

**A REPORT TO SHROPSHIRE COUNCIL**  
**OF THE EXAMINATION OF**  
**THE THREE PARISHES NEIGHBOURHOOD PLAN**

**UNDERTAKEN BY**

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**INDEPENDENT EXAMINER**

**FEBRUARY 2024**

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## **Summary and Overall Recommendation**

*As the Independent Examiner into the Three Parishes Neighbourhood Plan, I have been requested by Shropshire Council, in its capacity as the Local Planning Authority, to present my professional assessment of the Plan, in terms of its compliance with the 'Basic Conditions' as set out in extant legislation, regulations and guidance.*

*I confirm that I am independent of the Qualifying Body, led by Adderley Parish also representing Norton in Hales and Moreton Say Parishes, and the Local Planning Authority. Furthermore, I do not have any interest in any land or property that may be affected by the Plan.*

*I hold relevant professional qualifications and have experience of the planning regime, gained over the past 35 years in both the public and private sectors, to enable an independent judgement of the documents before me. I am also a member of the National Panel of Independent Examiners, endorsed at the time of convening by HMGov Department of Housing, Communities and Local Government.*

*I have undertaken a thorough examination of the Three Parishes Neighbourhood Plan. This has comprised a review of all documents presented to me by the Local Planning Authority, a review of documents available for public review on the relevant dedicated Neighbourhood Plan website and documents relating to the extant and emerging Development Plan held on the Council's website plus national guidance, regulations, and statute.*

*It is my considered opinion that, only with modification, the said Plan meets the Basic Conditions and human rights requirement, as set out in the respective legislation and guidance. **I have highlighted where I consider modifications are required and indicated the nature of those changes. These have been set out in bold throughout my Report and are presented to complement the style of the overall document.***

*Hence, with modifications, I consider that the Three Parishes Neighbourhood Plan will: have regard to national policies and advice contained in current legislations and guidance; contribute to the achievement of sustainable development; be in general conformity with the strategic policies of the development plan for the area; not breach, but be compatible with European Union obligations and the European Convention of Human Rights (that are still endorsed by HMGov); and not likely have a significant effect on a European Site or a European Offshore Marine Site either alone or in combination with other plans or projects.*

*I consider that the Neighbourhood Plan complies with the legal requirements set out in Paragraph 8(1) and 8(2) of Schedule 4B to the Town and Country Planning Act 1990, as amended, and can proceed to a referendum, if the QB and the LPA wish to proceed*

*at this time. However, the QB may decide to 'pause' the NP while the Shropshire Local Plan review continues to final adoption. This is at its discretion.*

*However, I have proceeded with my examination on the basis that the relevant parties wish to continue towards a referendum at this time. As such I recommend that my proposed modifications be made in advance.*

*I have no concerns over the defined Plan area or the manner of its confirmation and consider that this area is appropriate as the extent of any referendum should this be held.*

*Finally, I refer to several abbreviations throughout my Report and for the avoidance of any confusion these are set out in Appendix B.*

***Dr Louise Brooke-Smith, OBE, FRICS, MRTPI,***

***February 2024***

## **1.0 INTRODUCTION**

### **1.1 NEIGHBOURHOOD DEVELOPMENT PLAN REGIME**

- 1.1.1 The Neighbourhood Development Planning regime provides local communities with the ability to establish specific land use planning policies which can influence how future development comes forward in their area. It not only provides the opportunity for local people to shape their locality, but it also provides guidance for developers and landowners when considering new proposals and for decision makers when determining planning applications.
- 1.1.2 Any Neighbourhood Development Plan should therefore be clear, not only in its goals and ambitions, but also in how any policies are presented. The background behind how policies have emerged should be easy to understand and robust in terms of identifying specific policy or evidence.
- 1.1.3 This Report provides the findings of an Examination into the Three Parishes Neighbourhood Development Plan, which is here on referred to as the Plan, the Three Parishes Neighbourhood Plan, the TPNP or the NP.
- 1.1.4 The Plan was prepared by a Steering Group comprising representatives of the parishes of Adderley, Norton in Hales and Moreton Say (three parishes lying with the County of Shropshire), working in consultation with the Local Planning Authority, namely Shropshire Council and a range of interested parties, statutory bodies, community groups and landowners.
- 1.1.5 This Report provides a recommendation as to compliance with a series of basic conditions and then proceeding to a Referendum. If this takes place and the Plan is endorsed by more than 50% of votes cast, then it would be 'made' by Shropshire Council and would be used to assist in the determination of any subsequent planning applications for the area concerned.

### **1.2 APPOINTMENT AND ROLE OF THE INDEPENDENT EXAMINER**

- 1.2.1 In accordance with current regulations, I was formally appointed by Shropshire Council, as the Examiner of the Neighbourhood Plan in October 2023. I was issued with the relevant documentation in November 2023 and formally began the examination shortly thereafter.
- 1.2.2 In examining the Plan, I am required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, (TCPA) to establish whether:
- *The Neighbourhood Development Plan has been prepared and submitted for examination by a Qualifying Body.*

- *The Neighbourhood Development Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to Neighbourhood Development Plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA).*
- *The Neighbourhood Development Plan meets the requirements of Section 38B of the PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area).*
- *The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the PCPA.*

1.2.3 My role has also been to consider whether the Plan meets the 'Basic Conditions' and human rights requirements, as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Development Plans by section 38A of the Planning and Compulsory Purchase Act 2004.

1.2.4 In order to meet the Basic Conditions, the making of any Neighbourhood Development Plan must:

- *Have regard to national policies and advice contained in guidance issued by the Secretary of State.*
- *Contribute to the achievement of sustainable development.*
- *Be in general conformity with the strategic policies of the development plan for the area; and*
- *Not breach, and must be otherwise compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.*

1.2.5 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further basic condition for Neighbourhood Development Plans, in addition to those set out in primary legislation and referred to in the paragraph above.

- *The making of the Neighbourhood Development Plan is not likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) either alone or in combination with other plans or projects.*

1.2.6 Having examined the Plan against the Basic Conditions, as set out above, and as the Independent Examiner, I am required to make one of the following recommendations:

*a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements.*

*b) that the Plan should be subject to modification but will then meet all relevant legal requirements and should proceed to Referendum.*

*c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.*

1.2.7 If recommending that the Plan should go forward to Referendum, I am also required to consider whether, or not, the Referendum Area should extend beyond the defined Three Parishes Neighbourhood Plan Area.

1.2.8 As noted above, the role of any Independent Examiner is to assess a Plan in terms of compliance with the Basic Conditions. While it is not to specifically comment on whether the Plan is sound, where changes could be made that would result in removing ambiguity and make the document more user friendly for all parties, this should be considered. This reflects relevant paragraphs of the NPPG and the first basic condition.

1.2.9 It should also be noted that it is not the role of the Examiner to add policies, even if this is suggested by statutory consultees or stakeholders during the Regulation 14 or 16 stages of the Plan's preparation. Where relevant, comments on Regulation 16 representations are noted later in this report.

### 1.3 THE EXAMINATION PROCESS

1.3.1 I am aware that some of the preparation of the NP took part during a partially restricted period associated with the Covid19 pandemic and I have had regard to the relevant amendments to the salient Neighbourhood Development Planning regulations, first brought into effect in April 2020 by the then MHCLG.

1.3.2 In this case, while some public consultation on the emerging versions of the NP was completed during restricted lockdown periods, the final stages of the NP's preparation were pursued when those restrictions were lifted and thence it has been deemed entirely appropriate to continue to examine the Plan. Any referendum that may be appropriate will take place under the salient regulations as confirmed by the Department of Levelling Up, Communities and Housing.

1.3.3 Before, throughout and after the pandemic, the general rule has remained in place, namely that examinations should preferably be conducted by written representations unless there is sufficient reason to hold a hearing to explore controversial or ambiguous matters. In this case, I have been able to consider the

Plan by way of the key documents, relevant background information, evidence base, supporting reports and written representations. I have not considered it necessary to hold a hearing to complete my findings.

1.3.4 My examination findings have resulted from my assessment of the documents noted at Appendix A and the written submissions from interested parties at both the Regulation 14 and 16 stages of the NP process and are in addition to my reference to the following documents, which set out extant legislation, regulation, and guidance.

- National Planning Policy Framework (The Framework) was issued in 2012 and most recently revised in December 2023. Prior to this the NPPF was revised in 2018, 2019, 2021 and September 2023. However, technically, ***the leading document for the purposes of this Examination is the latest 2023 version published in December 2023.***

***This most recent version of the NPPF presents changes to the requirements of providing land for future housing needs. The policy relating to Neighbourhood Plans remains in place as does the overall approach endorsing sustainable development.***

***I understand that the submission version of the NP was prepared reflecting the 2021 version of the NPPF.***

***The QB / LPA has the option to note at the beginning of the NP / Basic Conditions Statement that salient NPPF paragraph references are to the 2021 version of that document – or – undertake a review and update any changed paragraph references to the December 2023 version of the NPPF.***

***I am content to leave this to the discretion of the QB/LPA providing the user of the NP is left in no doubt or confusion as to the NPPF version referenced in the explanatory text through the NP document.***

- Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning (General) Regulations (2012) and additions
- The Neighbourhood Planning Act 2017 and associated guidance and regulations.

1.3.5 Finally, I confirm that I undertook an unaccompanied site visit to the Plan area in December 2023.



## **2.0 BACKGROUND TO THE THREE PARISHES NEIGHBOURHOOD PLAN**

- 2.1. Further to a formal application by Adderley Parish Council (which I understand has represented the three parishes of Adderley, Norton in Hales and Moreton Say), Shropshire Council confirmed the designation of the greater part of the parishes of Adderley, Norton in Hales and Moreton Say (Three Parishes) as a Neighbourhood Plan Area in December 2018. Adderley Parish Council is therefore assumed to be the leading Qualifying Body.
- 2.2 The extensive area is rural in nature, lies to the north of the rural town of Market Drayton, and butts the County boundary with Cheshire and Staffordshire. I am advised that the NP area comprises the greater part of the parishes of Adderley, Norton in Hales and Moreton Say, with the exception of small sections of each of those parishes, which previously were included in the Market Drayton Neighbourhood Plan. The latter did not proceed to referendum. However, I am content that the defined Three Parishes NP area, minus small parts of each of the parishes in question, is an appropriate area and clearly has been acknowledged as such by the LPA.
- 2.3 General consultation across all three parish areas began in January 2018 in advance of a Steering Group forming which comprised of representatives from all three parish councils. The documents before me, and in the public domain, indicate that regular meetings and consultation with the community and stakeholders continued to take place. This included local presentations, the gathering of baseline evidence, dissemination of details of the progress of the emerging NP via social media and hard copy leaflets, open forums, press articles, school visits and an independent housing needs assessment. I am advised that the Steering Group met regularly, and consideration was given to a series of issues raised by the local community. This led to the formation of a vision and then consideration of specific objectives and policies.
- 2.4 The consultation background to the Plan is set out in the Consultation Statement (CS) (March 2023) prepared in compliance with Section 15(2) of Part 5 of the Neighbourhood Plan Regulations 2012. I comment below on the CS.
- 2.5 The Plan was subject to some changes as a result of the consultation process and the Reg 14 submissions by third parties between 30<sup>th</sup> November 2022 and 9<sup>th</sup> January 2023. A Submission Version was duly prepared and submitted to the LPA. (Although I note that the cover of the document refers to Regulation 16 Consultation Draft). After a formal period of public consultation, the Plan proceeded to Examination.
- 2.6 I have been presented with written representations under Regulation 14 and 16, to the Draft and Submission Versions of the Plan which were submitted within the formal periods. As is common, some representations have been in support of the

emerging NP but equally some have raised objections or comments. I have reviewed them all.

### **3.0 COMPLIANCE WITH MATTERS OTHER THAN THE BASIC CONDITIONS AND HUMAN RIGHTS**

3.1 Given the above, I now report on the procedural tests, as set out earlier in this Report, and find as follows;

- **The Qualifying Body**

3.2 From the documentation before me, I conclude that Adderley Parish Council, representing the other parishes of Norton in Hales and Moreton Say, is a properly constituted body, i.e., a Qualifying Body for the purposes of preparing a Neighbourhood Development Plan, in accordance with the aims of Neighbourhood Development Planning as set out in the Localism Act (2011) and recognised in the National Planning Policy Framework (as amended) and accompanying Planning Practice Guidance. Accordingly, I find this addresses the necessary requirements.

- **The Plan Area**

3.3 The Neighbourhood Plan Area reflects the boundaries of Adderley, Norton in Hales and Moreton Say, minus small areas of each of those parishes which have previously been included within a draft NP for Market Drayton. This has been discussed above. I am advised that no other Neighbourhood Development Plan has been proposed for the defined Three Parishes NP area extends to circa 6,000 hectares and is rural in nature with a very low population of just under 1,500.

3.4 A significant feature crossing the area is the Shropshire Union Canal. The countryside either-side of the canal is undulating agricultural land with a local road network linking the villages of Adderley, Norton in Hales, and Moreton Say, plus a number of small hamlets, with Market Drayton and larger conurbations beyond the County boundary.

3.5 As noted above, an appropriately made application to prepare a NP was submitted to the Council by the Adderley Parish Council and duly endorsed in 2018. The appropriate protocols and process were followed. I am satisfied this meets the requirement relating to the purposes and identification of a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended) and salient regulations of the Neighbourhood Development Planning (General) Regulations 2012.

- **The Plan Period**

3.6 Any Neighbourhood Development Plan must specify the period during which it is to have effect. The Three Parishes Neighbourhood Plan does not contain any date on its front cover and moreover there is inconsistency as to the exact period to which it pertains. The Consultation Statement refers in its text to the period up to 2031 while the Basic Conditions Statement refers to the period of 2016 to 2038.

3.7 **This matter needs to be far clearer, and a date indicated on the front cover of the NP document.**

3.8 I am aware that the extant Development Plan (Local Plan) runs from 2011 to 2026 and a review is being pursued. I comment on this below. I accept that the NP should address a period going forward and hence a direct reference to the extant Development Plan would be inappropriate. I advise that a pragmatic date would be 2023 to 2038, to reflect the emerging Local Plan.

- **Excluded Development**

3.9 From my review of the documents before me, the proposed policies within the NP do not relate to any of the categories of excluded development, as defined by statute and extant regulations, or to matters outside the Neighbourhood Development Plan area. While I find there are some areas which would benefit from improved clarity or amended text, as noted later in this report, in terms of the proposed policies, I find that the Plan meets legal requirements.

- **Development and use of land**

3.10 Any Neighbourhood Development Plan's policies, in accordance with current regulations, should only contain policies relating to development and/or use of land. While supporting text can reflect the goals and ambitions of any community, unless directly relating to development or use of land, this should not be included within or be confused with specific policies.

3.11 Where I feel that a policy, or part of a policy is ambiguous, unnecessarily duplicates other policies or statutory regulations, or concerns matters that do not relate to the development or use of land or property, I have recommended that it be modified or clearly explained as such, within the text of the Plan.

- **Public Consultation**

- 3.12 Planning legislation requires public consultation to take place during the production of Neighbourhood Development Plans. Any public consultation should be open and accessible, and any information presented should be easy to understand and to comment upon. It should enable all sectors of the local community the ability to comment on and hence shape the policies which may have a bearing on where they live, work or spend their leisure time.
- 3.13 I have reviewed the Consultation Statement prepared by the QB. As a requirement of the salient regulations of the Neighbourhood Development Planning (General) Regulations 2012 as amended, this was submitted to the Council and made available via the LPA and the salient parish websites. I find the document adequate. While reference is made to various consultation exercises and events pursued from 2018 to mid-2023, little data is attached to the Statement or held online.
- 3.14 The Consultation Statement sets out the approach taken by the QB. I am advised that a range of stakeholders including statutory bodies were given the opportunity to take part in proceedings and invited to contribute to the emerging Plan. I have not, however, been provided with a clear list of those parties or whether they formally responded. Nevertheless, given the representations at both Reg 14 and Reg 16 stages, I am content that appropriate parties were involved in the process.
- 3.15 I note that a series of public meetings and open days were held from 2018 and am of the opinion that the consultation exercise involved a sufficiently wide spectrum of the local, professional and statutory community.
- 3.16 I consider that the responses by the QB to representations made to the Neighbourhood Plan, as it progressed through its preparation stages, were generally appropriate. I have reviewed all representations but should stress that my role has not been to undertake a detailed analysis of the consultation details but moreover review the general process and approach taken. In this light, I believe changes to the draft version of the NP were appropriately assessed, undertaken and then explained.
- 3.17 As noted elsewhere in this Report, given the evidence before me, I have not felt it necessary to hold a public hearing, as the comments made by Regulation 16 parties and the stance of the LPA and QB has been clear. No issues have been ambiguous.
- 3.18 I conclude that an appropriate consultation exercise was undertaken and that stakeholders had the opportunity to input into the Plan's preparation and as such, Regulations, 14, and 16 have been addressed.

## 4.0 THE BASIC CONDITIONS AND HUMAN RIGHTS

### 4.1 BASIC CONDITIONS STATEMENT

- 4.1.1 I have reviewed the Basic Conditions Statement (BCS) (March 2023) and find it to be a relatively clear document, notwithstanding the lack of paragraph numbers which make referencing difficult. The BCS states that the NP covers the period from 2023 to 2038. This conflicts with the end date of 2031 as noted in the Consultation Statement.
- 4.1.2 **This matter needs to be addressed and a clear date indicated on the front cover of the NP, and consistently referenced in all accompanying documents.**
- 4.1.3 The BCS should explain how the NP complies with National Planning Policy (NPPF), the adopted strategic policies for the area and how it contributes towards sustainable development.
- 4.1.4 I have noted elsewhere that, given the recently published amendments, any reference to the NPPF should be clearly annotated in terms of the date of the document used. (See my comments at paragraph 1.3.4 of this Examination Report)
- 4.1.5 Specifically, I note that Tables 1 of the BCS links specific TPNDP objectives to relevant NPPF goals and Table 2 links TPNDP policies to specific NP paragraphs. Strategic development and how NP policies contribute to its achievement is set out in Table 3. These are all helpful but given the recent publication of an amended version of the NPPF, it is important to confirm the version of the NPPF used by the QB. I have presumed that it is the document published in 2021 and examined on this basis.
- 4.1.6 I set out below my observations on the Development Plan Strategic Policies but note that the BCS acknowledged in advance of Table 4 that the LPA is currently preparing a revised local plan for the period 2016 to 2038. This is progressing through its own examination.
- 4.1.7 I note the approach taken by the QB that its NP should reflect the emerging local plan and its relevant strategic policies. Accordingly, Table 4 sets out the emerging Core Strategies and how these are complemented by the proposed policies within the NP.
- 4.1.8 However, while the progress made by the Local Plan review means that it carries weight in the decision-making process, it has yet to be formally adopted. Hence, the extant Core Strategic policies remain those adopted in 2011 and running to 2026.
- 4.1.9 My concern is that although the LPA has confirmed in its Reg 16 submission that the NP policies accord with and reflect the extant Core Strategy policies, no reference to this is included within the BCS. I accept that the emerging Development Plan carries weight given its progress through an Examination in Public (EiP) and Inspectors' interim findings. However, modifications have already been suggested by the

Inspectors, e.g the deletion of Policy SP4 and other modifications may be proposed once the examination has concluded.

- 4.1.10 The BCS currently refers to policy SP4 and cites it in support of a number of proposed NP policies. This will need amending.
- 4.1.11 I am of the opinion that the extant Development Plan is still a valid document. As such, and having reviewed the extant strategic policies, I consider that salient extant Core Strategy policies should be set out in the BCS and cross referenced to specific NP policies.
- 4.1.12 **It would therefore be important for a table to be included within the BCS to indicate how the proposed NP policies comply with the extant Core Strategy policies.**

## **4.2 NATIONAL POLICY, ADVICE AND GUIDANCE**

- 4.2.1 As noted earlier, the extant NPPF (2018 and revised publications in 2019, 2021 and twice in 2023) confirms that a presumption in favour of sustainable development means that Neighbourhood Development Plans should support the strategic development needs set out in the Development Plan. They need to plan positively to support local development. This principle has not been amended in the most recent version of the NPPF but for accuracy, I advise that the 2023 version of the NPPF be referenced in the BCS and NP.
- 4.2.2 The Framework is clear that Neighbourhood Development Plans should be aligned with the strategic needs and priorities of the wider local area, i.e., they must be in general conformity with the strategic policies of the Development Plan. The NPPF advises that they should not promote less development than is set out in the Development Plan or undermine its strategic policies. Neighbourhood Development Plans should provide a practical framework within which decisions on planning applications can be made with predictability and efficiency. It is stressed that my examination has been of the Plan, as a whole.

## **4.3 SUSTAINABLE DEVELOPMENT**

- 4.3.1 Any Neighbourhood Development Plan should contribute to the achievement of sustainable development. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental. I consider that the approach taken and explained in the Basic Conditions Statement is robust.
- 4.3.2 Whilst there is no legal requirement for any Plan to be accompanied by a separate Sustainability Appraisal, it is helpful for it to acknowledge and explain how its policies

have reflected sustainability matters in all forms as expressed in the NPPF. I consider that the NP has achieved this.

#### **4.4 THE DEVELOPMENT PLAN AND STRATEGIC LOCAL POLICY**

4.4.1 I note that the 'Development Plan' for Three Parishes Neighbourhood Area inter alia, comprises the Shropshire Core Strategy (adopted in 2011 and running to 2026) and the Shropshire Site Allocations and Management Development Plan Document (SAMDev), adopted Dec 2015.

4.4.2 I consider that the Development Plan's extant and hence valid strategic policies include:

- CS1 Strategic Approach,
- CS5 Countryside and Green Belt
- CS6 Sustainable Design
- CS7 Communications and Transport
- CS8 Facilities, Services and Infrastructure Provision
- CS11 Type and Affordability of Housing
- CS17 Environmental Networks

4.4.3 Shropshire Council is currently reviewing the Local Plan which will extend it to 2038. I am advised that a series of Examinations in Public have been held and an interim report issued by the panel of three Inspectors. The Local Plan has not yet been approved and technically the extant Local plan is still used for development management purposes.

4.4.4 Table 4 of the BCS explains how the proposed NP policies are in general conformity with emerging strategic policies and highlights specific policies from the emerging Local Plan. **I find this to be helpful and pragmatic but not in accordance with current NPPG.**

4.4.5 **Hence, as noted earlier, I advise that a further table needs to be prepared that confirms that the proposed policies find that, subject to modifications detailed later in this report, the NP policies are in general conformity with the relevant strategic policies of the extant Core Strategy policies found within the Development Plan.**

## 4.5 EUROPEAN UNION (EU) OBLIGATIONS AND CONVENTIONS

4.5.1 Notwithstanding the decision by the UK to leave the European Union, any Neighbourhood Development Plan must still be compatible with certain obligations adopted through European statute, as they have been incorporated into UK law. The NP would not be compliant otherwise.

### - **Strategic Environment Assessment**

4.5.2 Directive 2001/42/EC, often referred to as the Strategic Environment Assessment (SEA) Directive, relates to the assessment of the effects of certain plans and programmes on the environment, and has relevance here. Similarly, Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most important habitats and species and can have a bearing on Neighbourhood Development Plans.

4.5.3 A Strategic Environment Assessment Screening Statement, dated March 2023, has been presented to me. It is not clear who prepared this although I presume it was the QB.

4.5.4 The Statement explains the background to the NP process and correctly advises that NP policies should be assessed against Annex II criteria of the Environmental Assessment of Plans and Programmes Regs 2004. This appears to have been done using the draft NP policies and a conclusion drawn that those policies were not expected to have a significant effect on the natural environment.

4.5.5 While I would concur, my concern lies as follows;

- **It is unclear who has undertaken the screening of the draft policies.**
- **The Statement presented to me has not been updated to reflect the Submission Version policies.**
  - **Although the relevant statutory bodies of the Environment Agency, Natural England, and Historic England were referenced in the Statement, there is no clear response from those bodies contained within the Statement.**

4.5.6 While I do not anticipate that an SEA would be required in this case, **I would advise the QB / LPA to redraft the SEA Screening Statement to reflect the submission version of the NP and clarify the position of the three relevant statutory bodies.**



**4.5.7 At that juncture I would be happy to review the matter and expect to be able to confirm that the Plan meets the legal requirements of the EU's SEA Directive and conclude that in respect of this EU obligation, the Plan is compliant.**

- **Habitat Regulations (HR) and Environmental Impact Assessment**

4.5.8 The Habitat Regulation Assessment Screening Statement of March 2023 sets out the background to the need for a Screening Statement and includes a table which assesses each proposed NP policy in terms of its potential to have a 'likely significant impact'.

4.5.9 Again, I am concerned that the Statement appears to have been written to accompany the draft version of the NP. Whilst the policies listed have not changed markedly as the NP progressed, the Habitats Statement should have been updated and its conclusions justified.

4.5.10 The Statement currently advises that *"Natural England are given the opportunity to comment..... and can agree or disagree with the conclusion that no further assessment work is required."*

- **While I am not anticipating that Natural England will take an alternative stance, it would be important for the stance of that statutory body to be referenced in the Statement.**

- **I am concerned that the Statement erroneously refers to the 'Pontesbury Neighbourhood Development Plan' on the last page. This should be corrected.**

4.5.11 Hence, while I do not consider that the NP policies with have a 'likely significant impact', **an updated Screening Assessment Statement should be presented. I would be happy to review this and then be able to conclude that the NP meets the legal requirements of the EU Regulations and that, in this respect, the Plan is compliant.**

- **Human Rights**

4.5.12 The Basic Conditions Statement makes reference to compliance with the European Charter on Human Rights (ECHR) and Human Rights Act 1998 on its last page.

4.5.13 I am unaware of any matters proposed in the NP that challenge issues of human rights. I do not consider that sufficient or robust evidence has been presented, to indicate that this is not the case. Hence, I conclude that the Plan does not breach and is otherwise compatible with the ECHR.

4.5.14 I am not aware of any other European Directives which apply to this particular Neighbourhood Development Plan, and **hence subject to my recommendations above with regard to the SE and HR Screening Assessments, I am satisfied that the Plan is compatible with EU obligations.**

## **5.0 ASSESSMENT OF THE THREE PARISHES NEIGHBOURHOOD PLAN POLICIES**

### **5.1 THE OVERALL PRESENTATION AND FORM OF THE PLAN**

5.1.1 The NPPF advises that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency. I consider that this can be interpreted as 'having a clear document'.

5.1.2 While I find the figures and illustrations generally clear, and these have been inserted appropriately throughout the document, where they are relevant to the policies proposed, the lack of paragraph numbers and a lack of referencing in a number of places, has detracted from the document.

5.1.3 Below is a series of comments which I present to the QB and LPA for their deliberation. Some are presented as suggestions and are underlined. If not addressed, they would not make the Plan non-compliant. However, others (in bold) should be addressed if the Plan is to proceed to a formal Referendum. Their inclusion would be important and would remove ambiguity.

5.1.4 I have commented below on any figure or map found to be ambiguous or superfluous and which needs to be amended to provide clarity for any user.

5.1.5 The absence of paragraphs throughout the Plan is a matter of style. However, it makes any reference by a decision maker or user of the document difficult. This in itself does not make the Plan non-compliant, but I would urge any redrafting or future review of the document to bear this in mind.

5.1.6 The lack of a date on the front cover is not helpful. **This should be addressed for clarity and avoid ambiguity, and the references to the NP period brought into consistency in the Consultation Statement and the BCS.**

5.1.7 **Should the NP move forward to a referendum; the initial pages of the document should be amended to reflect the stage reached. The 'Stage' section on page 4 would need to be redrafted and the 'How to comment' section on page 5 should be deleted.** Indeed, I see little reason why this section was included in the main document. Instead, it should have been included in an updated Consultation Statement.

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- 5.1.8 The geographical context of the NP area is well set out on pages 6 and 7. **However, Figure 1 needs to be properly titled (Shropshire Union Canal) and referenced in the text at the bottom of page 6.**
- 5.1.9 Figure 2 repeats the map at Appendix 1. Both are difficult to read in hard copy. If they can be reproduced in a more definitive manner this would assist any reader.
- 5.1.10 The reference at the bottom of page 7 to flood risk would be helpfully supported by the addition of an extract from the Environment Agency flood risk map for the area in question.
- 5.1.11 The context of the three parishes is helpfully presented, as is the very general overview of housing provision and heritage properties. However, Figure 3 is presented at a very difficult scale to read in hard copy. While I accept that on screen this figure can be expanded, it would assist any reader if the sites marked were listed out clearly. Cross reference to Appendix 3 would also assist any reader.
- 5.1.12 Reference to the 2011 census is outdated given that the 2021 data has been in the public domain for some time. Consideration should be given to making reference to the most up to date census information.
- 5.1.13 **Landscape and Natural Environment comments from page 13 refers in the first paragraph to the 'Shropshire Landscape Assessment'. However, it is unclear when this was published and who by. This should be clarified, and it would assist any reader if the various areas identified on page 13 are illustrated on the map showing the extent of the NP area.**
- 5.1.14 Figure 11 presents generic views of different land classification and again this would have more relevance if the locations of the various views were included.
- 5.1.15 Page 15 presents an explanation of the context for preparing the NP. However, this repeats information contained within the BCS, and consultation statement and I consider it to be superfluous for the submission version of the NP. Should the NP proceed to referendum I would advise that it is deleted and / or included within an updated Consultation Statement.
- 5.1.16 Pages 16 and 17 contain text which explains the national and local planning policy. I have commented earlier in this report as to the need to be far clearer as to the version of the NPPF used in preparing the NP. **I have assumed that the QB have used the version issued in 2021. This needs to be clearly explained.**
- 5.1.17 In terms of strategic policy, the NP presents a helpful overview of the current position in Shropshire. It clearly says that *'....at the time of preparing this Neighbourhood Plan, the relevant Shropshire Development Plan is the Core Strategy and the SAMDev'*.
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5.1.18 This is correct, and the associated guidance currently found in NPPG explains that;

*'A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the [basic condition](#). Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, [up-to-date housing need evidence](#) is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.*

*Where a neighbourhood plan is brought forward before an up-to-date local plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:*

- *the emerging neighbourhood plan.*
- *the emerging local plan (or spatial development strategy)*
- *the adopted development plan.*

*with appropriate regard to national policy and guidance.*

*The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.*

*The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. This is because [section 38\(5\) of the Planning and Compulsory Purchase Act 2004](#) requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.*

*Strategic policies should set out a housing requirement figure for designated neighbourhood areas from their overall housing requirement ([paragraph 65](#) of the revised National Planning Policy Framework). Where this is not possible the local planning authority should provide an [indicative figure, if requested to do so by the neighbourhood planning body](#), which [will need to be tested](#) at the neighbourhood plan examination. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan.*

*Paragraph: 009 Reference ID: 41-009-20190509*

- 5.1.19 I accept that Shropshire Council, as the LPA, is currently pursuing the Shropshire Local Plan Review (2016 – 2038) and this has progressed to the Examination in Public stage. While this means that the emerging Local Plan carries some weight, it is not formally adopted.
- 5.1.20 Hence bringing forward a NP at a time when emerging policies can still be challenged and/or modified can be difficult. I note that one other party has highlighted the same point at the Reg 16 stage.
- 5.1.21 Nevertheless, I am advised that the QB worked with the LPA and hence I must presume that a decision to move forward with the NP policies that generally comply with the emerging Local Plan policies as opposed to the previously adopted Core Strategy policies, was mutually agreed.
- 5.1.22 I, however, have to be guided by the NPPG on this matter, as set out above.
- 5.1.23 While the QB have suggested that the Core Strategy is out of date and hence it was more appropriate to reflect the emerging Local Plan policies, I do not concur and am concerned that little reference has been made to the extant Core Strategy policies which technically are still valid until 2026, in the NP or the BCS. I note that some reference has been made to documents available on the Three Parishes Plan website [threeparrishplan.org](http://threeparrishplan.org) but this is not easy to view.
- 5.1.24 My concern would have been less had the NP made reference to the emerging Local Plan alongside the extant Core Strategy. However, this is not the case and no clear reference to extant Core Strategy policies has been presented to me.
- 5.1.25 The second paragraph on page 17 accepts that *'The Three Parishes recognise that it will need to consider implications arising from the examination of the Local plan and that they may need to pause the Neighbourhood Plan process to take these into account.'* I think this is a pragmatic position to take.
- 5.1.26 I turn now to the evidence base. This is discussed on page 19 of the NP submission version. While helpful context, this appears to be a duplication of some of the information included within the Consultation Statement. There is no need to duplicate this, and a summary would have sufficed. More importantly, full details of all evidence and data used by the QB to support the policies pursued in the NP should have been included within the Consultation Statement, or clear links to such evidence been provided. Reference is made to a residents' survey. I have not been presented with either the details of the survey questions or indeed the full results from the survey other than broad comments following some of the proposed policies.
- 5.1.27 The overview of what the survey covered indicates it to be very relevant to the preparation of the NP. **I recommend that for transparency, full details of the**

**questions and responses received need to be in the public domain as they have clearly guided the vision and subsequent policies of the NP.** Without that transparency, the rationale for some policies has been difficult to understand.

- 5.1.28 Reference is made to 'technical evidence' on page 20. I note that some information is available on the Three Parishes Plan website. However, full details of this evidence have not been presented to me. **A list of documents or data used to support the preparation of the NP's vision and subsequent policies would have been helpful to my examination and I consider it would be important to any user of the Plan.**
- 5.1.29 I note that a Housing Needs Assessment was prepared by Aecom, and this informed the housing policies within the NP. Again, no details of this have been presented to me.
- 5.1.30 Finally, before I comment on the vision, objectives and specific policies within the NP, I note that page 21 replicates much of the text contained within the SEA and Habitats Screening Reports. The tense of this text would not be appropriate should the NP proceed to a referendum. Reference is made to draft Screening Reports which accompanied the draft NP at the Reg 14 stage of proceedings. This needed updating for the Submission Version of the NP and would need amending again should the NP move forward through to a referendum or be 'made' by the LPA.
- 5.1.31 In terms of the vision and objectives of the NP I find these to be relatively clear and present a good context for the subsequent policies. My overriding concerns remain that a robust evidence base does not appear to have been made available to the general public or presented to myself as the examiner. And as highlighted elsewhere in this report, no reference has been made to extant Core Strategy policies.
- 5.1.32 I am aware that some consultees, during the preparation of the Plan and at both Reg 14 and Reg 16 stages, suggested additional initiatives and amended text. Some suggestions have been included in the Submission Version of the NP while some have not. I should stress that it is not the role of the Examiner to add further detail to proposed policies or present new policies, which may have been considered by the QB through the Plan preparation, but not included in the Submission Version. The addition of any policies or amendments to the text as the Plan is being prepared, is at the discretion of the QB.
- 5.1.33 Policies are set out from page 24 through to page 44 of the NP, under a series of the following objectives;
- Provision of Adequate Housing
  - Employment Opportunities
  - Natural Environment
  - Transport and Movement
  - Built Environment and Heritage

- Community Facilities
- 5.1.34 Under each objective, specific policies are set out in boxes, accompanied by explanatory text and reference to relevant evidence and justification. The latter generally refers to NPPF paragraphs and emerging Local Plan policies with only some reference to any 'technical evidence'.
- 5.1.35 As the examiner, I have assessed the policies presented in the Plan. In so doing I have reviewed the objectives and the explanatory text to ensure there is no ambiguity or confusion. Where this exists, I have proposed modifications.
- 5.1.36 In terms of evidence to support the NP policies, I have reviewed the documents in the public domain, which appear surprisingly light, and have considered the third parties and statutory consultees who appear to have been approached during the preparation of the draft and submission version of the Plan. I have only been able to surmise these from the responses received. I have also reviewed the comments issued by the QB and the action taken by the QB through the Plan's preparation.
- 5.1.37 As with many NPs, some criticism has been levied through formal representations. I have therefore given these specific attention and comment, where relevant, on this below.
- 5.1.38 Further to the above, I now consider the NP policies against the Basic Conditions and for ease of reference follow the structure and headings as adopted in the Plan. As I have set out above, I find that the Plan is compliant with Basic Conditions 4 and 5 and the following sections of this Report explain whether I consider it complies fully with:
- Basic Condition 1 (Compliance with National Policy);
  - Basic Condition 2 (Delivery of Sustainable Development); and
  - Basic Condition 3 (General Conformity with the Development Plan)
- 5.1.39 I wish to stress that my examination has comprised a review of the policies and supporting text in the context of their compliance with the Basic Conditions. It has **not** comprised a forensic review of the rationale behind each policy. Where I found that the evidence base was unacceptably weak or erroneously interpreted or proposals have been suggested that conflict with extant statute or are ultra vires, I have suggested appropriate modifications. **I stress that it is not the role of the Examiner to re-write elements of the NP requiring modification on behalf of the QB or LPA.** I have proposed amended text where relevant and where I have found policies to be non-compliant. In other cases, I consider that sufficient guidance has been presented so modification can be prepared by the QB/LPA.

## 5.2 NEIGHBOURHOOD PLAN POLICIES

5.2.1 I now turn to the specific policies and supporting text.

## 5.3. HOUSING AND DESIGN

### POLICY H1 – HOUSING DESIGN

5.3.1 This policy is relatively general and reads as a catch all policy covering some areas that are addressed in other NP policies. It duplicates national policy found in the NPPF (all versions). While I accept that it reflects policies in the emerging Local Plan, from my understanding, it also reflects policies in the extant Core Strategy – as listed earlier in my report.

5.3.2 The policy is not location specific, and it offers little additional value of it to any user of the NP or decision maker, given other national and local policy and guidance. However, I note that the QB have indicated that the themes that emerged through the consultation process were as indicated in the accompanying text and hence I accept there is some value to the policy being set out as it has, as it presents emphasis to elements of importance to the community.

5.3.3 The accompanying evidence and justification section lacks depth or reference to local consultation responses which could have been included.

5.3.4 My over-riding comment, which will be repeated for every policy proposed in this NP, is that additional reference needs to be presented that sets out the relevant extant Core Strategy policies plus clear reference to any technical evidence or local survey/questionnaire results.

5.3.5 Other than duplicating issues that are covered in later NP policies, which I can accept as emphasizing issues of importance to the community, the phrasing of the policy is acceptable.

5.3.6 **Subject to the above comments and the need to include references to extant Core Strategy policies, I find Policy H1 compliant.**

### POLICY H2 – HOUSING MIX AND TENURE

5.3.7 This policy reflects national and local policy but is accompanied by more specific details of the survey undertaken locally. In this way, the nature and approach of the policy is relevant.

5.3.8 My concern is that the policy makes specific reference to the emerging Local Plan policy. This has not been formally adopted and hence there remains the potential



for it to be amended or challenged. **While I accept that given the progress of the emerging Local Plan, this is unlikely, it would be more appropriate to omit the last sentence of the policy.**

5.3.9 **While reference to emerging policies can be made in the accompanying text, this should also refer to extant Core Strategy policy that relates to housing mix.**

5.3.10 **With the above modifications, I find Policy H2 compliant.**

#### 5.4 **EMPLOYMENT AND BUSINESS**

5.4.1 This section of the NP appears to relate the landscape setting of the area to new development – although this wasn't highlighted for residential development in the previous section.

5.4.2 The emphasis here is that new employment related development needs to take particular care and not have a 'materially negative impact'.

#### **POLICY EMP1 – SMALL SCALE EMPLOYMENT**

5.4.3 This policy uses the words 'suitable' and 'appropriate' in its first sentence. These can be misleading to any user. Some promoters of development might find their proposals suitable and appropriate, but the decision makers may take a different view. This isn't helpful.

5.4.4 Given the following two areas of acceptable forms of development, the first sentence should simply read as follows;

***Development proposals that provide employment opportunities will be encouraged in the following circumstances.....***

5.4.5 The remaining text can be retained without change. As for all other policies, reference should be made to extant Core Strategy policy at the end of the justification section.

5.4.6 **With the above modification, I find Policy EMP1 compliant.**

#### **EMP2 – FARM DIVERSIFICATION**

5.4.7 This policy specifically addresses farm diversification and is pertinent given the nature of the NP area. However, given the accompanying text explaining the evidence and justification for this policy, **I have concerns that bullet one is unnecessarily restrictive and doesn't accord with either the emerging or extant**

**Core Strategy policies. If the QB only wants to indicate compliance with emerging local policies, then I find this bullet point fails the test and should be deleted.** The last bullet point would suffice in addressing the responses from the local consultation exercise which is summarised in the accompanying text.

5.4.8 Many of the bullet points, and specifically the 5<sup>th</sup> bullet point duplicates Policy EMP1 but I accept that this presents an acceptable element of emphasis.

5.4.9 **Hence, with the overriding requirement that reference should be made to extant Core Strategy policy at the end of the justification section, and subject to the removal of the first bullet point, I find Policy EMP2 compliant.**

## 5.5 NATURAL ENVIRONMENT

### POLICY G1 – PROTECTING OPEN SPACES IN THE THREE PARISHES

5.5.1 This policy aims to protect and enhance the environment for the local community and ensure that access is provided to various areas of open space.

5.5.2 **With the requirement that reference should be made to the relevant extant Core Strategy policy at the end of the justification section, I find Policy G1 compliant without further modification.**

### POLICY G2 – PROTECTION AND ENHANCEMENT OF BIODIVERSITY

5.5.3 The overall approach of this policy is understood but the initial paragraph appears to mix two specific issues and should be clearer.

5.5.4 As written, the policy suggests that all the bullets point listed should be addressed. This is not feasible and does not reflect the different forms and scale of development which require specific consent.

5.5.5 I recommend that the policy is redrafted as follows;

***Development should be planned and designed to encourage biodiversity. Where relevant, reflecting its scale and nature, it should enhance local wildlife species and habitats, demonstrating how they aim to achieve at least a 10% net gain for biodiversity. The following are encouraged.....;***

5.5.6 The bullet points can then be listed out.

5.5.7 I note the representation from one party to the last bullet point and concur that, as drafted it is too vague. I recommend that it be re-written as follows;

***Where on-site net gain for biodiversity is not appropriate then other areas will be considered, in accordance with wider government policy and the latest biodiversity metric.***

- 5.5.8 I welcome the footnote referencing the Shropshire Council Site Based Ecology Report Maps.
- 5.5.9 **With the above modification and the requirement that reference should be made to relevant extant Core Strategy policy at the end of the justification section, I find Policy G2 compliant.**

### **POLICY G3 – LOCAL CARBON REDUCTION**

- 5.5.19 This policy reflects extant and emerging national policy which encourages carbon reduction. My minor recommendations are presented to remove ambiguity or confusion.
- 5.5.11 **I see little need for the word 'local' at the start of the policy. The second sentence and the accompanying bullet points should be redrafted as follows;**
- Relevant development proposals should be supported by a statement setting out how the development will achieve this, including an indication of***
- compliance with extant energy standards which should aim to exceed building standards.***
  - generation of energy on site from renewable and low carbon sources***
- 5.5.12 My concern over the inclusion of specific values within the text of a policy is that national guidance and standard change and hence the relevance of the policy can be lost. Additionally in this case, I have not been presented with the evidence or justification to enable me to accept the reference to 'exceeding building regulations by at least 19%. The reference to 'LA 4.100-4111 would be confusing to a lay reader and has not been presented with any explanation.
- 5.5.13 The reference to the installation of community renewable energy generation is well phrased and accompanied by acceptable bullet points. The same applies to the reference to the location of such facilities and the accompanying bullet points.
- 5.5.14 **With the above modifications and the requirement that reference should be made to relevant extant Core Strategy policy at the end of the justification section, I find Policy G3 compliant.**

## 5.6 MOVEMENT AND CONNECTION

- 5.6.1 Any NP addressing the movement of people and or vehicles and the improvement of any form of highway needs to accept that in many cases, the provision of improved facilities or maintenance of existing services is beyond the remit of the NP. In many cases they lie with the Local Highway Authority, which in this case is Shropshire Council. I note that this has been acknowledged in the accompanying text to Policy T1.

### POLICY T1 – LINKAGES AND CONNECTIONS

- 5.6.2 This policy reflects the strength of local sentiment indicated in the accompanying text and the nature of the NP area where there is a clear reliance on private vehicles. The goal, however, is to move to better access to public transport and the easier use of cycles and encouragement to walk.
- 5.6.3 I find the policy clear in its approach. However, **I recommend that the opening sentence is modified very marginally and the setting out of the policy is made clearer to emphasise the three areas covered;**

*Development proposals that support the enhancement and improvement of existing public rights of way, including the Shropshire Union Canal towpath, will be supported where appropriate.*

*All new planning applications for relevant development should demonstrate safe and accessible routes for pedestrians and cyclists to local services, facilities and existing transport networks, particularly where they link with public transport.*

*The addition of pavements or any other measures serving the same function should be in keeping with the rural nature of the Three Parishes and their local character.*

- 5.6.4 **With the above minor modification and the requirement that reference should be made to relevant extant Core Strategy policy at the end of the justification section, I find Policy T1 compliant.**

### POLICY T2 – PARKING

- 5.6.5 This is an appropriate policy that was clearly an issue for the local community. I find the approach taken and the phrasing of the policy acceptable and the justification text clear.
- 5.6.6 My only concern is the reference in the last line of the policy to the Shropshire Local Plan, which as noted elsewhere is yet to be adopted.

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5.6.7 I suggest that that this reference is omitted, and the sentence simply reads as follows;

*Opportunities, where possible, to provide electric charging facilities for both commercial and domestic development will be supported.*

5.6.8 With this modification and the requirement that reference should be made to relevant extant Core Strategy policy at the end of the justification section, I find Policy T2 compliant.

### **POLICY T3 – BROADBAND CONNECTING THE PARISHES**

5.6.9 This policy again reflects the findings of the community consultations and highlights the rural nature of the NP area and the need for such areas to benefit as quickly as possible from new technology.

5.6.10 My very minor concern lies with the last bullet point and the onus on any development to 'ensure' that Superfast Broadband is available at the point of occupation of new development. **This simply might not be feasible and hence I suggest this bullet point is modified as follows;**

*Measures taken by the applicants to work with relevant providers to enable Superfast Broadband is made available at the point of occupation or as soon as possible thereafter.*

5.6.11 With the above modification and the requirement that reference should be made to relevant extant Core Strategy policy at the end of the justification section, I find Policy T3 compliant.

### **5.7 BUILT ENVIRONMENT AND HERITAGE**

5.7.1 The opening text of this section is clear and relevant. While I accept it is a matter of style, the inclusion of the Norton in Hales Conservation Area would be better if inserted as part of the main document as opposed to attached as an Appendix.

5.7.2 I accept that the addition of Appendix 3 within the main text would be cumbersome, but I do recommend that cross reference is made to Appendix 3, in the opening text on page 41.

### **POLICY LE1 – CONSERVATION OF THE THREE PARISHES HISTORIC CHARACTER**

5.7.3 The policy is straightforward and reflects local responses as the NP was developed and much, if not all, of local and national policy. I accept that there is an element of

local distinctiveness reflected in the policy and hence consider it to be an appropriate approach to reflect the wider vision and objectives of the NP.

- 5.7.4 **My minor concern lies with the last bullet point. This appears to replicate Policy G4 and should be amended to simply highlight the need to;**

*'Retain the historic sandstone boundary walls.'*

- 5.7.5 **With the above modification and the requirement that reference should be made to relevant extant Core Strategy policy at the end of the justification section, and the correction of NPP5 to NPPF, I find Policy LE1 compliant.**

## 5.8 COMMUNITY FACILITIES

- 5.8.1 This section again reflects the views from stakeholders and is an appropriate objective which highlights the importance of local facilities in predominantly rural areas.

### POLICY COM1 – COMMUNITY FACILITIES

- 5.8.2 The second and third sentences of this policy seem to be definitive in the first instance but then suggest exceptions and the bullet points are confusing. While I understand the approach, I feel this is cumbersome and from the second sentence the policy should be redrafted as follows;

*The proposed re-use of local community facilities by other forms of community use will be strongly encouraged.*

*Any proposal that would result in the loss of community amenities will not be supported unless it satisfies the following criteria;*

- *The proposed use will provide equal or greater benefits to the community,*
- *Any replacement facilities are built on sites which are accessible by public transport, walking and cycling and have adequate car parking.*

*Proposals for new community facilities, in appropriate locations, will be supported if the development contributes to the health and wellbeing of the public.*

- 5.8.3 **There is no need for the 3<sup>rd</sup> bullet point as it is covered by the first.**

- 5.8.4 The accompanying text helpfully refers to the community's response through the consultation period. From the summary of responses presented in the NP, I am not entirely convinced that the policy addresses all the matters that were highlighted as being of importance, but the approach taken in the policy is at the discretion of the

QB. As I have not been presented with the full extent of the survey questions or responses, I am not able to comment further on this.

5.8.5 Finally, I have some concern over the reference in the concluding accompanying paragraph on page 44 which suggests that given current permitted development rights and the opportunity to change the use of some property with a nominal submission to a LPA, and no need for a formal application, protective policies should be adopted. **Only through the designation of an Article 4 Directive can permitted development rights be overridden. A policy indicating protection of community facilities will not in itself over-ride permitted development rights. I consider that this reference is corrected.**

5.8.6 **With the above modification and the requirement that reference should be made to relevant extant Core Strategy policy at the end of the justification section, I find Policy COM1 compliant.**

## 6.0 PLAN DELIVERY, IMPLEMENTATION, MONITORING AND REVIEW

6.1 Reference is made in the NP to the monitoring and future review of the Plan at page 45. I find this one of the best approaches to monitoring and review I have come across and would suggest it is adopted by other QBs as best practice.

6.2 Hence, I find the approach taken by the QB and the commitment to future reviews of the NP to be **in accordance with current guidance and endorsed.**

## 7.0 REFERENDUM

7.1 Further to my comments and the proposed modification above, I am required to consider whether any Referendum Area, should a referendum take place, reflect the approved Neighbourhood Area or whether it should extend beyond this, in any way.

7.2 As noted earlier, the Neighbourhood Area reflects the greater proportion of the parishes of Adderley, Norton in Hales and Moreton Say. **I am content that this defined NP area should also reflect the area for any forthcoming Referendum.**

## 8.0 SUMMARY AND RECOMMENDATION

8.1 I find that the Three Parishes Neighbourhood Plan is generally clear, and the vision and objective well reflected by the series of proposed policies.

- 8.2 I have commented earlier on the more recent edition of the NPPF. I consider that an appropriate reference to this at the beginning of the NP and in the BCS would suffice.
- 8.3 Alternatively, the QB may prefer to re-issue the Statement of Basic Conditions and amend any outdated references to specific NPPF paragraphs. **I would be happy with either approach.**
- 8.4 I accept that the Plan has been the subject of consultation, and the resulting vision, objectives and ensuing policies reflect the findings of those consultations. However, my concern lies with the lack of visibility of the technical information, data, or any of the surveys and assessments undertaken. While summaries have been included in the justification sections for some policies, a far more comprehensive presentation of the supporting information needs to be made, preferably online.
- 8.5 This would have assisted me in my formal examination and any party wishing to comment through the Regulation 14 and 16 stages of the proceedings.
- 8.6 I accept that drafts of the NP have been the subject of appropriate amendments, which have taken on board relevant comments from statutory consultees and key stakeholders.
- 8.7 In some places I find the text repetitive of extant adopted policies, but I accept that this reinforces the key issues of importance to the local community and consider that these policies can remain as they are accompanied by supporting text which for some policies refers to a relevant evidence base.
- 8.8 I repeat my comments from the start of my report and confirm that I have reviewed the objections raised during the Regulation 14 and 16 stages of the NP preparation but do not feel that the issues raised present sufficient weight to require deletion or further modification of policies, over and above those suggested within this report.
- 8.9 In summary, providing additional reference is added with respect to extant Core Strategy policies, which from my review of the Core Strategy I consider do exist, the Plan complies with the legal requirements set out in Paragraph 8(1) and 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and the relevant regulations relating to the preparation of a Neighbourhood Development Plan.
- 8.10 I do not have any concerns over the defined Plan Area nor with that area forming the basis for any Referendum should the LPA and QB wish to proceed.
- 8.11 **In summary**, given my comments within this report and the progressed stage of the emerging Local Plan, the QB may be minded to place the pursuit of the Three Parishes NP on hold until the Local Plan is fully adopted. This is, of course, at the discretion of the QB. Should it decide to progress matters, **I advise that only further to the proposed modifications and my recommendations highlighted throughout**



**this report, should the Three Parishes Neighbourhood Plan proceed to a Referendum.**

**Louise Brooke-Smith, OBE, FRICS, MRTPI - February 2024**

### **Appendix A - Documents reviewed by the Examiner.**

- National Planning Policy Framework (The Framework) (2018) and subject to clarification in 2019 and revisions in July 2021, September 2023 and December 2023.
- Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act (2011)
- The Neighbourhood Development Planning (General) Regulations (2012) and additions
- The Neighbourhood Planning Act 2017 and associated guidance and regulations.
- Draft Version of the Three Parishes Neighbourhood Plan and Reg 14 submissions
- Submission Version of the Three Parishes Neighbourhood Plan and Reg 16 submissions
- Documents identified in the Three Parishes Neighbourhood Plan pages of the LPA and Parish Council Websites, including the Basic Conditions Statement, Consultation Statement, and related evidence base.
- Shropshire Core Strategy 2006-2026 (adopted in 2011) and SAMDev (adopted in 2015)
- The emerging Shropshire Local Plan 2016 to 2038

### **Appendix B – Examiner's use of Abbreviations**

- Three Parishes Neighbourhood Development Plan; NP / TPNDP
- The Plan / The Neighbourhood Plan; NP
- Parish Council; PC
- Qualifying Body; QB
- Shropshire Council; SC/Council
- Local Planning Authority; LPA
- National Planning Policy Framework; NPPF
- National Planning Practice Guidance; NPPG
- Basic Conditions Statement; BCS