operation, the policy meets the Basic Conditions.

4.9 **Policy R5** is concerned with local centres in the plan area. There is no evidence to vary its approach from R1; nor is there for the second bullet – to restrict changes to a very narrow range of shop use (especially given the freedoms in the Use Classes Order). I recommend deleting it. As modified it meets the Basic Conditions.

Employment

4.10 The plan supports economic prosperity and growth and seeks to support existing employers and encourage new firms to invest. The plan's preference is use (and more effective use) of existing employment land.

4.11 **Policy E1** covers development in employment areas and especially concerned with protecting the main industrial estates (the Defined Employment Areas) from inappropriate development. These are shown on the Policies Map (fig 5.1) as Existing Industrial Estate, which should be corrected to be consistent with the

policy. The southern part of the Tweedale Industrial Estate has been removed from the designation, enabling it to be developed for housing or other uses, subject to the plan's policies.

- 4.12 The policy meets the Basic Conditions, subject to some minor drafting modifications to relate it to land use planning and development. It also needs to cross-reference Fig 8.6 (which would be better placed immediately after the relevant policy, rather than in the midst of the tourism policies).

Tourism

- 4.13 Tourism is important to the plan area and its economy and the plan supports its sustainable expansion.
- 4.14 **Policy T1** supports the sustainable expansion of tourism accommodation. This is a criteria based policy; though I consider that the last bullet is, in fact, a second limb of the policy itself. Subject to that and another minor drafting point, it meets the Basic Conditions.
- 4.15 **Policy T2** supports the sustainable expansion of tourism facilities. It is also a criteria-based policy and meets the Basic Conditions.

5 LOCAL CHARACTER

- 5.1 Although much of the plan area is the result of post-war new town development, the designated area also includes part of the Severn Gorge World Heritage Site, which extends into the core of Madeley town centre, a Conservation Area. A major concern of the consultation was the extent to which the area's historic character had been eroded.
- 5.2 Accordingly, a Historic Character Assessment had been carried out to establish local sensitivities of the place and its capacity for further development. English Heritage (EH) commended this evidence, which they considered had been carried out in an "exemplary manner".
- 5.3 There was a criticism that the wider plan area's character – molded by its legacy of new town development - had not been assessed but I do not regard this as undermining the policies in the plan.
- 5.4 The assessment's four sub-areas (shown on Fig 9.1 – which needs annotating to be useable) are then used as the basis of local character policies to guide development – an approach described by EH as "constructive conservation".
- 5.5 However, the Borough Council is concerned about the degree of prescription in the policies themselves. I accept that over-prescription is not what is intended by the NPPF. Given that the policy for each sub-area is set out as set of bullet points without an overall policy statement I have recommended a sentence in each of Policies LC1-4, to avoid this risk and to give overall effect to them: "Development in this sub-area should have regard to the following:"
- 5.6 **Policy LC1** is concerned with development principles for the Church Street sub-area. The last bullet (first sentence) needs re-wording to make it a land use development policy; while the second sentence is an advocacy policy aimed at the highway authority (and so should be in the supporting text).
- 5.7 **Policy LC2** is concerned with development principles for the Court Street/Russell Green sub-area.

- 5.8 **Policy LC3** is concerned with the High Street sub-area. The final bullet deals with parking and servicing areas; the Council was concerned that safety/security considerations were omitted. I agree and propose a suitable modification.
- 5.9 **Policy LC4** is concerned with development in the Coalport Road sub-area.
- 5.10 Subject to the modifications I propose, I consider this group of policies (LC1-4) meet the Basic Conditions.
- 5.11 **Policy LC5** is a different type of policy and argues for design briefs to be prepared and consulted on where the site is for more than 3 dwellings. There seems no particular evidence for the threshold and the sub-area policies cover the detailed requirements for development in the Conservation Area. In any event, it is essentially an advocacy policy and should be deleted; though the argument can still be made in the supporting text.
- 5.12 **Policy LC6** is concerned with local distinctiveness. Apart from the final sentence - which argues for an appraisal of the Conservation Area boundary, something that only the Borough Council can do, and so falls outside of the scope of the plan - the policy meets the Basic Conditions. I propose that the final sentence is thus deleted.

6 GETTING AROUND

- 6.1 The consultation came out strongly in favour of improving cycleway, footpath and bus routes from residential areas into Madeley town centre and the employment areas. The area was planned around car use and so the road hierarchy can make connectivity difficult.
- 6.2 The plan promotes new development close to existing facilities, in sustainable locations, while encouraging sustainable travel. Madeley is well served by bus services.
- 6.3 **Policy TR1** is concerned with enhancing accessibility and transport linkages. Apart from some minor drafting changes, to make the policy less prescriptive, it meets the Basic Conditions.
- 6.4 **Policy TR2** is concerned with development and walking, horse riding and cycling provision. Again, apart from minor drafting changes, to make the policy less prescriptive, and to improve its operation as a land use and development policy, it meets the Basic Conditions

7 MONITORING AND REVIEW OF THE PLAN

- 7.1 This is the least satisfactory section of the plan. A significant part is devoted to a commentary on planning obligations, which will quickly date and, anyway, is part of the argument for financial contributions, which has been dealt with under H1 and elsewhere; therefore paragraphs 2-7 should be re-cast.
- 7.2 The reference to the plan period (para 8) would be better sited in the Introduction. The remainder of the chapter covers the plan's commitments to monitoring and review.

8 CONCLUSIONS AND RECOMMENDATIONS

Conclusions

8.1 From my Examination of the Madeley Neighbourhood Development Plan and its supporting documents, including all the representations made, I have concluded that the plan meets, subject to the modifications I am recommending, the Basic Conditions, in that:

- It has due regard to national policies and advice;
- It contributes to the achievement of sustainable development;
- It is in general conformity with the strategic policies of the development plan; and
- It does not breach, and is otherwise compatible with, European Union and European Convention on Human Rights obligations.

8.2 I have also concluded that:

- The plan has been prepared and submitted for examination by a qualifying body – the Madeley Town Council;
- The plan has been prepared for an area properly designated – the town (originally parish) council area;
- The plan specifies the period to which it has effect – to 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area (if modified).

Recommendations

i. The Plan

8.3 I recommend the following modifications to the plan, in the light of my earlier comments:

Introduction:

In the fifth paragraph, 4th/5th lines - delete reference to "...and the emerging Shaping Places Local Plan."

Insert the plan period in final sub-section of the chapter.

Housing policies:

H1: Amend text at start to read:

"New residential development within the Plan area will be expected to contribute towards meeting the identified need for affordable housing. The Presumption will be that such provision would be on-site, unless any of the following criteria can be demonstrated:

- that the provision would render the development unviable, subject to submission of robust viability evidence;
- that identified needs would be more appropriately met through the provision of new housing or the refurbishment or improvement to the existing stock, resulting in broadly equivalent provision of newly available homes elsewhere.

Developers have the opportunity to....." [existing text from H1 from here onwards]

The supporting text, especially on page 33, will need editing to reflect this change.

H2: delete first sentence

Amend second sentence to read:

"Any wider investment in the provision of new housing or existing housing stock should seek to deliver the following:...."

Under point 1 -

Amend first bullet to read: "Secure" rather than "Require". Delete second bullet

Amend point 6 by adding "justified and" after "improvements that are"

H3: Replace the text with:

“Where affordable housing is to be provided the accommodation should remain permanently affordable where feasible.”

H4: delete “(as required by Telford & Wrekin Council policies)” from third line

H6: amend second line to read:” Development proposals will seek to:”

First bullet: delete “Housing will”

Third bullet: Start sentence with the word “Create...”

Eighth bullet: delete and substitute with: “The proposal provides an affordable housing contribution in accordance with Policy H1”

Final paragraph: Delete “Prior to” and substitute with “As part of...”

Delete second sentence and remainder of that paragraph.

H7: third bullet - delete and substitute with: “The proposal provides an affordable housing contribution in accordance with Policy H1”

Delete second paragraph and replace with: “Developers will have the opportunity of submitting an open viability appraisal to support the contribution proposed.”

H8: first line – Substitute “normally” for “only”

First bullet: delete “all”

Second bullet: substitute “ten” for “four”. Delete last sentence (“50% ...”).

Green Spaces and Public Spaces

GS2: Delete as a policy and place in supporting text, with amended text: Insert at beginning: “The Town Council will support, where”; and in second line substitute “to” for “will”.

Policies Map: In the Legend add “Proposed” in front of “Local Nature Reserve”.

GS3: Substitute “Other Habitats and Natural Features of Local Value” with “Habitats and Species of Principal Importance” and insert a footnote reference to the Natural Environment and Communities Act 2006, Section 41, as suggested by the Borough Council. In the second line of the first part of the policy: substitute “effect” with “impact”.

GS6: In the first line, the words “from development” should be inserted after “protected”. The second part of the policy should be deleted and moved to the supporting text.

GS7: Delete first part of the policy. Amend remaining text to: “Where appropriate, new development will....”

In (remaining) second part, amend first sentence: Delete “a proportion of the site as” and substitute with “on-site”

Local Economy

R1: Amend text as follows (as per tracked changes) –

“Within the primary shopping ~~frontage~~ area of Madeley Town Centre (as shown on the Policies Map and fig 8.1), proposals for the change of use or redevelopment of existing ground floor shops and services to non-A1 uses will be permitted where:

- No more than 50% of the total length (ground floor frontage measured in ~~metres~~ number of units (see Fig 8.2), or no more than three consecutive ground floor retail units ~~is~~ are used to accommodate non-A1 use classes;
- [delete second bullet]

- No more than 10% of the total length (ground floor frontage measured in metres number of units – see Fig 8.2) is used to accommodate A5 use class (hot food takeaway) and
- It can be shown that there is no demand for retail (A1) use through an active 6 month marketing exercise where the property has been offered for sale or letting on the open market and no reasonable offers have been refused.

Outside the ~~P~~primary shopping frontage area, the development of a variety of residential, commercial, cafes/bars/restaurants, leisure and cultural uses will be encouraged. However, there should be no significant adverse impacts on residential amenity in terms of noise, vibrations, odours, traffic, disturbance, litter or hours of operation as a result of proposal”.

Figure 8.2: Replace with Fig 8.2 from the August 2013 Consultation Draft, substituting the word “Frontage” with “Area” in the legend.

R2: Delete as a policy. But it can stand as supporting text, if the penultimate bullet is amended: Delete from “contributions ...to ...practical” and substitute the word “funding”.

R3: Delete first bullet.

R4: In first line: substitute “are generally appropriate” with “will be supported”.

After second bullet, inset the word “and”. In third bullet, delete the final word “and” and use a full stop.

R5: After the first bullet, delete the word “or” and use a full stop. The second bullet should be deleted. In the second part of the policy, first line, substitute the word “activity” with “uses”.

E1: at the end of the second bullet, after “Policies Map” add “Figs 5.1 and 8.6”.

In second part of the policy, amend the first line by deleting “it is recognized that” after “Elsewhere in the plan area”. The second/third line to read “..acceptable and small scale employment opportunities will be supported”.

Third part of the policy to be amended: Delete “We will only consider” so that it reads after “B8 uses”: “will be supported on the Defined Employment Areas.”

Policies Map: In the Legend, delete “Existing Industrial Estate” and substitute with “Defined Employment Areas”.

T1: In second line delete “is” and substitute “meets”. At end of sixth bullet, close with a full stop. The final bullet should read as a second part of the policy and so the bullet point should be deleted so that it begins with a capital T.

Local Character

LC1: Insert new first line – “Development in this sub-area should have regard to the following:”

In the final bullet, first line, substitute “may” with “which”. In second line, delete “and”. The final sentence should be deleted; but can remain in the supporting text.

LC2: Insert new first line – “Development in this sub-area should have regard to the following:” In the first bullet substitute “similar” for “the same”.

LC3: Insert new first line – “Development in this sub-area should have regard to the following:” In the final bullet, second line, insert the words “and subject to safety and security considerations” after the word “possible”.

LC4: Insert new first line – “Development in this sub-area should have regard to the following:”

Figures 7.3 – 7.7: The final versions of these plans need to be inserted.

Figure 9.1: The sub-areas need to be annotated, for Policies LC1-4 to be applied clearly.

LC5: delete as a policy. The statements can remain as supporting text.

LC6: delete the final sentence (“An appraisal should ...”).

Getting Around

TR1: In the third part, fourth line, substitute the word “must” with “should”.

In the fourth part, first line, substitute the word “look” with “seek”.

TR2: The first sentence to be amended to read: “The design and layout of new development should take account of ...”. Each of the first to fourth bullets should end with a semi-colon and the word “; and”. In the third bullet, add the words “where appropriate” after “cycleways”.

ii. Referendum

I recommend that the plan, once modified, proceeds to Referendum, on the basis that I have concluded that, as modified, it can meet all the relevant legal requirements. To that end I have made various recommendations to modify some policies and text to ensure the plan meets the Basic Conditions.

In recommending the plan should go forward to Referendum, I have considered whether or not the Referendum Area should be extended beyond the designated area to which the plan relates. I have concluded that it should not; the Referendum Area should be the same as the designated plan area.

John Parmiter FRICS FRSA MRTPI

Independent Examiner

June 2014

Annex

It is not my role to tidy up the plan or improve its presentation or usability, apart from the few places where I have considered it necessary to make a modification. However, it may help the authorities, when they come to adopt and print the plan, to use their discretion and take on board the following suggestions:

The use of the whole document would benefit from paragraph numbering.

Some parts of the plan would benefit from more sub-headings, especially where a new policy is being introduced (in the Local Economy chapter, for example).

The table on page 19 needs a title (Eg. Table 3....).

Chapters 4 and 5 could possibly be amalgamated. In doing so, it might be helpful to set out a Vision for the plan area.

The important Policies Map (Fig 5.1) needs to be bound in to the plan and in its PDF form. It was missing from the one originally supplied to me.

Fig 8.6 should follow on from Policy E1; it is currently among the Tourism policies.

The chapter on Monitoring and Review of the Plan: I suggest that this needs an overhaul. In particular, I suggest that paragraphs 2-7 could be re-cast, to reflect the modifications to policies dealing with financial contributions; and to ensure the text is less likely to get quickly out of date.

Finally, I am not sure of the value of Appendix A (and there is no Appendix B).