

CLEOBURY MORTIMER NEIGHBOURHOOD PLAN

Report to Shropshire Council of the Independent Examination

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1. Executive Summary

1. I was appointed by Shropshire Council with the support of Cleobury Mortimer Town Council to carry out the independent examination of the Cleobury Mortimer Neighbourhood Plan.

2. I undertook the examination by reviewing the Plan documents and written representations, and by making an unaccompanied visit to the Neighbourhood Area.

3. I consider the Plan to be an adequate expression of the community's views and ambitions for Cleobury Mortimer. It is based on an effective programme of public consultation which has informed a Vision to 2038 supported by plan objectives. This is to be achieved through a set of seven objectives and eight planning policies largely dealing with issues distinct to the locality. The Plan is supported by a Consultation Statement and Basic Conditions Statement and a Strategic Environmental Assessment. A Habitats Regulations Assessment is not required and the consequences of the Appropriate Assessment undertaken for the emerging Local Plan have been addressed by inclusion of a relevant policy. There is supporting evidence provided and, notwithstanding mixed views about the residential site allocation, there is evidence of community support and the involvement of the local planning authority.

4. I have considered the seven separate representations made on the submitted Plan. These are addressed in this report as appropriate.

5. Subject to the recommended modifications set out in this report I conclude that the Cleobury Mortimer Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a number of additional optional recommendations.

6. I recommend that the modified Plan should proceed to Referendum and that this should be held within the Neighbourhood Area of Cleobury Mortimer parish.

2. Introduction

7. This report sets out the findings of my independent examination of the Cleobury Mortimer Neighbourhood Plan. The Plan was submitted to Shropshire Council by Cleobury Mortimer Town Council as the Qualifying Body.

8. I was appointed as the independent examiner of the Cleobury Mortimer Neighbourhood Plan by Shropshire Council with the agreement of Cleobury Mortimer Town Council.

9. I am independent of both Cleobury Mortimer Town Council and Shropshire Council. I do not have any interest in any land that may be affected by the Plan. I possess the appropriate qualifications and experience to undertake this role.

10. My role is to examine the neighbourhood plan and recommend whether it should proceed to referendum. A recommendation to proceed is predicated on the Plan meeting all legal requirements as submitted or in a modified form, and on the Plan addressing the required modifications recommended in this report.

11. As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended). To comply with the Basic Conditions, the 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; and
- be in general conformity with the strategic policies of the development plan in the area; and
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations, including the Conservation of Habitats and Species Regulations 2017.

12. An additional Basic Condition was introduced by Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in 2018 that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. I am also required to make a number of other checks under paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990.

13. In undertaking this examination I have considered the following documents as the most significant in arriving at my recommendations:

- the submitted Cleobury Mortimer Neighbourhood Plan
- the Basic Conditions Statement
- the Consultation Statement
- the Strategic Environmental Assessment
- the relevant parts of the development plan comprising the Shropshire Core Strategy (2006-2026) and Shropshire Site Allocations and Management of Development (SAMDev) Plan (2006-2026)
- relevant parts of the draft Shropshire Local Plan 2016-2038, currently at Examination
- representations made on the submitted neighbourhood plan
- relevant material held on the Cleobury Mortimer Town Council and Shropshire Council websites
- National Planning Policy Framework (2021)
- Planning Practice Guidance
- relevant Ministerial Statements

14. The Plan was largely prepared under an earlier version of the National Planning Policy Framework than that used for my examination but the second Regulation 14 consultation on the draft Plan took place after the most recent NPPF's publication in July 2021 and this is the version addressed in the Basic Conditions Statement.

15. No representations were received requesting a public hearing and having considered the documents provided and the representations on the submitted Plan I was satisfied that the examination could be undertaken by written representations without the need for a hearing.

16. I carried out an unaccompanied visit to the Neighbourhood Area on a weekend during May. I visited the main locations addressed in the Plan, including the proposed changes to the development boundary and the sites allocated for residential, employment and cemetery use. I visited a mixture of old and new development in Cleobury Mortimer and its Conservation Area as well as experiencing some of the surrounding countryside and small settlements.

17. Throughout this report my recommended modifications are bulleted. Where modifications to policies are recommended they are highlighted in **bold** print with new wording in “speech marks”. Existing wording is in *italics*. Modifications are also recommended to some parts of the supporting text. These recommended modifications are numbered from M1 and are necessary for the Plan to meet the Basic Conditions. A number of modifications are not essential for the Plan to meet the Basic Conditions and these are indicated by [square brackets]. These optional modifications are numbered from OM1.

18. Producing the Cleobury Mortimer Neighbourhood Plan has clearly involved significant effort over many years led by the Steering Group. The process began in 2018 and is informed by significant community involvement. There is evidence of collaboration with Shropshire Council and continuing this will be important in ensuring implementation of the Plan. The commitment of all those who have worked so hard over such a long period of time to prepare the Plan is to be commended and I would like to thank all those at Shropshire Council and Cleobury Mortimer Town Council who have supported this examination process.

3. Compliance with matters other than the Basic Conditions

19. I am required to check compliance of the Plan with a number of matters.

Qualifying body

20. The neighbourhood plan has been prepared by a suitable Qualifying Body – Cleobury Mortimer Town Council – which being a town council is the only organisation that can prepare a neighbourhood plan for the area.

Neighbourhood Area

21. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area which comprises the parish area of Cleobury Mortimer Town Council and was agreed by Shropshire Council and became effective on 15 May 2018.

22. The boundary of the neighbourhood area is shown in Figure 1. This is not at a scale that allows the detailed boundary to be determined and provision of a link to where the boundary is available at a larger scale would be helpful. The Key to Figure 1 is misleading in showing the boundary as “*Cleobury Mortimer CP*”. Although the parish boundary and neighbourhood area are coincident the purpose of Figure 1 is to show the neighbourhood area.

- M1 – Amend the title and key to Figure 1 to read “Cleobury Mortimer Neighbourhood Area” and provide a link to where the boundary can be viewed at a larger scale

Land use issues

23. I am satisfied that the Plan’s policies relate to relevant land use planning issues.

Plan period

24. The period of the neighbourhood plan runs from 2020 to 2038 and the 2038 end date aligns with the period of the Shropshire Local Plan review. It is also the period of the Plan's Vision. The period is shown on the cover and included in a header on each page of the Plan.

Excluded development

25. I am satisfied that the neighbourhood plan makes no provisions for excluded development (such as national infrastructure, minerals extraction or waste).

4. Consultation

26. I have reviewed the Consultation Statement and relevant information provided on the Cleobury Mortimer Town Council website. This provides a clear record of the consultation process that has been undertaken since a visioning event in January 2018. The process was guided by a Steering Group which included a mix of town councillors and interested members of the public. The public consultation process has been adequately open and transparent.

27. A number of different engagement methods have been used, including newsletters, public meetings, use of the Town Council website and the Big Cleobury Survey promoted online and through posters, newsletters, advertisements and social media. Regular updates on progress with the Plan were provided. The Plan was informed by two calls for sites and meetings with landowners and other interests were held.

28. Participation levels have been good with more than 500 households responding to the Big Cleobury Survey and significant interest in some of the consultation events. There is evidence of support from the public for the approach presented in the Plan with more mixed views over the residential site allocation.

29. An early consultation was held in Spring 2019 ahead of formal Regulation 14 consultation on the draft Plan intended to run between 12 July and 27 August 2021. This was suspended following withdrawal of landowner support for two of the sites allocated for housing. A further call for sites was undertaken during the remainder of 2021. A second formal Regulation 14 consultation was undertaken on the revised Plan from 27 May 2022 and the last response accepted was on 1 November 2022. This consultation included a flyer being distributed to all households and local advertising. A hard copy was made available for public access and informal drop-in sessions about the Plan were held. There is evidence of the consultation including the required statutory and other consultees and more than 30 responses were received. The Consultation Statement summarises the issues raised and

details how they have been responded to. Changes to the Plan were made as a result of public consultation.

30. Seven representations have been made on the submitted Plan including from, statutory bodies and two national charities. All the representations have been considered and are addressed as appropriate in this report.

31. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan since 2018. The Plan has been subject to wide public consultation at different stages in its development. Participation rates have generally been adequate. The process has allowed community input to shape the Plan as it has developed and as proposals have been firmed up. Local landowners, development interests and the local planning authority have been engaged through the process.

5. General comments on the Plan's presentation

Community Vision and Objectives

32. The Plan includes a Vision to be delivered through seven objectives and eight planning policies. The Vision is widely drawn and addresses the area's future environmental, social and economic needs. It is consistent with sustainable development and reflects the feedback received through consultation.

Other issues

33. The Plan is clearly structured and presented. Policies are distinguished from the rest of the Plan by being presented in distinctively coloured boxes. The same boxes are used for the design and environmental principles and I recommend a different presentation for these.

34. There are a small number of presentational issues. A variety of photographs are provided throughout the document. Their location is not identified and some create awkward page breaks (such as page 13). There are a few prominent issues regarding spelling – e.g. Foreword and Environmental and Design Principles. Paragraph 10 is missing and paragraphs 75 and 76 run horizontally contrary to the rest of the document where paragraph numbering runs vertically. There are some examples of different point sizes being used (e.g. paragraph 135).

35. The Contents on page 3 omits the three main section headings – Introduction, About Cleobury Mortimer and Policies. Its structure also confusingly results in two “*Development Boundary*” headings.

- OM1 – [Address the presentational issues identified in this report]

36. The Plan includes references to a number of documents which comprise the evidence base. It does not provide details or links to many of these documents and there is no single source for the Plan's evidence base provided online. The majority of the evidence base documents are not made available on the Town Council's website.

- OM2 – [List all the evidence base documents used in the Plan in an Appendix along with links where available and consider providing a section of the Town Council’s website which brings together all the documents in the Plan’s evidence base into a single location]

6. Compliance with the Basic Conditions

National planning policy

37. The Plan is required to “*have regard*” to national planning policies and advice. This is addressed in the Basic Conditions statement which relates each of the Plan’s policies relevant paragraphs in the National Planning Policy Framework (NPPF) (July 2021) and provides a short commentary. No conflicts are identified and it is stated that the analysis “*provides a summary of how CMNDP policies conform to the NPPF*”. The assessment omits Policy CM8 which was included late in the plan-making process. I requested an update to the Basic Conditions Statement to address this and one was provided. The assessment identified no conflicts. Overall the analysis does serve to demonstrate that appropriate consideration has been given to national planning policy.

38. I address some conflicts with national planning policy in my consideration of individual policies and recommend some modifications. There are also some areas where the drafting of the Plan’s policies needs to be amended in order to meet the National Planning Policy Framework’s requirement for plans to provide a clear framework within which decisions on planning applications can be made. The policies should give a clear indication of “*how a decision maker should react to development proposals*” (paragraph 16). It is also important for the Plan to address the requirement expressed in national planning policy and Planning Practice Guidance 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.*” (NPPG Paragraph: 041 Reference ID: 41-041-20140306). The Plan’s policies do not always meet these requirements and a number of recommended modifications are made as a result.

39. Generally, I conclude that the Plan has regard to national planning policy and guidance but there are exceptions as set out in my comments below. These cover both

conflicts with national planning policy and the need for some policies to be more clearly expressed and/or evidenced or for duplication with other planning policies to be avoided.

40. I am satisfied that the Plan meets this Basic Condition other than where identified in my detailed comments and recommended modifications to the Plan policies.

Sustainable development

41. The Plan must *“contribute to the achievement of sustainable development”*. This is addressed in the Basic Conditions Statement by identifying which Plan policies contribute to each of the economic, social and environmental dimensions of sustainable development. It concludes that *“The plan will serve an economic, social and environmental objective”*

42. The assessment is exceptionally brief. Policy CM4 amending the development boundary also has economic and environmental implications and the analysis omits Policy CM8. I requested an update to the Basic Conditions Statement to address this and one was provided.

43. Although the Basic Conditions Statement provides a bare minimum of information my own assessment of the Plan is that the overall contribution of the Plan to sustainable development is positive and it meets the Basic Condition.

Development plan

44. The Plan must be *“in general conformity with the strategic policies of the development plan”*. The Basic Conditions Statement addresses this by describing how the most relevant Local Plan policies and those in the emerging Local Plan are addressed in the neighbourhood plan. It notes areas of difference, such as amendments to the development boundary, and some instances where changes have been made to ensure conformity.

45. The assessment states that the Plan is in *“conformity”*. The approach is high level and does not address specific Plan policies.

46. Shropshire Council made representations on the consultation draft Plan. These did not raise material general conformity issues and when a view on the submitted Plan was requested it said *“Shropshire Council does consider the submitted Cleobury Mortimer Neighbourhood Plan to be in general conformity with the strategic policies of the current and emerging development plan”*.

47. In the absence of strong evidence in the Basic Condition Statement I have paid particular attention to general conformity in my own assessment of each of the Plan’s policies. I am satisfied the Plan meets this Basic Condition other than where identified in my detailed comments and recommended modifications to the Plan policies.

Strategic Environmental Assessment

48. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects. Following advice from Shropshire Council, Cleobury Mortimer Town Council published a full Strategic Environment Assessment prepared by AECOM. This addressed options for the two main site allocations as well as the Plan’s other policies. It concludes that *“Overall, the delivery of up to 120 new homes and additional employment land, alongside the cemetery expansion and a new community recreation place is predicted to deliver predominately positive effects overall in relation to the SEA objectives”*. I am satisfied by the robustness of the Strategic Environment Assessment.

49. Natural England, Environment Agency and Historic England provided responses to the SEA scoping report. Environment Agency has identified a constraint impacting Policy CM2 which is addressed later in this report. No other issues have been identified following publication of the SEA.

50. I conclude that the Plan meets this Basic Condition.

Habitats Regulations Assessment

51. The Plan must be informed by a Habitats Regulations Assessment if it is likely to lead to significant negative effects on protected European sites. The Basic Conditions Statement explains that no such assessment has been undertaken because *“the neighbourhood area is*

not in close proximity to any European site". The nearest site is over 18km away. I note that Natural England's representation on the draft Plan state that *"We are not aware of significant populations of protected species which are likely to be affected by the policies/proposals within the plan"*. I requested further information on the decision not to screen for a Habitats Regulations Assessment. This confirmed the view of Shropshire Council that the Plan does not impact on any designated sites.

52. The Government's guidance on Habitats Regulations Assessments is that *"you only need to carry out an HRA if the proposal might affect a European site"* and Planning Practice Guidance is also clear that the requirements of the Habitats and Birds Directives *"may"* apply (Paragraph: 078 Reference ID: 41-078-20140306). An Assessment is not a universal requirement. Natural England has raised no issue regarding the Habitats Regulation Assessment.

53. I conclude that the Plan meets this Basic Condition.

Other European obligations

54. The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations. The Basic Conditions Statement does not directly address this issue but no evidence challenging compatibility has been presented. My assessment is that there has been adequate opportunity for those with an interest in the Plan to make their views known and representations have been handled in an appropriate manner with changes made to the Plan.

55. I conclude that the Plan meets this Basic Condition.

7. Detailed comments on the Plan policies

56. This section of the report reviews and makes recommendations on each of the Plan's policies to ensure that they meet the Basic Conditions. I make comments on all policies in order to provide clarity on whether each meets the Basic Conditions. Some of the supporting text, headings and the Contents will need to be amended to take account of the recommended modifications.

57. The context for the first four policies is the emerging draft Local Plan's development strategy for Cleobury Mortimer provided in Policy S6.1 which identifies both a quantum of residential and employment development and the role of the neighbourhood plan in accommodating it:

"1. Cleobury Mortimer will act as a Key Centre and contribute towards strategic growth objectives in the south of the County, providing around 200 dwellings and around 2 hectares of employment development over the plan period. New housing and employment development will respond to local needs.

2. Neighbourhood Plan is being progressed for the Cleobury Mortimer Parish area. The Neighbourhood Plan will include the strategy for achieving the housing and employment guidelines for the Key Centre of Cleobury Mortimer.

3. New residential development will primarily be delivered through the saved SAMDev residential allocations and any residential development allocated within the Cleobury Mortimer Neighbourhood Plan.....

4. New employment development will be delivered through the saved SAMDev employment allocation and any employment development allocated within the Cleobury Mortimer Neighbourhood Plan."

58. Additionally, the supporting text to the emerging Local Plan states *“Should the Neighbourhood Plan propose site allocations and alterations to the development boundary the Policies map will be amended to reflect these changes”* (paragraph 5.95).

59. **Policy CM1** – This allocates land for both residential and cemetery use, establishes a capacity for 120 new homes and provides a range of relevant planning considerations to inform future development.

60. The site allocation would meet the outstanding requirement for 120 homes alongside the 80 completions to meet the Local Plan requirement for 200 homes in the neighbourhood area. Policy CM1 takes a different approach to the emerging Local Plan which anticipates a proportion of the outstanding residential requirement being met by *“appropriate small-scale windfall residential development within the Cleobury Mortimer development boundary”* (Policy S6.1). The Plan states that *“It is unlikely that the requirement for 120 dwellings can be met through windfall development”* and in doing so acknowledges that any windfall development that does take place *“will be in excess of the identified need”*. (paragraph 129). Current Local Plan Policy MD3 and emerging Local Plan Policy SP7 both state that the Local Plan housing requirements are a *“significant policy consideration”* while acknowledging that additional development may come forward which exceeds the requirement. Additional policy considerations are provided to be considered in such circumstances.

61. The Plan provides no evidence on how much of the housing requirement can be expected to be met through windfall development and the policy approach is one that meets the housing requirement without any windfall development. This compares to an emerging Local Plan which makes a windfall allowance of 120 homes. I requested any further information on the assumptions around windfall development and was told by Cleobury Mortimer Town Council that *“it was clear that there was not capacity for 120 homes”*. It was stated that the number of homes could not be accurately calculated because of uncertainty over where the land would come from. This is, however, the essence of a windfall site. Such sites are defined as *“sites not specifically identified in the development plan”* (NPPF, Glossary). No further justification was provided. In light of the

fact that Policy CM1 will almost certainly result in the housing requirement for Cleobury Mortimer being exceeded I have considered whether this is in strategic conformity with existing and emerging development plan policy and has appropriate regard to national planning policy.

62. National planning policy is for strategic policies to establish the “*minimum number of homes needed*” (paragraph 61, NPPF) and both the existing and emerging Local Plan recognise that housing requirements may be exceeded. In the event that additional development does come forward the additional policy considerations in the Local Plan will apply. Additionally, the emerging Local Plan explicitly recognises that the neighbourhood plan may choose to allocate additional land and make amendments to the development boundary.

63. This understanding is shared by Shropshire Council when I invited its views on the potential conflict. It said “*Policy MD3 (2) of the adopted SAMDev Plan and draft Policy SP7 (3) of the emerging Local Plan state that the settlement guideline is a significant policy consideration, but allow for the opportunity for these guideline to be exceeded where certain considerations are met. In this regard the opportunity for additional residential windfall is in conformity with both these policies. It should also be noted that the Neighbourhood Plan’s period is largely consistent with the emerging Local Plan period to 2038. The Examining Inspectors in their Initial Findings letter of February 2023 stated that the housing requirement for the County should be identified as a minimum, rather than an ‘around’ figure. The Council will be proposing to accept this conclusion, and this would add further support to additional windfall, where appropriate, being considered in conformity with the emerging Local Plan position*”.

64. I am satisfied that despite Policy CM1 most likely resulting in a level of housing development that exceeds the Local Plan housing requirement and despite this being a “*significant policy consideration*” and there being no evidence provided that significant windfall development will not come forward there is nevertheless no conflict causing the Plan to conflict with the Basic Conditions.

65. The selection of the site identified in Policy CM1 is explained by a detailed statement of *“Evidence on Residential Site Allocations”* submitted with the Plan. It was informed by site assessments undertaken by Shropshire Council as part of the Local Plan process and two call for sites. The second call for sites followed the landowner’s withdrawal of the preferred site included in plan initially published for Regulation 14 consultation in 2021.

66. Four sites were considered against a range of criteria and the results of this assessment are provided in the evidence base. The chosen site scores significantly better than the alternatives. The Strategic Environment Assessment also considered these sites and three sites that have come through the Local Plan site assessment process as part of its consideration of reasonable alternatives. The chosen site performs better than the three other sites that came forward in the call for sites and is preferred amongst all the alternatives for the way it can integrate with the cemetery expansion.

67. There were objections from residents to the site allocation during the Regulation 14 consultation but none have been made in relation to the submitted Plan. It is acknowledged that the chosen site is less preferable to that originally proposed but it has the benefit of being deliverable.

68. There is an overlap between the site allocated in Policy CM1 and that withdrawn at an earlier stage by the landowner. I sought clarification on this matter to be confident in the deliverability of the site and was informed that the site included in the Plan had been resubmitted by the landowner.

69. The site capacity based on an assumption of 30 dwellings per hectare is broadly consistent with the Local Plan even allowing for the expectation of a significant area of open space.

70. There is duplication between Policy CM1 and Policy CM2 as both allocate land for the cemetery extension and require its provision as part of the build out of any future residential consent. The provision of cemetery space can be achieved through a number of routes and need not necessarily involve a transfer of ownership.

71. Parts B, C, D and F overlap with and duplicate other Plan policies. The considerations in Part C do not all relate to *“fabric energy efficiency”* and along with Part D are addressed in Policy CM7. The decision over the appropriateness of the provision for play and recreation in Part E iii. is a matter for the local planning authority and the Town Council has no formal status. A tree planting strategy will be required for the whole site, including the proposed corridor.

72. Representations from Severn Trent support inclusion of reference to sustainable urban drainage and propose a more detailed and prescriptive wording. I recommend more minor changes to the drafting which avoid being unduly restrictive and addressing more detail than intended.

73. The policy drafting is unduly restrictive in stating what *“will”* be provided. I also recommend a consistent structure to the policies which relates the lettered policy considerations to the first paragraph.

74. The site is shown in Figure 13. This does not locate either the access from Ludlow Road or the pond near Catherton Road. It also does not adequately represent the *“tree shelter belts”*, *“wildlife corridor”* and *“accessible open/green space”* included in Policy CM1 and there is an overlap between these and inconsistent use of terms. Figure 13 lacks a scale and its role in illustrating the allocation of land for a cemetery extension in Policy C2 can be more clearly presented. The continuation of the existing development boundary at either end should also be shown.

75. The benefit of a tree shelter belt will extend to more properties than *“No 10 Catherton Road”*. I also recommend some other minor improvements to the drafting.

76. Policy CM1 does not meet the Basic Conditions

- **M2 – Amend Policy CM1 to:**
 - **In the first paragraph**

- replace “5.7” with “5.2”
 - delete “*cemetery extension*”
 - add “subject to the following” at end
 - Replace A. with “0.5 hectares of land allocated in Policy CM2 and shown in Figure 13 will be provided as cemetery space before completion of the 20th dwelling”
 - Delete Parts B, C and D
 - Replace “*will*” with “*should*” in Parts E, F, G and I
 - Delete “*No. 10*” in Part Ei.
 - Delete from “*in*” to end in Part Eiii.
 - Replace Part F with “A tree planting strategy should be provided and existing trees and hedgerows should be preserved wherever possible”
 - In Part H replace “*should resist adding to surface water run-off*” with “additional surface water run-off avoided”
 - Insert “; and” at end of penultimate Part
- M3 – Amend Figure 13 to:
 - Clearly distinguish between the allocation of land for residential development in Policy CM1 and for a cemetery extension in Policy CM2
 - Identify what is currently shown as “*accessible open space*” as the “wildlife corridor”
 - Identify what is currently shown as “*wildlife corridor and footpath*” as the “walking and cycling route”
 - Show the location of the access point from Ludlow Road
 - Show the location of the pond near Catherton Road
 - Show the location of the tree shelter belts
 - Provide a scale
 - Show the existing development boundary where it continues unchanged at either end of the revised boundary

77. **Policy CM2** – This allocates land for a cemetery extension and provides a range of relevant planning considerations.

78. Although not referenced in the supporting text the need for *“additional burial land”* is identified in Shropshire Council’s Place Plan for Cleobury Mortimer and its surrounding area (page 13). The Policy is supported by a brief analysis of likely future needs based on an assessment of existing capacity and future demand. The allocation would comprise a second extension to the original cemetery. It became clear during the Plan’s preparation that recent Government guidance on protecting groundwater will restrict use of the cemetery and prevent human burials. I requested further information on the evidence base used to support the allocation and the impact of the new guidance on future capacity. I was informed that the area of land to be allocated was not altered so as to provide reasonable flexibility as to how it is used, including in conjunction with the existing cemetery. I consider this to be a reasonable approach.

79. As with Policy CM1 the policy drafting is unduly restrictive in stating what *“will”* be provided and I recommend a consistent structure to how the policies relate the lettered policy considerations to the first paragraph.

80. The need for the cemetery space to be provided as part of the delivery of new homes on the adjacent site is now addressed in Policy CM1 and reference to this should be provided in the supporting text and not repeated in the Policy. The detail of how the site can be used is not directly a planning consideration and is controlled by a permit issued by the Environment Agency. A working link should be provided in footnote 16. The treatment of the site allocation in Figure 13 is addressed in my proposed modifications relating to Policy CM1.

81. Policy CM2 does not meet the Basic Conditions.

- **M4 - Amend Policy CM2 to:**
 - **Delete *“requirements”* at the end of the second line**

- **Delete Part A and make reference to this requirement in Policy CM1 in the supporting text**
- **Replace “will” with “should” in Parts B. and C.**
- **Insert “; and” at end of penultimate Part**
- **Replace Part D. with “Use of the land as a cemetery complies with the requirements of the relevant Government guidance on protecting groundwater from human burials” and provide a working link**

82. **Policy CM3** – This allocates 1.3ha of employment land and provides a range of relevant planning considerations.

83. The Policy provides for the additional employment land necessary to meet emerging Local Plan Policy S6.1’s requirement for *“around 2 hectares of employment development”* in Cleobury Mortimer.

84. The selection of the site identified in Policy CM3 is explained by a detailed statement of *“Evidence on Employment Land Site Allocations”* submitted with the Plan. It informed by site assessments undertaken by Shropshire Council which initially identified 10 potential sites for residential and/or employment development. Further assessments of their suitability for residential use were undertaken and the neighbourhood plan was identified as the most appropriate mechanism to determine final allocations and the approach to these. The Strategic Environment Assessment considered the two main options for employment sites as reasonable alternatives. It found only marginal differences with some advantages in the chosen site for its integration with existing employment land. Consultation on the Plan demonstrated clear support for the allocated site, which involves the expansion of an existing employment area. I was provided with correspondence confirming the landowner is supportive. I am content with the approach to site selection and have received no contrary views.

85. The Policy does not specify the Use Classes considered appropriate for the proposed employment uses. Given the intention to align with the emerging Local Plan and the need

for clarity I recommend alignment with those identified in emerging Local Plan Policy SP13.2. This can be addressed in the supporting text.

86. The Town Council has proposed a restructuring of the Policy to separate the designation of the land from the subsequent criteria. I am nevertheless content with the general approach in the submitted document and do not recommend making a structural change to the Policy which has been subject to public consultation. As with Policy CM1 the policy drafting is unduly restrictive in stating what “*will*” be provided and I recommend a consistent structure to how the policies relate the lettered policy considerations to the first paragraph, including confirming all Parts need to be considered.

87. Provision of superfast broadband is not directly a planning consideration. It is appropriate to expect developments to be designed in such a way that it can be provided and I recommend a modification to Part E to address this. Part G specifies a need to achieve a BREEAM Good rating on major development. BREEAM is a voluntary standard and there is no evidence presented as to why it should be required by planning policy due to specific circumstances within the neighbourhood area. National planning policy is that “*any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards*” (NPPF, paragraph 154) and the Plan can support but not require development to deliver higher voluntary standards.

88. Part I duplicates emerging Local Plan policy and the detail of this may be amended before the new Local Plan is adopted. Given that pollution issues are already addressed in national planning policy (e.g. paragraph 185, NPPF) and no additional evidence specific to the neighbourhood area is provided, this part of the Policy serves no clear purpose.

89. Representations from Severn Trent support inclusion of reference to sustainable urban drainage in Part J. and propose a more detailed and prescriptive wording. I recommend more minor changes to the drafting which avoid being unduly restrictive and addressing more detail than intended. There is no evidence provided as to why “*natural water management techniques*” should be used to provide sustainable urban drainage. Such an approach can be supported, as in Policy CM1, but not required. I was informed that

the reference to “*natural water management techniques*” is intended to be a reference to “*natural flood management*” as advocated by Environment Agency and this can be addressed by providing an appropriate reference in the supporting text. Other small improvements to the drafting will improve clarity of the Policy.

90. The site is shown in Figure 14. From my visit it is apparent that the boundaries are not obvious on the ground and a larger scale map enabling the detailed boundary to be determined is required to provide necessary clarity. Figure 14 shows a gap between the site boundary and the proposed development boundary when they should be coincident. The approximate location of the footway in Part D should be identified in Figure 14. To ensure the Policy is deliverable this footway should also be required to be provided before occupation of the development. The Figure also lacks a scale. The location is identified as “*Tenbury Road Employment Site*” in the Policy and “*Tenbury Road employment area*” in Figure 14 and this should be consistent.

91. Policy CM3 does not meet the Basic Conditions.

- **M5 – Amend Policy CM3 to:**
 - **Replace the title and first two lines with:**
**“Extension of Tenbury Road employment area
1.3 ha of land is allocated at Tenbury Road employment area , shown in Figure 14, for provision of employment uses subject to the following:”**
 - **Replace “*will*” with “*should*” in Parts A, C, D and H**
 - **Replace “*to attract new and local businesses and should seek to add to the*” with “*capable of attracting new and local businesses and should support*” in Part A**
 - **Insert “before occupation of the extension land” after “*provided*” in Part D**
 - **Replace Part E with “Provision for superfast broadband to all premises should be designed in where possible”**
 - **Delete “*Commercial*” and add “will be supported” to the end of Part F**
 - **Delete “*Where*” and replace “*are being undertaken, maximising*” with “should maximise” in Part G**

- **Delete Part I.**
 - **Insert “; and” at end of penultimate Part**
 - **Delete “*use natural water management techniques to*” and insert “and use of natural water management techniques will be supported” at end of Part J.**
- M6 - Amend Figure 14 to:
 - Provide a map at sufficient scale to enable to detailed boundary to be determined
 - Show the location of the new footway
 - Provide a scale
 - Show the site boundary and revised development boundary as coincident
 - Show the existing development boundary where it continues unchanged at either end of the revised boundary
 - M7 – In the supporting text:
 - Explain that Policy CM3 relates to the employment uses identified in emerging Local Plan Policy SP13. 2.
 - Provide an Environment Agency reference for “*natural water management techniques*”

92. **Policy CM4** – This amends the development boundary to accommodate the site allocations made in the Plan.

93. Amendment through the neighbourhood plan of the development boundary as defined in the existing and emerging Local Plan is consistent with the Local Plan’s strategic approach. The emerging Local Plan states “*Should the Neighbourhood Plan propose site allocations and alterations to the development boundary the Policies map will be amended to reflect these changes*” (paragraph 5.95).

94. The Plan references Figure 15 as showing the revised boundary and Figure 21 as showing how the changes to the boundary should be made. Neither Figure is present in the Plan. On request I was given corrected numbering but the supporting text does not relate

to the revised Figures. Figure 13 shows only the amended development boundary along Ludlow Road and Figure 14 shows only the revised development boundary for the Tenbury Road employment area.

95. Although the development boundary amendments are evident in Figures 13 and 14 the inclusion of a Figure showing the full boundary and where it is being amended will provide helpful clarity to the Plan.

96. The Policy drafting references specific Local Plan policies which are likely to be superseded by the emerging Local Plan very early in the Plan period. This is a potential source of confusion and I recommend a simpler approach which explains the development boundary in the supporting text. Shropshire Council has indicated the revised development boundary will be shown on an updated online Policies Map

97. Policy CM4 does not meet the Basic Conditions

- **M8 – Replace Policy CM4 with “The development boundary is amended to include the three site allocations in Figures 13 and 14 and is shown in Figure ??.”**
- M9 – Provide a new Figure showing the full development boundary as amended by the three site allocations and an appropriate link to the revised development plan Policies Map online
- M10 – Provide an explanation of where the development boundary is defined in the existing and emerging Local Plan in the supporting text and provide appropriate references to the Figures

98. **Policy CM5** – This specifies an 80/20% breakdown between market and affordable housing and proportions of bungalows, self-build homes and numbers of bedrooms within each category.

99. The Policy draws on the results of the Big Cleobury Survey and a housing need survey undertaken by Homepoint on behalf of Shropshire Council. Both surveys were undertaken in 2018. No details of or link to the Homepoint study was provided.

100. The breakdown between market and affordable housing duplicates that provided by emerging Local Plan Policy DP3. Policy DP3 applies only to “*sites of 0.5 ha or more; sites of 5 or more dwellings in designated rural areas; and sites of 10 or more dwellings*” whereas Policy CM5 includes no thresholds. This is consistent with neither the emerging Local Plan nor national planning policy (paragraph 64, NPPF). No evidence justifying a different approach is provided. There is also insufficient evidence in the Homepoint study or Big Cleobury Survey to justify prescribing the proportion of new homes that should be bungalows and as an evidence base this is not up to date. I recommend that the Policy addresses housing mix by reference to the most recent housing need study without prescribing the approach.

101. Policy CM5 does not meet the Basic Conditions.

- **M11 – Replace Policy CM5 with “New residential development proposals should demonstrate how the proposed housing mix will assist in meeting identified local needs.”**
- OM3 – [Provide details of and a link to the most recent housing need study for the area]

102. **Policy CM6** – This addresses the design of new housing by reference to local design principles and makes specific provisions for parking and electric vehicle charging points.

103. The main purpose of the Policy is to secure good residential design. This is done by expecting “*conformity with the Cleobury Mortimer Good Design Principles*”. The Principles have been developed by the Plan’s Steering Group. They do not have an explicit evidence base nor are they informed by specific consultation feedback or community input. Given

this, I consider the requirement that all new housing proposals “*demonstrates conformity*” to be unduly restrictive. The principles also apply generally to proposals and not just to “*masterplanning and detailed design*”.

104. Representations from Severn Trent support the inclusion of water as well as energy efficiency in the Principles. While this would be appropriate, its omission, as with other proposals made in Severn Trent’s representations, is not a matter for the Basic Conditions.

105. The Principles are provided in a tinted box very similar to those used for the Plan’s policies and using a similar tint. This is a source of potential confusion. They are presented as being of general application but apply only to residential development.

106. The individual principles are largely general in nature and require only minor drafting changes to improve their clarity and avoid unnecessary detail. Contrary to their title, they relate only to residential development.

107. Representations from British Horse Society express surprise at the lack of any mention of equestrians, horses or bridleways in the Plan. They highlight the inclusion of support for “*better access for people to the countryside*” in the Principles. I consider the drafting to include not only walkers and cyclists but also horse riders and other forms of access. The broader issues raised by these representations should be addressed through a future review.

108. The requirement to “*meet or exceed the minimum County Parking Standards*” serves no clear purpose. It duplicates existing standards and no evidence is provided for why these should be exceeded in the neighbourhood area. The Plan does not provide a reference for where the County Parking Standards can be found.

109. The desirability of providing electric vehicle charging points is best addressed within the Principles rather than as a separate part of the Policy and it is already addressed by Policy DP11 of the emerging Local Plan.

110. Policy CM6 does not meet the Basic Conditions.

- **M12 – Replace Policy CM6 with “All new housing proposals should demonstrate they have had regard to the Cleobury Mortimer Good Residential Design Principles”**
- M13 – Amend the Cleobury Mortimer Good Design Principles by:
 - Retitling them “Cleobury Mortimer Good Residential Design Principles”
 - In h. replacing “no” with “avoid use of” and delete from “*netting*” to end
 - In j. deleting “*environmental surveys should*” and insert “in environmental surveys” at end
 - Replacing n. with “Discourage anti-social parking where on-street parking is provided”
 - In r. replacing “*Ensure that wherever possible*” with “Ensure that”
 - Adding “Provide electric vehicle charging points”
 - Presenting the Principles in a form which can be clearly distinguished from the tinted boxes used for the Plan’s policies.

111. **Policy CM7** – This addresses the need for new development to improve the environment and biodiversity by reference to environmental principles and makes specific provisions for the tree canopy coverage to be achieved by major development.

112. The main purpose of the Policy is to secure environmental and biodiversity improvements. This is done by expecting “*conformity with the Cleobury Mortimer environmental principals*”. The Principles have been developed by the Plan’s Steering Group. They do not have an explicit evidence base nor are they informed by specific consultation feedback or community input. Given this, I consider the requirement that all new development “*demonstrates conformity*” to be unduly restrictive.

113. The individual principles are largely general in nature and require only minor drafting changes to improve their clarity and avoid unnecessary detail. The principles are not limited

to issues of *“biodiversity net gain”* as indicated by the Policy’s title. There will be some development in the neighbourhood area to which the Principles are not relevant.

114. The expectation of major development providing 20% tree canopy within 15 years lacks an evidence base and is not mentioned in the supporting text. I was informed that the approach expresses a community wish based on *“the community conversation that surrounded the production of the neighbourhood plan”*. This understandable wish does not provide the evidence needed to support a requirement that needs to be met by all major development. I consider the issue is best addressed within the Principles rather than as a separate part of the Policy and for it to be confirmed in the supporting text that the definition of *“major development”* is as provided in the National Planning Policy Framework.

115. Policy CM5 is referenced twice in paragraph 163 although it does not address issues relating to biodiversity net gain which is the subject of the paragraph. Policy CM6 and Policy CM7 are not mentioned although they do address issues relating to biodiversity net gain.

116. Policy CM7 does not meet the Basic Conditions.

- **M14 - Replace Policy CM7 with:**
“Environment and biodiversity
All new development proposals should demonstrate they have had regard to the Cleobury Mortimer Environmental Principles as appropriate.”

- M15 – Amend the Cleobury Mortimer Environmental Principles by:
 - Retitling them *“Cleobury Mortimer Environmental Principles”*
 - In g. replacing *“should wherever possible be”* with *“in the form of”* and insert *“wherever possible”* after *“trees”*
 - In h. replacing the first *“should”* with *“that”* and the second *“should”* with *“are”*, deleting *“be”* and replacing the final *“and”* with *“or”*
 - In i. deleting *“will be supported”*
 - In j. deleting *“etc. will be supported in all applications”*

- In k insert “A management plan for” at the beginning, replace “*should be accompanied by a management plan that will demonstrate*” with “that demonstrates” and remove the italics from “*life*”
 - Adding a principle that major development results in 20% tree canopy coverage of the development site within 15 years of completion
 - Presenting the Principles in a form which can be clearly distinguished from the tinted boxes used for the Plan’s policies
- M16 – Amend paragraph 163 to include references to the appropriate Plan policies and clarify the definition of “major development” in the supporting text

117. **Policy CM8** – This requires development to demonstrate adequate provision is made for water, foul drainage, wastewater and sewerage, including where phasing is required or capacity improvements are provided via agreement.

118. The Policy is supported by an assertion that water infrastructure “*has been deemed inadequate in many cases*” and there is support from the Local Plan for additional capacity.

119. On request I was informed the Policy is a response to the need identified in the Local Plan’s Appropriate Assessment for mitigation against unacceptable impacts on the Severn Estuary European Marine Site. On request I was provided with a copy of the Habitats Regulation Assessment (including the Appropriate Assessment) for the emerging Local Plan. It will be helpful to explain this context in the supporting text.

120. The infrastructure addressed by the Policy is being considered as part of the Local Plan review which is at Examination. As the Plan is proceeding ahead of the Local Plan review it is necessary, therefore, for it to include appropriate mitigations. Planning Practice Guidance is supportive of neighbourhood plans addressing infrastructure (Paragraph: 045 Reference ID: 41-045-20190509).

121. Policy CM8 meets the Basic Conditions.

- OM4 – [Provide an explanation in the supporting text of the Policy’s role as a mitigation measure identified in the Appropriate Assessment]

8. Recommendation and Referendum Area

122. I am satisfied the Cleobury Mortimer Neighbourhood Plan meets the Basic Conditions and other requirements subject to the modifications recommended in this report and that it can proceed to a referendum. I have received no information to suggest other than that I recommend the referendum area matches that of the Neighbourhood Area.