

Lilleshall Parish Neighbourhood Plan

Report of Examination

Report to Telford & Wrekin Borough Council

by the Independent Examiner:

John Parmiter FRICS FRSA MRTPI



8 August 2018

| Contents | page |
|---|-------------|
| Summary | 2 |
| 1. Introduction | 3 |
| 2. The Neighbourhood Plan - preparation and public consultation | 5 |
| 3. The Neighbourhood Plan in its planning and local context | 7 |
| 4. The Plan and its Policies | 8 |
| 5. Referendum Area | 15 |
| 6. Conclusions and recommendations | 15 |

Summary

1. From my examination of the submitted Lilleshall Parish Neighbourhood Plan and the supporting documents, including all the representations made, I have **concluded** that, subject to the modifications I recommend, the Neighbourhood Plan should proceed to Referendum.
2. I have concluded that, subject to modification, the plan meets the Basic Conditions. In summary, the Basic Conditions are that it must:
 - Be appropriate to make the plan, having regard to national policies and advice;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the development plan; and
 - Not breach, and be otherwise compatible with, European Union and European Convention on Human Rights obligations.
3. I have concluded that the plan meets the legal requirements in that:
 - It has been prepared and submitted for examination by a qualifying body – Lilleshall Parish Council;
 - It has been prepared for an area properly designated;
 - It does not cover more than one neighbourhood plan area;
 - It does not relate to “excluded development”;
 - It 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.
4. Overall, I **recommend** that the Neighbourhood Plan should proceed to Referendum.
5. Further, I **recommend** that the referendum area be the same as the civil Parish, the designated area.

1. Introduction

- 1.1 I am appointed by Telford & Wrekin Borough Council, with the support of the Lilleshall Parish Council, the Qualifying Body, to undertake an independent examination of the Lilleshall Parish Neighbourhood Plan, as submitted for examination. I was appointed as independent Examiner in early July and carried out an unaccompanied site visit later in the month.
- 1.2 I am an independent planning and development professional of 40 years standing and a member of NPIERS' 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 making the plan meets the "Basic Conditions." These are that in making the Neighbourhood Plan it must:
- be appropriate to do so, having 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 be compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.
- 1.4 Regulations also require that the Neighbourhood Plan should not be 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.
- 1.5 In examining the Plan I am also required to establish if the plan complies with certain legal requirements; in summary they are whether it:
- Has been prepared and submitted for examination by a qualifying body;
 - Has been prepared for an area that has been properly designated
 - Meets the requirements that they must not include excluded development
 - Relates to more than one Neighbourhood Area; and
 - Relates to the development and use of land.
- 1.6 Finally, as independent Examiner, I must make one of the following recommendations in relation to the Plan proceeding to a Referendum:
- a) that it should proceed to Referendum on the basis that it meets all legal requirements; or
 - b) that once modified to meet all relevant legal requirements it should proceed to Referendum; or
 - c) that it should not proceed to Referendum on the basis that it does not meet the relevant legal requirements.

- 1.7 Second, 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.

The Examination documents

- 1.8 In addition to the legal and national policy framework and guidance (principally The Town and Country Planning Acts (as amended), Planning and Compulsory Purchase Act, Localism Act, Neighbourhood Plans Regulations, the National Planning Policy Framework and the Planning Policy Guidance) together with the development plan, the relevant documents that were furnished to me as the neighbourhood plan and its supporting documentation¹ for examination were:

- Neighbourhood Plan (Reg 15 submission version)
- Basic Conditions Statement;
- Consultation Statement; and
- SEA and HRA Screening Statements.
- Local Green Space Technical Paper

The Qualifying Body and the Designated Area

- 1.9 Lilleshall Parish Council is the Qualifying Body for the designated area that is the neighbourhood plan area. Telford & Wrekin Borough Council, the local authority, designated the Neighbourhood Area in June 2016. There is no other neighbourhood plan for this area.

The Neighbourhood Plan Area

- 1.10 The parish of Lilleshall lies immediately east of Telford and to the west of Newport, in the ceremonial county of Shropshire, within the Borough of Telford & Wrekin, comprising the village of Lilleshall itself and the hamlet of, together with land around The Humbers including an army barracks contiguous with the Telford urban area.
- 1.11 The parish is set in a predominantly rural landscape, with agriculture the dominant land use. Key historic features include the Lilleshall Abbey ruins, the Duke of Sutherland Memorial at the summit of Lilleshall Hill, the refurbished Tripe and Deep Limekilns and the Hughs Bridge Inclined Plane (which once formed part of the old Tub Boat canal system). The parish has a historic village church, primary school, one pub, a cricket ground, tennis courts, sports fields at the army barracks, parish memorial hall and youth centre. Most facilities are centered on the main village; though there is no village shop there is a part-time Post Office in the Memorial Hall.
- 1.12 The last census recorded a population of 1,326. The parish profile shows a relatively affluent parish, with high levels of home ownership (76%) and where car ownership is high, with 42% of households having two or more cars/vans.
- 1.13 The parish is bisected by the south-east to north-west A518 connecting Telford to Newport. Many of the local roads are narrow with few footways. There is an

¹ I was also supplied with a folder of Correspondence and Supporting Documentation.

³ Source: The Green Infrastructure Framework Evidence & Analysis doc: T&W Council 2009

⁴ The supporting text to Policy H010 – penultimate sentence of 5.3.1.5 – erroneously refers to the

extensive network of footpaths, bridleways and cycleways, including the Hutchinson Way long distance footpath and national cycle route 55.

- 1.14 The parish is within the 10% least deprived neighbourhoods in England. Most of the housing comprises one family households, with a fifth being one person households. A significant proportion of local housing contains members over 65 years old.

2. Neighbourhood Plan preparation and public consultation

The Neighbourhood Plan's development

- 2.1 The Parish Council decided to apply for designation of the whole parish area in September 2015. The parish and area were designated in June 2016. The parish council set up a steering group, which led the early work of evidence gathering, consultation and identification of issues; though this was disbanded in March 2017 and the Parish Council then led the exercise directly, assisted by consultants (though it is not clear what they contributed nor how the Parish Council responded).
- 2.2 I have not found the governance and decision-making process clear; for example, I am surprised at the scant references to progress on the plan in the Parish Council Minutes which do not, in my view, reflect the claim at page 3 of the Consultation Statement that "... actions for and progress of the Neighbourhood Plan have been included as an agenda item at all parish Council meetings ...". It is far from clear *who* was actually making the decisions on the plan that are reported to the Parish Council, or how they made them, as none of the Minutes of the (now disbanded) Steering Group (and sometimes referred to as the Planning Group) are on the parish website, contrary to the claim on page 4 (under the heading Neighbourhood Plan Steering Group); nor was this clear from the Key Events Schedule.
- 2.3 Six key themes were identified for public consultation on the main parish survey: providing homes; jobs and the local economy; protecting our environment; improving community services; creating a sustainable community; and housing – identifying needs. Subsequently, these formed the basis for the development of plan policies: development (later housing); heritage and design; local environment; community infrastructure; transport and accessibility; and employment/economy.
- 2.4 The Consultation Statement (CS) focuses on the outputs of two main exercises: two Open Forums and the Residents Survey (the latter carried out by the Shropshire Rural Communities Council (SRCC), as well as the formal periods of consultation on draft plans. Appendix 2 to the Consultation Statement sets out the residents' comments from the Open Forums. Its not clear how many (or few) attended these sessions; their comments are simply listed – all 168. With no evident evaluation it is hard to make sense of them. The Resident's Survey is more helpful, however; as is the Planning Group's analysis.

Pre-submission public consultation

- 2.5 The Regulation 14 consultation ran over 6 weeks from 24th May to 14th July 2017. Appendix 4 sets out a Comments Review Table of the 11 responses to this stage, many from a member of the Parish Council itself. Appendix 5 of the CS sets out the detailed comments of the Borough Council. The plan was duly revised to take into account the listed LNP actions.
- 2.6 The Local Plan had by this stage reached an advanced stage; in particular, two

significant elements of the Local Plan which impacted the neighbourhood plan area had been removed following its examination: a Sustainable Urban Extension on the western boundary (H1) and the Strategic Landscape Area around Lilleshall. The Parish Council duly decided to delay publication of the draft plan and to carry out changes to reflect the new development plan. A Supplementary Consultation, duly took place over 4 weeks from 8th November to 5th December 2017. This attracted 6 responses. The summary and agreed actions are set out in Appendix 6 of the CS.

- 2.7 The neighbourhood plan was submitted to the Borough Council in February 2018 under Regulation 15. The Borough Council then conducted 6-week consultation under Regulation 16 from 10th April ending 29th May 2018.
- 2.8 A total of 11 representations were made. The most substantive came from developers and site promoters, together with the Ministry of Defence. There were no negative responses from Historic England, the Environment Agency, Natural England or Severn Trent (the Water Authority); though some drafting suggestions were made. One local resident, a former treasurer of the Steering Group made wide-ranging comments on the decision-making process and consultation, which I have taken into account, in the context of meeting the Basic Conditions.

Environmental Assessment and EU Directives

- 2.9 Under Article 3(3) and 3(4) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC a SEA is required of plans and programmes which “determine the use of small areas at a local level”. The Borough Council as “responsible authority” determines if the plan is likely to have significant environmental effects.
- 2.10 In November 2016 the parish council submitted a formal screening request to the borough council (as the responsible authority) for a Strategic Environmental Assessment (SEA) and an Appropriate Assessment under the Habitats Regulations. In January 2017 the Borough Council determined that neither was required, having consulted with the relevant statutory authorities, as there were unlikely to be any significant environmental effects.

Human Rights and European Obligations

- 2.11 I have no reason to believe that making the plan would breach or is incompatible with the European Convention on Human Rights or other EU obligations.

Plan period

- 2.12 The neighbourhood plan states, on its cover and in the chapter on Monitoring and Review that it covers the period to 2031, which is co-terminus with the plan period of the very recently adopted Local Plan.

Excluded development

- 2.13 A neighbourhood plan cannot include policies for excluded development, such as minerals and waste. I have concluded that the plan does not do so.

Recommendations

- 2.14 In my report I have set out recommended modifications, which are typically preceded by the expression “I **recommend**” (in bold).

3. The draft Neighbourhood Plan in its planning and local context

National policies and advice

- 3.1 The neighbourhood plan must have regard to national policies and advice, contained in guidance issued by the Secretary of State, and contribute to the achievement of sustainable development (the first two Basic Conditions). The National Planning Policy Framework (the Framework) was revised during the examination. It is concerned with, inter alia, neighbourhood planning:

The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.
Para 13

- 3.2 The Framework continues, at para 29:

Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

- 3.3 In relation to housing, at para 69, it advises:

Where it is not possible to provide a requirement figure for a neighbourhood area, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

- 3.4 The Framework's policy guidance on Local Green Space designations is at para 100:

The Local Green Space designation should only be used where the green space is:

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

- 3.5 The plan must give sufficient clarity to enable a policy to do the development management job it is intended to do; or to have due regard to Guidance [noting that this has yet to be updated in the light of the revised Framework]. Paragraph 041 of the Guidance explains 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.” (Reference ID: 41-041-20140306)

3.6 Also, there has to be evidence to support particular policies, notwithstanding it may express a strong and well-intentioned aspiration or concern of the local community. The Guidance (Para 040 ref 41-040-20160211) states:

“While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.

A local planning authority should share relevant evidence, including that gathered to support its own plan making, with a qualifying body Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need

In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making”.

The Development Plan - strategic policies

3.7 To meet the Basic Conditions the neighbourhood plan must be in general conformity with the strategic policies of the development plan. The development plan comprises the Telford & Wrekin Local Plan 2011-2031, adopted in January 2018. I have had regard to the relevant strategic policies of the Local Plan including policies SP3, H10, BE1, NE1, NE7, COM1, C5, and ER12. I have had particular regard to:

- Policy SP3, which sets out the spatial strategy for the rural area and which supports the delivery of approximately 1,000 net new homes in the rural area; and
- Policy HO10, which supports a limited amount of infill housing in five key rural settlements of which Lilleshall is one. The policy does not define infill.

3.8 Lilleshall is identified on the Key Diagram as one of five Primary Rural Settlements.

4. The neighbourhood plan and its policies

4.1 The Lilleshall Parish Neighbourhood Plan is a succinct and well-laid out document. It will however require chapter and paragraph numbering throughout, to enable proper usage as part of the development plan. It has a coherent structure: Following some (un-numbered) contextual chapters the main body of the plan opens with an overarching vision and objectives under each of the six policy headings - which neatly sit on one page. While the tone of the vision statement could be read as somewhat protectionist in that it is concerned with retaining the rural character and identity of the plan area and protecting (and enhancing) its natural built environment, the objectives for development do indicate support for limited new housing. On balance, in the light of policies DEV1 and DEV3, I have concluded that the plan does promote sustainable development.

4.2 After the six policy sections the plan ends with a short chapter on Monitoring and

Review and finally five appendices. The appendices, in my view, will not be necessary once the plan is made, with the exception of the mapping; I **recommend** later that the Local Green Space maps (Appendix 2) would be better located alongside the policies, for clarity. The mapping is generally poor, with the base maps often illegible. I deal with those related to individual policies where they arise. However, I **recommend** that Figure 6 – Mineral Safeguarding Areas – be deleted, as this relates to Excluded Development and could be confusing to remain in the plan. Figures 5,7 and 8 can remain in the appendix. In the light of the various mapping modifications I am recommending it may be helpful for a new Policies map to be prepared to deal with the remaining designations.

1. Housing

- 4.3 **Policy DEV1** is concerned with residential development in Lilleshall village. It supports housing infill and the conversion of existing buildings. The key issues raised by the policy are twofold: a) its limitation to the built up area of the village; and b) its limitation to a maximum of 3 dwellings. In relation to (a) there is no defined village envelope and no evidence to limit the policy in this way. From the Consultation Statement on (b) I see support for up to 10 homes, of which only about a quarter of those indicated a preference for a maximum of 3. But I find no robust evidence to support this particular limitation. Accordingly, I **recommend** the words “within the existing built area of the village” and the second bullet point (“ ... a maximum 3 dwellings”) be deleted, as these phrases are not supported by robust and proportionate evidence and to be generally consistent with the development plan. Finally, see my recommendation as to an additional criterion – paragraph 4.12.
- 4.4 **Policy DEV2** is concerned with the prevention of coalescence of settlements and to protect the rural character and nature of the Strategic Landscape Areas. I see two difficulties with this policy: The first is that the distance between Telford and Newport – essentially the area of the neighbourhood plan - is such that there is no evidenced threat of coalescence, especially as the originally planned extension to Telford (H1) has been deleted from the Local Plan. The second is that the Lilleshall Strategic Landscape Area has also been deleted from the Local Plan – and see later my examination of LE3. The policy’s other references – to development on the Telford urban boundary and limited infill, are covered, in my view, by policies DEV1 and DEV3. I therefore **recommend** that Policy DEV2 be deleted.
- 4.5 **Policy DEV3** deals with that part of the western boundary of the plan area, which is contiguous with the eastern boundary of the Telford built-up area. The policy seeks to support appropriately designed and laid out development here and in a way that reduces the impact of such development on the rural character and setting of the parish, preserving the open aspect of views from the hill and scenic impacts. It refers to a policies map – found later in the plan between the parking and employment policies, as Figure 4. The supporting text explains the context of recent proposals for a Sustainable Urban Extension (formerly H1), now deleted from the Local Plan; and that while the parish has a general understanding of the need for accommodating development in Telford they see a need to minimise its adverse impacts.
- 4.6 A number of representations supported the thrust of this policy, notably Gladman, Tesni Properties and Davidson Developments but some felt the text needed clarifying and one made some drafting suggestions. I too concluded that the policy is rather convoluted and needs clarifying in order to achieve its aims. I also agree with Davidsons that the policy heading would be much clearer by referring to sites contiguous with the Telford built-up area. This would also deal with the effect of my

recommendation on DEV2, which deletes that reference. Overall, this policy is a very positive response to planning for sustainable development and meeting future housing needs.

4.7 The mapping for Fig 4 needs improving, as the base plan is illegible and the blue dotted line – indicating the boundary to which the policy relates - is partially buried under the plan area red line. In any event, this map is doing a number of jobs, which I don't believe it needs to do; it would be clearer if it only supported DEV 3. For example, the proposed Local Green Space designations are already shown on Fig 3 and the Lilleshall Village Strategic Landscape Area is covered by LE3. While, the Weald Moors Strategic landscape is part of the Local Plan I judge it helpful to show on the plan (so long as the area shown is accurate and cross referenced to the relevant part of the Local Plan) as it helps define the limit on the “contiguous” boundary. Given the distance from Lilleshall village itself I found insufficient evidence to support that part of the policy that seeks to protect its setting or views from the hill (I presume Lilleshall hill itself).

4.8 I therefore **recommend** that Fig 4 is redrawn and retitled as follows:

- Rename the map as Fig 4: Contiguous boundary with Telford built-up area
- Remove Local Green Space and Lilleshall Strategic Landscape designations;
- Redraw map so that the underlying base and contiguous boundary are clear

4.9 I also **recommend** that Policy DEV3 be modified to read:

POLICY DEV3: SITES CONTIGUOUS WITH TELFORD BUILT-UP AREA

Development proposals on sites contiguous with the boundary of Telford built-up area, as shown on Fig 4, will be supported provided they:

- Respect the area's rural character and open aspect; and
- Are designed and laid out to minimise any adverse scenic impacts.

2. Heritage and Design

4.10 **Policy D1** seeks to achieve high quality developments that respond well to the area's local character, reflect local distinctiveness and respects local heritage assets and their setting. Arguably the Local Plan already does this and such a policy is not necessary. The need for a supporting statement is already a validation requirement. What makes its distinctively local is the need to respect “Duke of Sutherland” style dwellings. However, the final sentence is an advocacy point and I **recommend** that it be removed from the policy and placed in the supporting text.

4.11 **Policy D2** is concerned with sustainable design. It is drafted in fairly all-encompassing terms, so to make it consistent with national policy I **recommend** that the phrase “where appropriate” be added to the final sentence.

4.12 **Policy D3** is about the design of residential infill development. The policy seeks to control development through a series of criteria that all have to be met. These arise, it seems, from Open Forum comments and survey responses, rather than more technical evidence. Nevertheless the rationale for the policy is sufficiently well

argued. However, to clarify the drafting, I **recommend** that the first sentence – about off street parking and pedestrian links – be accommodated as criteria; that (b) be relocated to Policy INF2 (see later) as a more appropriate place; and that (h) be deleted and relocated as part of DEV1, again as a more appropriate place.

- 4.13 Given the wording refers to “the village” – I presume Lilleshall itself - and that Policy DEV1 is concerned with infill development in that village it would read more logically if it followed DEV1. I therefore **recommend** that it is retitled DEV2 and, together with its supporting text, be relocated to follow DEV1 in the plan.

3. Local Environment

- 4.14 **Policy LE1** designates seven sites as Local Green Spaces; these are listed (as bullets, rather than numbers) in the policy and identified as a group on Fig 3 and individually in Appendix 2 - on Figs 9-15. The supporting text explains that the consultation showed significant support for the protection of certain spaces and that the specific sites came out of the survey. *Technical Paper – Local Green Spaces* was published in February 2018, which was part of the Regulation 15 consultation². This set out the justification for the designation – drawing out responses from the Open Forums and Survey - and contained a number of tables: 1: matching the sites to a list of Green Infrastructure Function criteria³; and 2: matching against the Framework criteria. However, it does not provide me with a robust and proportionate assessment of how the site selection was made; it is essentially justifying sites that were already selected. There is no landscape assessment or other technical appraisal included. From the representations I was concerned that limited efforts, if any, were made to contact and consult all the owners of these sites.
- 4.15 The plan summarises the paper in Table 1. The supporting text explains that the designation of such spaces needs to comply with the guidance in paras 76,7 of the Framework (as was). The Framework was revised during the examination and the (unchanged) criteria for designation are now at paragraph 100.
- 4.16 Taking each site in turn, I have concluded the following:
1. Cricket Ground and adjacent field: this is conventional playing field in close proximity to the community, is not extensive in scale and is clearly well valued locally. It holds a particular local significance as the historic home of local cricket, at the heart of the village and is demonstrably special in providing a significant viewpoint of the Hill. I conclude it meets the Framework criteria.
 2. School playing fields and children’s play areas: these are adjacent to the Cricket Ground and form an effective extension of the space. Together they form a valuable setting to the village and the prospect of the Hill. They appear to be very well used and are clearly valued by the local community, who regard them as demonstrably special. They too are located in close proximity to the community and are not extensive in scale. I conclude it meets the Framework criteria.
 3. Fields surrounding The Croft, Church Road: The fields surrounding the property are in arable use, in private ownership, not open to the public and

³ Source: The Green Infrastructure Framework Evidence & Analysis doc: T&W Council 2009

³ Source: The Green Infrastructure Framework Evidence & Analysis doc: T&W Council 2009

the land is designated as the fields “comprise part of larger open field that positively contributes to the verdant rural character of the area and the attractive open setting to the village” (Table 1). I found this and much of the reasoning in the Technical paper unconvincing; it could apply to many of the gaps in the village and its surrounding fields - they are simply agricultural fields. The owners made extensive representations, which I largely accept. I have concluded that it does not meet the Framework criteria.

4. MoD Sports Centre, The Humbers. This land comprises playing fields (parts of which are no longer maintained), is operational land, within an army barracks and not open to the public (as I immediately found out on my site visit). It is not in reasonably close proximity to the community it serves; nor is it an extensive tract of land. While clearly of recreational value I have no substantive evidence that it is demonstrably special or holds a particular local significance. The Defence Infrastructure Organisation – who are looking to dispose of the barracks complexes here in the future - made fairly extensive representations against the designation and I agree with their substance. Overall, I have concluded that it does not meet the Framework criteria.
5. Lilleshall Hill (and the Duke of Sutherland Monument): this is an extraordinary geological outcrop within the village. It is not extensive in scale, is very close to the community it serves and is clearly well valued locally. It is one of the outstanding features of east Shropshire. It offers a peaceful vantage point over the surrounding countryside and is used by walkers and is the central feature of the 10k Run. It is registered as a Local Wildlife Site. It is demonstrably special and clearly holds a particular local significance. I conclude that it meets the Framework criteria.
6. Allotments and Nursery (land between Wellington Road and New Trench Road): this is a long narrow strip of land between the “old” and “new” roads. The old road is now part of Cycle Network 55. The southern section is mainly in use as allotments, managed by the Parish Council; the northern section is a disused plant nursery, with large abandoned polytunnels. The site is reasonably close to the local community and is not a large tract of land. The argument is that the allotments provide a key recreational resource; and that the nursery land extends the intensive horticultural use. I found the case for the allotments quite mixed from the consultation responses, such that I did find it difficult to conclude that they were demonstrably special; though they did persuade me they held a particular significance. The nursery lands are largely boarded up, the site derelict and with few features that could meet the criteria; though there may well now be wildlife, they offer a tranquil backdrop to the old road/cycleway. Overall, I concluded that only the allotments meet the Framework criteria.
7. Honnington Pond: The pond and adjacent meadow are located at the southern edge of the village. The pond comprises the lowest of four pools that serve as mill ponds for the ancient abbey and manor; they are not an extensive tract of land. They have been designated as the pond provides recreational value as a tranquil fish pond. It is noted as a popular site for local and visiting anglers (being well stocked) and provides nesting for a wide range of birds; it is tranquil and of some historic significance. But the Framework sets the bar higher than these limited attributes and there is no real evidence to support the inclusion of the more extensive meadowland in the designation. Overall, I find that the site does not meet the Framework

criteria.

- 4.17 I therefore **recommend** that the following sites be deleted from policy LE1: Fields surrounding The Croft (2), the MoD sports field (4), the southern – nursery land – section of the Allotments and Nursery (6) and Honnington Pond (7); and the remaining list in the policy should be numbered along with the remaining maps.
- 4.18 The mapping that supports this policy is very poor. Fig 3 has an illegible map base and is only really useful for locating the locations of the proposed designations; I **recommend** that it be renamed: Fig 3: Locations of Local Green Space designations. The maps in Appendix 2 also have illegible base maps. I **recommend** that all remaining maps be redrawn to show their base, with clear legible boundaries and features, and with each placed after Fig 3 in the plan (and so renumbered).
- 4.19 **Policy LE2** concerns protection of local ecology and the landscape. For clarity I **recommend** the word “retain” (sixth word) be deleted.
- 4.20 **Policy LE3** seeks to reinstate the Lilleshall Strategic Landscape Area (SLA) that was deleted from the Local Plan⁴; and to note the importance of the Weald Moors SLA, on which I have already commented. The extent of the Lilleshall SLA is shown on Fig 4, though this is not directly cross-referenced in the policy. The policy seeks to manage development within the SLA by setting out a range of criteria to be met (a-f).
- 4.21 The approach being taken raises real difficulties: First, a neighbourhood plan needs to be in general conformity with the development plan. However, the Local Plan does not contain a strategic policy of this nature so in this instance I cannot agree that it would be in general conformity. Second, an Inspector has already examined the case for inclusion of this SLA in the Local Plan as a strategic policy and rejected it⁵. Accordingly, I **recommend** that policy LE3 and its supporting text be deleted.

5. Community Infrastructure

- 4.22 **Policy INF1** is concerned with connecting the parish, especially by broadband, which is a local issue. For clarity I **recommend** that the word “reflect” in the third line be replaced by “have regard to”.
- 4.23 **Policy INF2** concerns protecting local community facilities. To meet the Basic Conditions, it would be clearer if the facilities were listed in the policy, rather than by reference to an Appendix (which does not contain a list as such anyway). In response to my query as to where I would find such a list, the Parish Council offered me modified policy text that included a list. Having examined the Parish Profile I am satisfied that the suggested facilities are capable of being included in the plan. But as a specific list was never part of the consultation process I do not consider it appropriate to incorporate one into the main body of the policy. I therefore **recommend** that Policy INF2 be modified as follows: the words “listed in the Parish Profile (Appendix 1)” be deleted.
- 4.24 I **recommend** the addition of the following facilities in the supporting text, to indicate

⁴ The supporting text to Policy H010 – penultimate sentence of 5.3.1.5 – erroneously refers to the SLA.

⁵ In response to my request for the relevant passage in the Inspector’s Report the Parish Council canvassed alternative ways of securing some form of designation but I have not accepted such a late submission.

the range of facilities that the policy refers to:

- Village Memorial Hall
- Youth Centre
- Cricket Club
- Tennis Club
- Parish Allotments
- Primary School
- Church of St Michael and All Angels

4.25 **Policy INF3** concerns developer contributions to be sought – wherever appropriate – for (unspecified) local infrastructure improvements and especially highway and junction configurations and the use of the A518. This is effectively an aspirational policy, not a land use policy and there is no supporting evidence for the particular aspirations. Effectively, the policy and supporting text are looking forward to a scenario when a Community Infrastructure Levy is in place and this can represent a set of priorities. The point is understood but it does not qualify as a policy concerned with the use and development of land and so I **recommend** that both policy and supporting text be deleted. However, there is no reason for the two not to be recast as a Community Aspiration or similar and placed in an Appendix.

5. Transport and Accessibility

4.26 **Policy TA1** is concerned with the enhancement and improvement of public rights of way and other linkages, to improve accessibility within Lilleshall and beyond. It is responding to well-expressed local concerns. For clarity I **recommend** that the policy be modified slightly by: replacing the word “should” in the third line with “shall”; and adding the words “where appropriate” at the end of the first paragraph (after “biodiversity”).

4.26 **Policy TA2** concerns car parking provision in Lilleshall, responding to expressed local concerns. The final point concerns seeking developer contributions for “... the provision of a suitable located and design off-street car park...”. As I cannot find robust and proportionate evidence to support this requirement I **recommend** that the final sentence of the policy be deleted.

6. Employment

4.27 **Policy EC1** is concerned with rural diversification and small-scale employment development. This is in line with both consultation responses and the development plan. However the reference to the Strategic Landscape Areas in the plural is not consistent with my recommendation for LE3, so I **recommend** that the reference be singular.

5 Referendum Area

- 5.1 Planning Practice Guidance on the Independent Examination (Reference ID: 41-059-20140306) says:

“It may be appropriate to extend the referendum area beyond the neighbourhood area, for example where the scale or nature of the proposals in the draft neighbourhood plan or Order are such that they will have a substantial, direct and demonstrable impact beyond the neighbourhood area.”

- 5.2 The plan has no site allocations and is concerned with general policies that affect a small rural parish. I conclude that the impact of the plan’s policies would not have a *substantial, direct and demonstrable impact* beyond the plan area and I therefore **recommend** that the referendum area be the same as the civil parish – the designated area.

6 Conclusions and recommendations

- 6.1 I can see that the Parish Council and its volunteers have put in a great deal of hard work into the submission of the plan and the supporting documents. The plan is well presented and clear; and seeks to represent the local community’s aspirations, though the governance of the process is not always clear.
- 6.2 From my examination of the submitted Lilleshall Parish Neighbourhood Plan, together with the supporting documents, including having regard to all the representations made, I have **concluded** that the making of the plan will meet the Basic Conditions, if modified as I recommend.
- 6.3 I also **conclude** that the legal requirements are met.
- 6.4 In conclusion, I **recommend** that the Lilleshall Parish Neighbourhood Plan should proceed to referendum. I **recommend** that if the plan does proceed to referendum then the referendum area should be that of the civil parish, the designated area. I have set out a summary of my conclusions, drawn from the findings in my report, in the Summary on page 2.

John Parmiter FRICS FRSA MRTPI

Independent Examiner

john@johnparmiter.com

www.johnparmiter.com

8 August 2017