

NEWPORT NEIGHBOURHOOD PLAN 2017-2031

Newport Neighbourhood Plan Examination,
A Report to Telford and Wrekin Council

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1. Summary

- 1 Subject to the modifications recommended in this Report (in order to enable the 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 Newport Neighbourhood Plan meets the basic conditions¹ and I recommend to Telford and Wrekin Council that, subject to modifications, it proceeds to Referendum.

¹ It is confirmed in Chapter 3 of this Report that the Newport 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 Newport Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by a Steering Group on behalf of Newport Town Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. Were a Referendum to be held and were more than 50% of votes to be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Telford and Wrekin 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 Newport 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 direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need." (Paragraph 183, National Planning Policy Framework)
- 6 As confirmed by Notice, provided in the Appendix to the Basic Conditions Statement and in Appendix C of the Consultation Statement, both of which were submitted alongside the Neighbourhood Plan, Newport Town Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan. The Neighbourhood Plan relates only to the designated Newport Neighbourhood Area and there is no other neighbourhood plan in place in the Newport Neighbourhood Area.
- 7 All of the above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

Role of the Independent Examiner

- 8 I was appointed by Telford and Wrekin Council, with the consent of the Qualifying Body, to conduct the examination of the Newport Neighbourhood Plan and to provide this Report.
- 9 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.
- 10 I am a chartered town planner and have more than five years' direct experience as an Independent Examiner of Neighbourhood Plans. I also have more than twenty five years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 11 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.
- 12 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Newport Neighbourhood Area to which the Plan relates.
- 13 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

- 14 A neighbourhood plan must specify the period during which it is to have effect.
- 15 The front cover of the Neighbourhood Plan provides a clear reference to the plan period, 2017 – 2031.
- 16 Also, in respect of the Plan period, one of the Key Statements set out in the Basic Conditions Statement confirms that:

"The Newport Neighbourhood Development Plan covers the period 2017 - 2031."

- 17 Taking the above into account, the Neighbourhood Plan meets the requirements in respect of specifying the period during which it is to have effect.

Public Hearing

- 18 According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 19 However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 20 Further to consideration of the information submitted, I confirmed to Telford and Wrekin Council that I was satisfied that the Newport Neighbourhood Plan could be examined without the need for a Public Hearing.
- 21 In making the above decision I was mindful that the Neighbourhood Plan has emerged through robust consultation (see *Public Consultation*, later in this Report) and that people have been provided with significant and appropriate opportunities to have their say.

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*² following the Localism Act 2011. 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
 - 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.³
 - An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁴
- 23 In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:
- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;

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

³ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

⁴ The Convention rights has the same meaning as in the Human Rights Act 1998.

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

- 24 Subject to the content of this Report, I am satisfied that these three points have been met.
- 25 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.

European Convention on Human Rights (ECHR) Obligations

- 26 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.
- 27 In the above regard, I 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. Representations have been made to the Plan, some of which have resulted in changes and the Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses and shows the outcome of comments.

European Union (EU) Obligations

- 28 There is no legal requirement for a neighbourhood plan to have a sustainability appraisal⁵. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.
- 29 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 Guidance⁶)
- 30 National advice then goes on to state⁷ that the draft plan:
- "...must be assessed (screened) at an early stage of the plan's preparation..."*
- 31 This process is often referred to as a screening statement, report, opinion or determination. If the screening statement identifies likely significant effects, then an environmental report must be prepared.

⁵ Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance.

⁶ Paragraph 027, *ibid*.

⁷ Planning Practice Guidance Reference ID: 11-028-20150209.

- 32 A Screening Statement was prepared by Newport Town Council with advice from Telford and Wrekin Council. This concluded that:
- "...an environmental assessment (SEA) of the Newport Neighbourhood Development Plan is not required as it is unlikely to have significant environmental effects."*
- 33 The statutory consultees, Natural England, Historic England and the Environment Agency were consulted and none of these bodies dissented from this conclusion.
- 34 A Habitats Regulations Assessment is required if the implementation of the Neighbourhood Plan may lead to likely significant effects on European sites.
- 35 A Habitats Regulations Assessment Screening Statement was prepared and concluded that:
- "...none of the policies proposed within the Newport Neighbourhood Development Plan have the potential to lead to a Likely Significant Effect on a European Site...and an Appropriate Assessment is not required."*
- 36 Again, the statutory consultees were consulted and there was no disagreement with the above conclusion.
- 37 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" (Planning Practice Guidance⁸).*
- 38 In undertaking the work that it has, Telford and Wrekin Council has considered the Neighbourhood Plan's compatibility with EU regulations and does not consider that the Neighbourhood Plan is incompatible in this regard.
- 39 Given all of the above, I am satisfied that the Neighbourhood Plan meets the basic conditions in respect of European obligations.

⁸ Planning Practice Guidance Reference ID: 11-031-20150209.

4. Background Documents and the Newport Neighbourhood Area

Background Documents

40 In undertaking this examination, I have considered various information in addition to the Newport Neighbourhood Plan. This has included (but is not limited to) the following main documents and information:

- National Planning Policy Framework (referred to in this Report as “the Framework”) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- The Telford and Wrekin Local Plan 2011-2031 (2018) (referred to in this Report as “the Telford and Wrekin Local Plan”)
- Basic Conditions Statement
- Consultation Statement

Also:

- Representations received

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

Newport Neighbourhood Area

- 42 The boundary of Newport Neighbourhood Area is clearly illustrated on Plan 1, provided on page 13 of the Neighbourhood Plan.
- 43 Telford and Wrekin Council formally designated the Newport Neighbourhood Area on 30th May 2013. 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

- 44 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.
- 45 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.

Newport Neighbourhood Plan Consultation

- 46 A Consultation Statement was submitted to Telford and Wrekin 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*⁹.
- 47 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Newport Neighbourhood Area, having regard to Paragraph 183 of the National Planning Policy Framework.
- 48 Newport Town Council established a Neighbourhood Plan Steering Group, comprising representatives from local community groups and Town Councillors, to produce the Newport Neighbourhood Plan. The first meeting of the Steering Group took place in November 2013.
- 49 Baseline data for the Neighbourhood Plan was provided by a survey undertaken in late 2013 and in September 2014 a workshop was held to consider the content of the Neighbourhood Plan. This was attended by various organisations, including Telford and Wrekin Council.

⁹Neighbourhood Planning (General) Regulations 2012.

- 50 Consultation on the draft plan resulted in 89 formal written responses. A large number of these responses related to land at Baddeley's Wells and I refer to Baddeley's Wells when considering the designation of Local Green Space later in this Report.
- 51 Comments received during consultation were considered by the Steering Group and the submission version of the Neighbourhood Plan was subsequently produced.
- 52 The Consultation Report provides evidence to show that public consultation formed part of the overall plan-making process, that matters raised were taken into account and that the reporting process was transparent.

6. The Neighbourhood Plan – Introductory Section

- **For the purposes of clarity and precision, the references to “Regulation 15 Consultation” and “November 17” should be deleted from the front cover and the contents of page 6, “How to Comment on the Plan,” should also be deleted.**
 - **Also, the last sentence of the second paragraph on page 7 should be deleted (“If successful...to 2031.”)**
- 53 The heading to each page of the Neighbourhood Plan states “*Newport Neighbourhood Development Plan 2017.*” It is not clear why the reference to “2017” is included and it would provide for clarity if the heading either included no date, or, as recommended below:
- **Replace “2017” in heading with “2017-2031”**
- 54 The statement on page 8 of the Neighbourhood Plan that “*The Plan can be modified in liaison with the local planning authority,*” is not correct. The making or modification of a Neighbourhood Plan is subject to clear requirements, as set out in Schedule 4B of the Town and Country Planning and these do not include any reference to the scope for modifications “*in liaison with the local planning authority.*”
- 55 I recommend:
- **Page 8, third para, delete last sentence (“The Plan can be...Plan period.”)**
- 56 Also, for clarity and precision, I recommend:
- **Page 8, last sentence of penultimate para, change to “...*Development Plan and as such, its policies will carry material planning weight.*”**

- **Page 9, first line, change to “...Neighbourhood Plans must *have regard to national policy and advice* and be in general...policy. This means that the policies in the Plan must have regard to the National...and *be in general conformity with the strategic policies of the Telford and Wrekin Local Plan.*” Delete rest of para, up until and including “...form part of the Development Plan.”**

57 The Telford and Wrekin Local Plan was adopted in 2018. I recommend:

- **Page 9, second para, change to “*The Telford and Wrekin Local Plan...*”**

58 The Neighbourhood Plan does not possess the statutory powers to place a monitoring requirement upon the local planning authority and I recommend:

- **Page 9, last para, change to “The Town Council will monitor progress *annually*. *The Telford....*”**
- **Page 10 second sentence, change to “The *document* will be...”**
- **Page 10, third para, change to “...the Town Council *will monitor* housing and employment throughout the Plan period.”**

59 The Basic Conditions comprise statutory requirements and for clarity, I recommend:

- **Page 10, last para, change to “*The Neighbourhood Plan must meet the Basic Conditions set out in the Town and Country Planning Act, which mean it must:...to national policy and guidance...Contribute to the achievement of...Be in general conformity with...*”**

60 No Strategic Environmental Assessment, or Habitats Regulations Assessment has been undertaken. As above, the Neighbourhood Plan was screened in respect of these and it was concluded that neither were required.

61 For clarity, I recommend:

- **Page 11, delete first sentence (“In addition...(HRA)”)**

7. The Neighbourhood Plan – Neighbourhood Plan Policies

Housing

Policy H1

- 62 The Neighbourhood Plan does not allocate land for development and there is no requirement for it to do so.
- 63 However, Policy H1 seeks to set out a positive land use planning framework for residential development in Newport and in this way, it contributes to the achievement of sustainable development.
- 64 The supporting text set out prior to Policy H1 in Chapter 4 of the Neighbourhood Plan is confusing. Some of it is written as though it comprises a land use planning policy requirement whereas only the Policies of the Neighbourhood Plan should contain the document's land use planning policy requirements. Supporting text is simply that.
- 65 I also note that the Telford and Wrekin Local Plan was adopted in January 2018 and as such, it is no longer an "*emerging*" document. In this respect, the Neighbourhood Plan has been overtaken by events and can be updated to reflect the current situation.
- 66 Also, the "*expectations*" of residents, as referred to in the Neighbourhood Plan, do not amount to the same thing as a land use planning policy requirement upon Telford and Wrekin Council.
- 67 Taking the above into account, I recommend:
- **Page 14, Para 4.1.1, first line, fifth line and twice in the last para, and page 15, Para 4.1.2, first and last paras, delete "*emerging*"**

- Delete last two sentences of the first para on page 14, which read as policy requirements (“Additional housing...natural environment.) I also note in respect of this recommendation that there is no national or local strategic policy requirement to limit housing development to previously developed land or to require such development not to *“affect the best and most versatile agricultural land.”*
- Page 15, penultimate para, delete and change to *“4.1.3 Policy Options. Telford and Wrekin Local Plan Policy HO5 requires development sites in Newport containing 11 or more dwellings to provide 35% affordable housing and Policy BE1 of the same Plan promotes high quality development.”*
- Page 16, first sentence, change to *“...developments, in general conformity with Telford and Wrekin Local Plan Policy NE1.”*
- Page 16, delete and change to *“Telford and Wrekin Local Plan Policy HO7 supports the provision of specialist housing for older people and such provision is supported by the local community.”*
- Page 16, change sub-section heading to *“4.1.4 Policies”*

Policy H2

- 68 Good design is recognised by the Framework as comprising:

"a key aspect of sustainable development...indivisible from good planning."
(Paragraph 56)

- 69 In addition, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework). Paragraph 58 of the Framework goes on to require development to:

"...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;"

- 70 The Telford and Wrekin Local Plan sets out a commitment to promote good design and Policy BE1 (*Design Criteria*) provides a supportive policy framework aimed at ensuring that development achieves high quality design.

- 71 Policy H2 of the Neighbourhood Plan aims to ensure that development in the Neighbourhood Area is of a high quality and in this respect, it has regard to national policy and is in general conformity with the Telford and Wrekin Local Plan.

- 72 However, as set out, rather than comprising a land use policy that can sit alongside the strategic policies of the development plan, Policy H2 sets out a reliance upon the Telford and Wrekin Local Plan. Further, it includes a reference to another Policy in the Neighbourhood Plan, resulting in somewhat cumbersome wording. This cross reference is unnecessary, as the Policies of the Neighbourhood Plan should be taken together.

- 73 Also, Paragraph 173 of the Framework requires:

"...careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable."

- 74 As set out, Policy H2 requires all residential development to provide good pedestrian and cycle routes. However, no evidence has been provided that it would, for example, be viable for all residential development, including say, that of a single dwelling, to provide pedestrian and cycle routes. Furthermore, in the absence of a definition of what “good” means in this context, the Policy wording is ambiguous and conflicts with national planning advice¹⁰ which requires that:

“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.”

- 75 It is not clear, in the absence of any detailed information, why development should protect all trees, regardless of circumstance. It may be for example – and there is no information to the contrary – that a poor quality tree could detract from its surroundings for any number of reasons and that a development that includes new, better quality trees, could improve local character or biodiversity. As set out, Policy H2 would prevent this and may therefore place an obstacle in the way of the achievement of sustainable development.
- 76 Similarly, planning for sustainable development provides for the balanced consideration of benefits and harm. Simply seeking to prevent development that results in some, unquantified loss of “amenities” – which itself, in this context, is an undefined word covering a wide range of things – could prevent a development from coming forward regardless of whether or not the benefits brought significantly outweigh any degree of harm. Again, such an approach places a barrier in the way of the achievement of sustainable development.
- 77 Taking all of the above into account, I recommend:
- **Policy H2, change first sentence to “New residential development will be expected to achieve high standards of design quality. It should:”**
 - **Change first bullet point to “Be in keeping with the character and appearance of the area;”**

¹⁰ Planning Policy Guidance, Paragraph: 042 Reference ID: 41-042-20140306.

- Delete second bullet point
- Change third bullet point to *“Maintain, protect and where appropriate, enhance biodiversity and geodiversity;”*
- Change fourth bullet point to *“Protect important trees, hedgerows and woodland;”*
- Change fifth bullet point to *“Have regard to the amenities of neighbours;”*
- Change sixth bullet point to *“Provide for safe and secure access and not result in harm to highway safety.”*

Policy H3

- 78 The Framework seeks to deliver a wide choice of high quality homes and to create inclusive mixed communities (Paragraph 50). Policy H3 does not seek to prevent the delivery of Houses in Multiple Occupation (HMOs), but attempts to set out various policy criteria to be met by them.
- 79 It is unclear, in the absence of any supporting information, why Policy H3 only specifies HMOs in respect of the need for development to respect local character, residential amenity and highway safety, when these might be factors that apply to many forms of development. Notwithstanding this, I am mindful that the previous Policy, Policy H2, already requires all development to take these things into account.
- 80 The fourth bullet point refers to the provision of various things “*at an appropriate quantity*” but provides no indication of what this might comprise. As a consequence, this part of the Policy is vague and fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework, which states that:
- “Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.”*
- 81 The final bullet point of Policy H3 is unclear. No indication is provided of what an “*over-concentration of HMOs*” might comprise. Furthermore, no detail is provided in respect the existing character of each of the neighbourhoods of Newport referred to and consequently, it is difficult to understand how a change in character in one of these neighbourhoods would be measured, who by, or on what basis. Similarly, there is nothing to show what the Neighbourhood Plan considers to comprise an “*unbalanced community*” in respect of HMO provision.
- 82 Taking the above into account, Policy H3 is imprecise. It does not provide a decision maker with a clear indication of how to react to a development proposal and does not meet the basic conditions. I recommend:

- **Delete Policy H3**
- **Page 16 delete the two paras “Consultation revealed...all parts of Newport.”**

- **Delete last sentence of supporting text on page 17 and the rest of the paragraph at the top of page 18, up until and including "...through consultation." This is unnecessary and has been overtaken by events. I also note that it is the purpose of Examination to consider the Neighbourhood Plan against the basic conditions.**

Economy and Jobs

Policy E1

- 83 As worded, Policy E1 does not make sense as it would serve to place a barrier in the way of the use of land or buildings on existing employment sites.
- 84 Further to the above, the intention of the Policy is to prevent the use of employment land or buildings for other uses. However, the confusing nature of Policy E1 is such that it goes on to state that any such development would only be supported if it provided "*demonstrable employment benefits.*"
- 85 Thus, Policy E1 appears to seek to prevent a change of use away from employment on employment land so long as any new use provides employment benefits. In the absence of any explanatory detail, evidence or justification, Policy E1 appears ambiguous and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 86 I recommend:
- **Delete Policy E1**
 - **Delete "emerging" before "Telford and Wrekin Local Plan" in respect of the three references on pages 18 and 19**

Policy E2

- 87 Policy E2 is a supportive land use planning policy and no changes are recommended.
- 88 As with the previous section, Housing, the references to various policies at the top of page 20 have been overtaken by events and are unnecessary. I recommend:
- **Page 20, delete first paragraph up until and including "...through consultation."**

Green and open spaces

Policy GS1

- 89 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 76 of the Framework states that:

“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”

- 90 Consequently, Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land.

- 91 National policy establishes that:

“The Local Green Space designation will not be appropriate for most green areas or open space.” (Paragraph 77)

- 92 Thus, when identifying Local Green Space, plan-makers should demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land. Furthermore, identifying Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

- 93 Policy GS1 seeks to designate eighteen areas of Local Green Space. Table 2, provided on pages 23 to 25 of the Neighbourhood Plan provides information demonstrating that each of the eighteen areas meet national policy requirements. Indicative plans on pages 27 and 48 show that none of the areas of Local Green Space, in relation to Newport, comprise extensive tracts of land.

- 94 However, the plans provided on pages 27 and 48 appear vague. They fail to provide clearly defined boundaries, showing precisely where each area of Local Green Space is located. This is inappropriate given the importance of Local Green Space as it results in an imprecise Policy and consequently, it is a matter addressed in the recommendations below.
- 95 The supporting text refers to “*exceptional circumstances*” applying to areas of Local Green Space. This does not have regard to national policy, which refers to “*very special circumstances*,” as does the wording of Policy GS1 itself.
- 96 The “*Strategic Policies*” section of the supporting text does not relate directly to the Local Green Space Policy. As above, Local Green Space is a very specific designation defined in national policy.
- 97 I recommend:
- **Policy GS1, change wording to “*The eighteen areas set out in Table 2 and shown on the plans below are designated as Local Green Space, where new development is ruled out other than in very special circumstances.*”**
 - **Provide new plans below Policy GS1, showing the precise, clearly identifiable boundaries of each Local Green Space. Ensure that each Local Green Space can be clearly identified and that the reference numbers match those in Table 2**
 - **Delete plan on page 27**
 - **Delete para 4.3.1. Replace with “*Paragraphs 76 to 78 of the National Planning Policy Framework enable local communities to identify for special protection green areas of particular importance to them.*”**
 - **Delete first sentence on page 22 (“These...circumstances.”)**
- 98 I note earlier in this Report that a number of representations were submitted in respect of land at Baddeley’s Wells. Many of these supported the designation of land at Baddeley’s Wells as Local Green Space. However, there is no requirement for the Neighbourhood Plan to designate Local Green Space should plan-makers determine not to do so.

Policy GS2

99 The “*Fields in Trust Guidance for Outdoor Sport and Play (England)*” comprises guidance only. In this respect, it is unclear on what basis – and no detailed information has been provided in justification of the approach – Policy GS2 seeks to turn guidance into statutory development plan policy.

100 In the above regard, I am mindful that Telford and Wrekin Council has provided evidence to demonstrate that the guidance referred to conflicts with the Council's own detailed Play Strategy.

101 Taking the above into account, I recommend:

- **Delete Policy GS2**

Policy GS3

102 Paragraph 73 of the Framework recognises that:

“Access to high quality open spaces...can make an important contribution to the health and well-being of communities.”

103 In addition, Paragraph 75 of the Framework goes on to state that:

“Planning policies should protect and enhance public rights of way and access.”

104 Policy GS3 attempts to provide for increased access to green spaces and the wider footpath network and in these respects, it has regard to national policy.

105 However, as worded, the Policy “*expects*” all residential and employment development to create public links to green spaces and footpath networks. This is an onerous requirement. There is no information to demonstrate that such a requirement is viable or deliverable, having regard to Paragraph 173 of the Framework, referred to earlier in this Report. Consequently, as set out, the Policy does not meet the basic conditions.

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

- **Change the wording of Policy GS3 to “*The provision of publicly accessible links to green spaces and the enhancement of the footpath network will be supported.*”**

Water Lane

Policy WL1

- 107 National planning policy supports the re-use of previously developed land (Paragraph 17, the Framework).
- 108 Policy WL1 seeks to regenerate the Water Lane area of Newport and consequently, has regard to national policy in this respect.
- 109 However, as worded, Policy WL1 is unclear. It simply presents a list of things, without any clear introduction. This is a matter addressed in the recommendations below.
- 110 The first bullet point of the Policy does not have regard to national heritage policy, as set out in Chapter 12 of the Framework, "*Conserving and enhancing the historic environment*," which does not place any requirement for all development to enhance Conservation Areas. Such an approach would be unduly onerous and further, there is no evidence to demonstrate that, in the case of the Newport Conservation Area, it would be viable.
- 111 The second part of the first bullet point appears vague. There is no detailed information setting out what the appearance and form of the original burgage plots comprised and nothing to indicate how development might reflect the appearance and form of them. This part of Policy WL1 is imprecise and fails to provide a decision maker with a clear indication of how to react to a development proposal.
- 112 The grammatical tense used in the second and third bullet points results in a Policy that states what will happen in the future, without evidence to demonstrate that this will actually be the case. This is a matter addressed in the recommendations below. The third and fourth bullet points relate to the same thing and would appear clearer if combined, as recommended below.
- 113 As worded, the sixth bullet point of Policy WL1 is repetitive, resulting in the Policy appearing confusing and imprecise. Further, the Policy does not provide any information in respect of "*highway works*." Works to the public highway are the responsibility of the Highways Authority and not the Neighbourhood Plan.

- 114 No detailed information is provided in respect of the seventh bullet point's requirement for architectural detailing to be "*based on*" existing historic material. Neither "*the historic material*" nor "*based on*" are defined. Consequently, this part of the Policy appears imprecise, leaving it open to very wide interpretation.
- 115 The eighth bullet point effectively seeks to achieve the same thing as the preceding bullet point and I recommend below that these two bullet points be combined.
- 116 In respect of "*key views*," the Neighbourhood Plan only identifies those to St Nicholas' Church and this is taken into account in the recommendations below.
- 117 Water Lane is adjacent to Victoria Park and consequently, it already has a relationship with it. In the absence of any substantive detailed information, the Policy is not clear in respect of how development must "*establish*" something that already exists.
- 118 The statement "*Identify and retain all buildings of significance*" stands in isolation and as such, does not make sense. Notwithstanding this, the statement appears ambiguous as no indication is provided of what "*buildings of significance*" might comprise.
- 119 The twelfth bullet point appears to provide the basis for an appropriate introduction to the Policy and this is taken into account in the recommendations below.
- 120 The thirteenth bullet point is imprecise. No details are provided in respect of "*valuable views*" or "*landmark buildings*;" nor is any information provided in respect of how development might "*capture*" Newport's historic character.
- 121 The fourteenth bullet point repeats earlier requirements and in so doing includes a vague, undefined reference to "*valuable foreground views*." This part of the Policy does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

- 122 The final bullet point simply places an absolute requirement on “*any development*” and fails to provide for a circumstance when appropriate archaeological investigations and actions might have been concluded. As such, this part of the Policy fails to have regard to Paragraph 193 of the Framework, which limits requirements for supporting information to that which is:

“...relevant, necessary and material to the application in question.”

- 123 Taking all of the above into account, I recommend:

- **Policy WL1, change first sentence to “*A residentially focused mixed use development, including affordable housing, will be supported at Water Lane, subject to the following:*”**
- **Change first bullet point to “*Development should conserve and/or enhance heritage assets and their settings, including the Newport Conservation Area.*”**
- **Change second bullet point to “*Development should provide a mix of building...*”**
- **Change third bullet point to “*Building heights should be...*”**
- **Change sixth bullet point to “*Development should respect the relationship with Victoria Park by presenting an attractive, active frontage and where possible, improving the site’s visual relationship with the Park*”**
- **Change the seventh bullet point to “*Architectural detailing and building materials should reflect and be in keeping with local character*”**
- **Delete eighth bullet point**
- **Change ninth bullet point to “*Development should respect views to St Nicholas’ church*”**
- **Change tenth bullet point to “*The provision of new and improved links between Victoria Park and Newport High Street will be supported.*”**

- Delete eleventh bullet point (“Identify...significance”)
- Delete twelfth bullet point (which forms part of the first recommendation, above)
- Delete thirteenth and fourteenth bullet points
- Change penultimate bullet point to *“Improvements to Water Lane...on the townscape will be supported.”*
- Change last bullet point to *“Development of the Water Lane site should take account of known surface and sub-surface archaeology and ensure unknown and potentially significant deposits are identified during development after consultation with the Shropshire Historic Environment Record (HER).”*
- Page 29, third para, change “object” to “objective”
- Page 30, last para, change to *“...and enhances the Newport Conservation Area, Newport Town Council would like to see the composition of buildings and spaces use traditional materials and reflect the appearance and form of the original burgage plots.”*
- Delete the paragraph of supporting text on page 34, up until and including “...through consultation.”

Tourism and leisure

Policy TL1

- 124 Telford and Wrekin Local Plan Policy EC12 (*Leisure, cultural and tourism development*) supports the development of tourism and leisure activities and safeguards the alignment of the Shrewsbury and Newport Canal.
- 125 Policy TL1 sets out a positive land use planning Policy that supports appropriate development associated with the Shrewsbury and Newport Canal and its waterside environment and is in general conformity with the Telford and Wrekin Local Plan.
- 126 Use of the phrase "*will not be permitted*" in Policy TL1 runs the risk of pre-determining the planning application process and failing to provide for a balanced consideration of harm and benefits arising from a planning proposal. Consequently, it could place an obstacle in the way of Policy TL1's contribution to the achievement of sustainable development and this is a matter addressed in the recommendations below.
- 127 No indication is provided of how Policy TL1 will encourage access to and recreational use of the Canal, or why this is a land use planning matter controlled by the Neighbourhood Plan. Furthermore, any planning application is considered on the basis of what is proposed. The inclusion of a bullet point stating that an application "*will be considered on its merits subject to the section of the SSSI*" is unnecessary and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 128 The penultimate bullet point of Policy TL1 is vague. It simply supports any form of development, so long as it improves tourist facilities or infrastructure, subject only to there being no harm to local character. Such an approach could result in support for unsustainable forms of development and there is no substantive evidence to the contrary.
- 129 Sites of Special Scientific Interest (SSSI's), by their very nature, are protected by law. The final bullet point of Policy TL1 is therefore unnecessary. Furthermore, it states that the amenity value of the SSSI will be enhanced, without any detailed evidence to demonstrate that such an approach will not conflict with the purpose of designation.

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

- Policy TL1, change second bullet point to “*...future restoration will not be supported*”
- Delete third bullet point
- Delete fifth and sixth bullet points
- Delete “emerging” on page 34 – first paragraph of 4.5.1 and third paragraph of 4.5.1 – and on page 35 - ninth line
- Delete supporting text on page 38

Transport and Accessibility

Policy TA1

- 131 As set out earlier in this Report, national policy supports the protection and enhancement of public rights of way. Policy TA1 promotes improvements to public rights of way and has regard to national policy.
- 132 As set out, Policy TA1 is repetitive, as no indication is provided between the difference, if any, between enhancing rights of way and improving linkages for walkers and cyclists. The recommendations below address this point.
- 133 No indication is provided in respect of what “*appropriate signage*” might comprise and this part of the Policy is imprecise.
- 134 No substantive evidence is provided to demonstrate that it would be viable for all development to enhance pedestrian and cycle accessibility for evidence and consequently, this part of the Policy fails to have regard to Paragraph 173 of the Framework in respect of viability.
- 135 As set out, Policy TA1 relates to any form of off-street car parking, public or private and consequently, in the absence of any evidence to the contrary, it could prevent development that involves the loss of private car parking, regardless of whether or not such loss resulted in any degree of harm or any benefits. Such an approach could place a barrier in the way of the Neighbourhood Plan contributing to the achievement of sustainable development.
- 136 Notwithstanding the above, the intent of this part of the Policy appears to have regard to Paragraph 40 of the Framework, which addresses the quality of car parking in town centres.
- 137 Taking the above into account, I recommend:
- **Policy TA1, change first bullet point to: “*The enhancement and/or improvement of public rights of way, especially those that enhance pedestrian and cycle links, will be supported.*”**
 - **Delete second and third bullet points**

- Change last bullet point to “...would result in the loss of off-street *public* car parking will not be...”
- Page 39, first line, delete “emerging”
- Page 40, delete the supporting text below the Policy, (“This policy conforms...through consultation.”)

Newport as a Retail and Service Centre

Policy RS1

- 138 Chapter 12 of the Framework, referred to earlier in this Report, recognises heritage assets as irreplaceable and requires them to be conserved according to their significance.
- 139 To some degree, Policy RS1 seeks to protect and/or enhance heritage assets and has regard to national policy. However, as set out, the first part of the Policy fails to have regard to national policy's aim of conserving, as opposed to preserving, heritage assets and this is a matter addressed in the recommendations below.
- 140 The second bullet point of the Policy is imprecise. It simply requires all development to "*help to enhance*" the historic character and quality of the town. It is not clear precisely what any such development would be "*helping*," or why all development should "*help to enhance*," when this is not a national or local planning policy requirement. Further, neither "*distinctive historic character*" nor "*quality*" are defined and this part of the Policy is imprecise.
- 141 No indication is provided in respect of which buildings, structures and spaces are of historic interest, nor of why they should be retained, or how they should be enhanced. This part of the Policy is imprecise and fails to provide a decision maker with a clear indication of how to react to a development proposal.
- 142 I recommend:
- **Policy RS1, change to "Development should conserve or enhance the Newport Conservation Area and its setting." (delete rest of Policy)**
 - **Page 40, second line of 4.7.1, delete "emerging"**
 - **Page 41, delete supporting text underneath Policy RS1 up until and including "...through consultation."**

Local Landscape and Wildlife

Policy LW1

- 143 Telford and Wrekin Local Plan Policy NE1 (*Biodiversity and geodiversity*) provides for the protection and enhancement of the whole of the Borough's biodiversity and geodiversity; and Policy NE2 (*Trees, hedgerows and woodlands*) affords protection to trees, hedgerows and woodlands with biodiversity, visual amenity and landscape value.
- 144 Policy LW1 is less detailed than either of these two strategic Policies. Rather, it seeks to place a requirement on any development in the rural area to "*enhance the natural countryside*." It is not clear – in the absence of any substantive evidence - why all such development should be required to do this. Furthermore, there is no information to demonstrate that it would be viable for all forms of rural development to "*enhance the natural countryside*" and consequently, the Policy fails to have regard to Paragraph 173 of the Framework in respect of viability.
- 145 The supporting text to Policy LW1 states that the NPPF seeks to protect Grade 2 and 3 agricultural land. No evidence is provided to support this statement. Rather, national policy simply requires that:
- "Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."*
- 146 The supporting text also states that recent appeal decisions indicate the importance of protecting field patterns around settlements, although no evidence is provided in this regard.
- 147 Taking the above into account, I recommend:
- **Delete Policy LW1**
 - **Delete 4.8 Local Landscape and Wildlife, inclusive of all related text on pages 41 to 43**

Community Wellbeing

Policy CW1

148 Paragraph 28 of the Framework promotes:

“...the retention and development of local services and community facilities in villages, such as local shops...public houses....”

149 Policy CW1 seeks to protect local community facilities and thus has regard to national policy.

150 No changes to Policy CW1 are proposed.

Policy CW2

151 Having regard to Paragraph 28 of the Framework, referenced above, Policy CW2 supports the provision of new or improved community facilities.

152 The Policy refers to *“unacceptable impacts on the local road networks.”* However, these are not defined and consequently, this part of the Policy fails to provide a decision maker with a clear indication of how to react to a development proposal. Paragraph 32 of the Framework states that:

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

153 Taking this into account, I recommend:

- **Policy CW2, final bullet point, change to *“The proposal would not result in severe cumulative impacts on local highway networks”***
- **Page 43, delete “emerging” under 4.9.1**
- **Delete supporting text on page 44 underneath Policy CW2**

8. The Neighbourhood Plan: Other Matters

154 The Neighbourhood Plan does not contain a "*Sustainability and Climate Change Policy*." Consequently, the supporting text on pages 45 and 46 appears unnecessary. Furthermore, much of it simply repeats, or refers to, other text and Policies elsewhere in the Neighbourhood Plan. As such, it appears to detract from the clarity and precision of the document.

155 I recommend:

- **Delete 4.10 and related text on pages 45 and 46**

156 Section 5 of the Neighbourhood Plan, on pages 46 and 47, has been overtaken by events and I recommend:

- **Delete Section 5 and all related text ("The Development Plans...Local Plan.")**

157 As set out earlier in this Report, a review of the Neighbourhood Plan would need to be carried out in line with statutory requirements and it is not the role of the Neighbourhood Plan to place a monitoring requirement upon the Local Planning Authority. I recommend:

- **Page 49, third para, delete last sentence ("Any formal...Wrekin Council.")**
- **Delete final para ("Telford...Borough.")**

158 The recommendations made in this Report will have a subsequent impact on Contents and page numbering.

159 I recommend:

- **Update the Contents and page numbering, taking into account the recommendations contained in this Report.**

9. Referendum

- 160 I recommend to Telford and Wrekin Council that, subject to the modifications proposed, **the Newport Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

- 161 I am required to consider whether the Referendum Area should be extended beyond the Newport Neighbourhood Area.
- 162 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.
- 163 Consequently, I recommend that the Plan should proceed to a Referendum based on the Newport Neighbourhood Area approved by Telford and Wrekin Council and confirmed by public notice on the 30th May 2013.

Nigel McGurk, April 2018
Erimax – Land, Planning and Communities

