

Market Drayton Neighbourhood Development Plan

Report of Examination

Report to Shropshire Council

by the Independent Examiner:

John Parmiter FRICS FRSA MRTPI



30 October 2018

Contents	page
Summary	3
1. Introduction	4
2. The Neighbourhood Plan - preparation and public consultation	6
3. The Neighbourhood Plan in its planning and local context	10
4. Overview	13
5. Proposed marina	14
6. Provision for recreation	15
7. Additional housing sites	16
8. Open space	16
9. Regeneration	17
10. Delivery and monitoring	17
11. Referendum Area	17
12. Conclusions and recommendations	18

Summary

1. From my examination of the submitted Market Drayton Neighbourhood Development Plan and the supporting documents, including all the representations made, I have concluded that the Neighbourhood Development Plan should NOT go forward to a referendum.
2. I have concluded that the plan does NOT meet all the Basic Conditions in that many policies are not supported by robust and proportionate evidence; and the site selection and assessment process for the proposed allocations and designations, and the SEA, is inadequate.
3. However, the plan does meet the Basic Conditions in that it:
 - Contributes to the achievement of sustainable development;
 - Is in general conformity with the strategic policies of the development plan; and
 - Does not breach, and be otherwise compatible with, European Union and European Convention on Human Rights obligations.
4. I have concluded that the plan does NOT meet all the legal requirements in that it does relate to “excluded development – in this case a safeguarded mineral reserve site.
5. However, I agree that the plan meets the following legal requirements in that:
 - It has been prepared and submitted for examination by a qualifying body – Market Drayton Town Council;
 - It does not cover more than one neighbourhood plan area;
 - It specifies the period to which it has effect – to 2026; and
 - The policies relate to the development and use of land for a designated neighbourhood area.
6. Overall, I have concluded that the Neighbourhood Development Plan should NOT proceed to Referendum; however, should it do so, I recommend that the Referendum Area should be extended beyond the designated neighbourhood area, to include the southern wards of the neighbouring parishes of Moreton Say, Adderley and Norton-in-Hales.

1. Introduction

- 1.1 I am appointed by Shropshire Council, with the support of the Market Drayton Town Council, the Qualifying Body, to undertake an independent examination of the Market Drayton Neighbourhood Development Plan, as submitted for examination.
- 1.2 I am an independent planning and development professional of 40 years standing and a member of NPIERS' Panel of Independent Examiners. I am independent of any local connections and have no conflicts of interests.

The Scope of the Examination

- 1.3 It is the role of the Independent Examiner to consider whether making the plan meets the "Basic Conditions." These are that in making the Neighbourhood Plan it must:
- be appropriate to do so, having regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan for the area; and
 - not breach, and must otherwise be compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.
- 1.4 Regulations also require that the Neighbourhood Plan should not be likely to have a significant effect on a European Site or a European Offshore Marine Site either alone or in combination with other plans or projects.
- 1.5 In examining the Plan I am also required to establish if the plan complies with certain legal requirements; in summary they are whether it:
- Has been prepared and submitted for examination by a qualifying body;
 - Has been prepared for an area that has been properly designated;
 - Meets the requirements that they must not include excluded development;
 - Relates to more than one Neighbourhood Area; and
 - Relates to the development and use of land.
- 1.6 Finally, as independent Examiner, I must make one of the following recommendations in relation to the Plan proceeding to a Referendum:
- a) that it should proceed to Referendum, in that it meets all legal requirements; or
 - b) that once modified to meet all relevant legal requirements it should proceed to Referendum; or
 - c) that it should not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 1.7 Then, 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 Neighbourhood Designated Area to which the Plan relates.

The Examination process

- 1.8 I was appointed to examine the plan in mid August 2018. The default position is that neighbourhood plan examinations are conducted by written representations. The majority of the examination was based on the submitted material. However, in this case there were a number of matters on which I wanted to hear oral evidence – in particular on housing, deliverability issues, the site selection and assessment process, as well as consultation with neighbouring parishes - and so I held a public hearing on 27th September 2018. I carried out unaccompanied site visits the previous day and following the hearing. I completed a draft report on 3rd October, for fact-checking only, receiving comments back on 29th October.

The Examination documents

- 1.9 In addition to the legal and national policy framework and guidance (principally The Town and Country Planning Acts, Localism Act, Planning and Compulsory Purchase Act, Neighbourhood Planning Act and Regulations, the National Planning Policy Framework¹, Written Ministerial Statements and the Planning Practice Guidance) together with the development plan, the relevant documents that were furnished to me - and were identified on the Council's websites as the neighbourhood plan and its supporting documentation for examination - were:

- Market Drayton Submission Draft Neighbourhood Development Plan;
- Basic Conditions Statement;
- Consultation Statement, with response form; and
- SEA Screening Statement and Appropriate Assessment Screening.

together with responses received under Regulation 16 (referred to later).

I was also provided with more legible mapping of Core Strategy S11 Inset Map and the locations of the local green infrastructure sites listed at para 4.38 of the plan.

The Qualifying Body and the Designated Area

- 1.10 Market Drayton Town Council is the Qualifying Body for the designated area that is the neighbourhood plan area. There is no other neighbourhood plan for this area. The neighbourhood area is not the same as the civil parish area in that it includes - on its northern side (north of the A53) - parts of three neighbouring parishes: Adderley, Moreton Say and Norton-in-Hales. The inclusion of land in these parishes has proved controversial.
- 1.11 Shropshire Council, the local authority, designated the Neighbourhood Area in December 2015. The Consultation Statement (CS) explains that the Town Council met representatives of the three Parish Councils (PCs) on 7th May 2015 to present the proposed Designated Area. The note of this meeting on page 9 of the CS explains that the Town Council were not seeking to use the plan as a means of expanding Market Drayton's boundaries; also that: "*There was absolutely no intention of expanding the building line beyond what has been agreed in the SAMDev ...*" [part of the development plan, see later]. Shropshire Council formally consulted on the area to be designated from 16th July to 28th August. No representations were

¹ The revised Framework was published before the examination commenced; under the arrangements transitional, set out in Annex 1, para 214 of the revised Framework, the policies

received from the adjacent parishes at this stage. At the hearing I heard oral evidence from both the Chair and Clerk of Norton-in-Hales PC that this may have been due to the summer holiday period; however, the fact is they didn't. Shropshire Portfolio Holder confirmed the designation on 1st December 2015.

- 1.12 I have no reason to believe that the designation decision was unlawful. However, I am concerned that the assurances given by the Town Council, coupled with the holiday period over which the formal consultation took place, as well as the subsequent lack of effective consultation in the latter stages of the plan's preparation – particularly in the light of concerns in the Health Check and on which I comment later – has potentially undermined a significant element of the consultation process.

The plan area

- 1.13 The plan area is located in the north east of Shropshire near the Staffordshire border. The plan area encompasses the town of Market Drayton, which sits on the northern side of the River Tern, with Shrewsbury to its south west, Telford to its south, the larger city of Stoke on Trent to its north east and the town of Crewe to the north all of which are within easy commuting distance. The A53, Shrewsbury to Newcastle under Lyme road skirts the north of the town marking its current extent in that direction. The M6 is within 15 miles and the M54 within 20 miles. The major cities of Birmingham, Manchester and Liverpool are relatively easily accessible through the national motorway network.
- 1.14 The town has a population of more than 12,000 and is the third largest town in Shropshire. It has a high proportion of people of working age although a growing proportion of elderly people. Market Drayton serves a substantial hinterland as well as its own resident population. Its economy has traditionally been based on agriculture and related industries, and the town remains reliant on food processing via the presence of two major employers.
- 1.15 Overall, local employment has roughly matched its resident workforce but there are significant and growing levels of commuting both into and out of the town. The town is on the Shropshire Union Canal. The town centre, which has a strong historic character, is home to a wide range of businesses predominantly comprising small independent shops with larger supermarkets located out of centre.

2. Neighbourhood Plan preparation and public consultation

The Neighbourhood Development Plan

- 2.1 The plan is an attractive and well-laid out document, with a clear structure. It is in five parts: Chapter 1 provides the setting and background; Chapter 2 sets the plan in its development plan context; Chapter 3 sets out the vision, the issues and plan; Chapter 4 contains the plan's policies; and Chapter 5 sets out a delivery and monitoring framework.
- 2.2 The plan is firmly set in its strategic planning context, as provided by the development plan (and see my paras 3.7 ff) with a focus on the following three main topic areas: Housing; the economy and employment; and local infrastructure, services and environment.
- 2.3 After the two introductory chapters, the plan sets out the plan's vision, set out in eight themes: to be a good place to live and work; have an enterprise culture which attracts

investors and supports existing and vibrant new businesses; provide good employment opportunities supported by skills and training facilities; continue to support improvements and developments to the town centre; ensure that the infrastructure e.g. housing, education facilities, transport, IT etc. is developed to meet local needs; support improvements to the environment and facilities, including the canal area; provide excellent sports and leisure facilities; support high quality, accessible health and care services with a focus on wellbeing and encourage tourism and visitors to a thriving and prosperous town.

- 2.4 Chapter 3 then sets out clearly the eight main issues facing the plan makers. These, in summary, are to: ensure adequate provision of community, recreation and sporting facilities; improving access to the town centre and communications; safeguarding views and green spaces; identify housing need and provision; provide for good local education and skills; safeguard tourism and encourage visitors; safeguard the mix of residential and thriving commercial uses; and identify sites for new housing and employment.
- 2.5 This vision and set of issues is then developed around four key objectives, each with a number of sub-objectives (not summarised here): 1. To sustain and diversify the local economy; 2. To secure the long-term future and improvement of leisure facilities serving the town and surrounding area; 3. To increase capacity to deliver a range of housing mix and types, eg bungalows, in order to achieve the housing guideline figure included in Shropshire Local Plan; and 4. To contribute towards the development of an environmental network for the town and surrounding area. These then shape the policies in Chapter 4 of the plan.
- 2.6 The plan contains a number of allocations; some are for housing – which I have concluded are effectively enabling developments – to deliver a marina and the re-provision or replacement recreation space - together with a town centre regeneration site and a number of proposed Local Green Space designations.

Strategic Environmental Assessment and Appropriate Assessment Screening

- 2.7 Under Article 3(3) and 3(4) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC an SEA is required of plans and programmes which “determine the use of small areas at a local level”. The “responsible authority” must determine if the plan is likely to have significant environmental effects. However, from the material in front of me I cannot see if Shropshire Council has so determined whether the plan would or would not require a Strategic Environmental Assessment - there is no Screening Report. I presume they have so determined, as the plan is accompanied by a Strategic Environmental Assessment, dated March 2018, prepared by Data Orchard, consultants to the Town Council. Consultation with the statutory bodies and other stakeholders took place at the Reg 14 stage.
- 2.8 In my view, there are two difficulties presented by the SEA: First, given the range of site-specific allocations in the plan, there is an inadequate site selection process and so no assessments of reasonable alternatives. Instead the SEA proceeds, as is stated in para 8.9, and was explained to me at the hearing, on the basis that there were no effective alternatives so only the planned allocations and policies were assessed. I regard this as a fundamental flaw in the assessment. Second, there is no effective conclusion in the document as to the neighbourhood plan’s likely environmental effects.
- 2.9 The plan is also accompanied by a Habitats Regulations Assessment Screening

Report, dated May 2018, prepared by Shropshire Council. This concludes that the plan will have no adverse effects, either alone or in combination, on the integrity of international sites. It points out that no mitigation was required to screen out the sites it identifies.

Human Rights and European Obligations

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

Plan period

- 2.11 The neighbourhood plan clearly states on the cover that it is to 2026. However, there is no further mention of this in the body of the plan. Notwithstanding this, the implication from the chapter on the development plan context does strongly imply that the neighbourhood plan period is designed to be co-terminus with the plan period of the Core Strategy. To make the connection clear I would have recommended that, at the end of paragraph 2.1, the following text be added: “The Core Strategy plans to 2026, which is the plan period for the neighbourhood plan”.

Excluded development

- 2.12 A neighbourhood plan cannot include policies for excluded development, such as minerals and waste. The marina allocation site falls broadly in an area defined for safeguarding mineral deposits. The plan explains (para 4.14) that *“No study of the area’s use as a source of sand and gravel has been undertaken but this is considered unnecessary in view of its location in relation to the urban area”*. Finally, the plan argues that *“...it is considered that the local significance of the proposed uses outweighs the value of any mineral extraction such that the comprehensive proposal meets one of the exemptions set out in SAMDev Plan Policy MD16.1.iii.”* This criterion provides an exception in the following circumstances:

iii. applications that are in accordance with the development plan and site allocations where the assessment of site options took account of potential mineral sterilisation and determined that prior extraction was not required;

- 2.13 In my view, the key qualifications in the policy do not apply to the proposed marina allocation as the plan admits that no study of potential mineral sterilisation took place nor has there been a determination that “prior extraction” is not required. In these circumstances I conclude that the neighbourhood plan cannot override a minerals policy in the way it has and so the proposed allocation and related policies do involve excluded development. On that basis I have concluded that the plan fails to meet one of the legal requirements.

Consultation process

- 2.14 The plan must be publicised *“... in a manner that is likely to bring it to the attention of the local community.”* Consultation Statement (CS) explains how the plan was prepared and summarises the steps that were taken to survey the plan area, obtain views of residents and to engage with them on the issues. This involved setting up a Steering Group, which until April 2017, included representatives of the three neighbouring parish councils. At that point the Town Council took over the plan’s preparation directly.

- 2.15 The process of consultation included open meetings in a wide variety of venues, a website, direct contact with statutory consultees and landowners, together with stakeholder workshops on specific topics. The CS sets out tables of the various stages of consultation involving stakeholders and an ongoing-process of amendment.
- 2.16 The pre-submission draft was publicised for 6 weeks in September/November 2016. The CS explains how the various responses (including from various organisations) were dealt with and how the plan was amended. Following these changes a revised plan, SEA, together with a draft Basic Conditions Statement and Consultation Statement were drafted by Locality, who were assisting with the plan's preparation. It appears that Shropshire Council were sufficiently aware of the concerns of the three parish councils to hold a meeting in January 2017, involving both officers and members but not the Town Council. While the agenda also involved their desire to prepare a three-parish neighbourhood plan and possible electoral boundary changes (for which there were no plans) the issue of the adequacy of consultation over the Market Drayton neighbourhood plan was discussed. But it is not clear what was fed back to the Town Council to act on.
- 2.17 By April 2017, I understand that the draft plan only allocated the marina site north of the A53 (and no housing), which I understood from the Parish Council's oral evidence at the hearing to be uncontroversial. The three parish councils effectively became consultees from this point with the Steering Group disbanded. However, I understand that they were not formally consulted again on the plan's proposals until May 2018. They were thus unaware that the Town Council decided to amend the plan over the summer to include some housing allocations north of the A53.
- 2.18 A Health Check was undertaken on the (amended) plan in August 2017 (and is included as Section 7 of the CS). It made a variety of helpful suggestions, particularly to improve drafting, as well as highlighting two issues of concern:
- *"...the methodology of site selection and discounting must be more clearly expressed in order to robustly back up the sites included and excluded from the plan"; and*
 - *"The consultation between the parishes prior to and after designation, in preparing the plan, is an area of very significant, fundamental concern."*
- 2.19 The question arises as to what the Town Council did about these two key recommendations. I raised both topics as part of the hearing agenda. As to the site selection process, I did not find any development of a methodology as suggested. I accept that such assessments must be proportionate to the task in hand. Nevertheless, I felt that the Town Council simply carried on in its belief that no further exercise was necessary; in one case, as it was the only site with a willing owner it was considered to be sufficient to conclude on its suitability.
- 2.20 As for consultation with the Parish Councils I conclude that not enough was done to engage them or to address their concerns, certainly in a timely way. The plan proceeded to its submission version in March 2018. Soon after, the three parish councils were invited by the Town Council to a PowerPoint presentation on 19th April 2018, at which they were shown the maps and policy text; but no copies of the plan or any hard copies were left with them. At the hearing the Town Council explained they expected the parish councils to give feedback; whereas, the chair of Norton-in-Hales told me that they thought they were being presented with a fait accompli.

2.21 The Submission version of the plan was submitted to Shropshire Council for consultation and examination on 24th May 2018. At this point only Norton-in-Hales Parish Council objected. Despite the helpful oral evidence I heard from Norton-in-Hales and a former chair of the plan's Steering Group, I am not sure I have a sufficiently adequate picture of the neighbouring parish councils' positions to reach clear conclusions on the adequacy of the designation and consultation processes as they related to them. However, I am left with a significant concern that the issues raised at the Health Check stage were not sufficiently acted upon.

Submission plan - consultation responses

2.22 The submitted plan was open for consultation for six weeks to 24th July 2018. A total of 19 parties² made representations to the submitted plan; parties raising substantive matters included: Historic England, Natural England, Seabridge Developments, Strategic Estates, Gladman, Canal and River Trust, Sport England, United Utilities, Norton-in-Hales Parish Council, Energize STW and some local residents. I have taken all the representations into account in examining the plan, highlighting specific representations where appropriate.

3. The Neighbourhood Plan in its planning and local context

National policies and advice

3.1 The neighbourhood plan must have regard to national policies and advice, contained in guidance issued by the Secretary of State and contribute to the achievement of sustainable development (the first two Basic Conditions). The National Planning Policy Framework³ is concerned with neighbourhood planning:

“The application of the presumption [in favour of sustainable development] will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:

- *“develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; [and]*
- *plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan;”*

3.2 The Framework explains at para 184 that:

“The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area”. And: “Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out on the Local plan or undermine its strategic policies.”

3.4 The Framework's policy on Local Green Space designations is (para 77):

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

² Including Shropshire Council's decision statement.

³ See Footnote 1 as to why the plan is being examined in relation to the 2012 version.

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

3.5 The plan must give sufficient clarity to enable a policy to do the development management job it is intended to do; or to have due regard to Guidance. Paragraph 041 of the Guidance explains that:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.” (Reference ID: 41-041-20140306)

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

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

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

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

The Development Plan - strategic policies

3.7 The neighbourhood plan must be in general conformity with the strategic policies of the development plan. The development plan for the area is the Shropshire Core Strategy (CS, adopted march 2011) and the Shropshire Site Allocations and Management of Development Plan Document (SAMDev, adopted December 2015, runs from 2006-2026). The CS locates the neighbourhood plan in the North East Spatial Zone; the SAMDev groups areas for specific policies into Place Plan areas; Market Drayton is in S11, along with some neighbouring parishes, including Moreton Say, Adderley and Norton-in-Hales.

3.8 The development plan’s strategic policies include:

- CS1 Strategic Approach, which seeks to deliver 275,00 homes to 2026 (9,000 affordable); in NE Shropshire 5,500-6,050 homes and 50-60 ha of employment land;

- CS3 Market Towns and Other Key Centres, which lists Market Drayton as a Community Hub;
- CS5 Countryside and Green Belt
- CS6 Sustainable Design
- CS7 Communications and Transport
- CS8 Facilities, Services and Infrastructure Provision
- CS10 Managed Release of Housing Land
- CS11 Type and Affordability of Housing
- CS13 Economic Development, Enterprise and Employment (and CS14)
- S11.1 Market Drayton Town Development Strategy. Includes planning for 1200 homes and 16ha of employment land
- CS15 Town and Rural Centres. Market Drayton will act as a principal centre, to serve local needs (and see MD10a). Category B Centre: presumption in favour of retail and main town centre uses.
- CS16 Tourism Culture and Leisure Facilities (and MD11)
- CS17 Environmental Networks
- CS20 Strategic Planning for Minerals (and MD16)
- MD1 Scale and Distribution of Development
- MD3
- MD4 Managing Employment Development
- MD8 Infrastructure Provision
- MD9 Protected Employment Areas
- MD12 The Natural Environment
- MD 16 Safeguarding mineral deposits
- NB: The policy text of S11 includes two relevant points:
 2. *New housing development will be delivered through the allocation of greenfield sites together with a windfall allowance which reflects opportunities within the town's development boundary, as shown on the Policies Map. The allocated housing sites are set out in Schedule S11.1a and identified on the Policies Map. Whilst they may be developed independently, they must demonstrate how they work together to deliver a coordinated residential scheme for the town. The infrastructure required to support this includes, appropriate access, which may include a new access off the A53, financial contributions towards the expansion of existing primary school provision and enhancement of the Greenfields Sports facility, including potential relocation of the existing site. And:*
 3. *Further to MD3, the release of further greenfield land for housing will be focussed in the north of the town on sustainable sites adjoining the development boundary, subject to suitable access.*

3.9 The commentary in the NDP on housing explains that of the SAMDev plan requirement of 1200 homes, 431 have been completed, 400 have been allocated and other sites within the development boundary offer further potential for 119 homes;

this total of 950 leaves a shortfall of 250 homes. At the hearing Shropshire explained that the plan, which was only examined in 2014, had an expectation that no new sites were needed to meet the shortfall as a high windfall assumption had been made. Windfalls would be within the Development Boundary and Shropshire Council's opinion at the hearing was that the town boundary on the S11 Inset was a strategic policy.

- 3.10 The development plan is being reviewed and the new Local Plan is at the Preferred Options stage; this indicates 1200 homes will be needed from 20016-2036; thus there is some cross-over between the two plan periods. I was advised that only some 20 completions have occurred since 2016 while commitments stand at 539, leaving some 641 net additional homes to meet the emerging plan's requirement. And Shropshire told me that they considered they had over 6 year's housing supply.
- 3.11 The Town Council explained at the hearing that the housing allocations in the neighbourhood plan were effectively additional to the SAMDev and so would make a significant contribution to the supply of homes beyond its own plan period. Although the plan does not include any housing capacities for the allocated sites I found it helpful to hear indications at the public hearing: Maer Lane (120/150); Greenfields (200 and being within the development boundary, this would be counted as a windfall under the development plan); Longford Road (up to 100); and the marina site (200). In total, this suggests the plan allocations could accommodate some 650 homes within the proposed boundaries. This is planning positively for sustainable development.
- 3.12 In relation to employment, the NDP explains that the development plan plans for 16 ha and so sufficient land is allocated to meet this. As for other land uses, the NDP allocates land for tourism and town centre development. The NDP also plans for a green infrastructure network and proposes Local Green Space designations.

4. Overview

- 4.1 The plan, it seems to me, is effectively doing two main things: i. Securing a marina; and ii. Making provision for an improved main recreation space (on a new site, to replace the existing provision); and both are to be achieved by the means of housing developments to cross-subsidise what would otherwise be uneconomic developments. This is, essentially, an enabling development approach.
- 4.2 While I can see merit in this approach as a concept I have found a number of problems with how the plan has sought to draft polices that will deliver it. The main issues that I have identified include:
- The site selection and assessment process, especially for the allocated housing sites is inadequate (despite this being flagged up by the Health Check);
 - A site assessment process and appraisal of reasonable alternatives is missing for the SEA;
 - The marina site sits on safeguarded mineral deposits which the plan seeks to override, notwithstanding the qualifications in the relevant development plan policy (minerals comprises excluded development);
 - The flood risk issues with one housing allocation is not resolved;
 - There is no robust or proportionate evidence to enable a judgment as to the deliverability of the sites, let alone their viability and ability to cross-subsidise the

developments they are supposed to be enabling; and

- The housing sites on the north site of the A53 lie in parishes where the process of consultation has been, in my view, inadequate (despite being an “*area of very significant, fundamental concern*” in the Health Check).

- 4.3 The plan can, however, be regarded as planning positively and making a positive contribution to sustainable development – see 4.30, for example, that “... *this further housing land is additional to the [development plan] guideline figure and brought forward to support other policies in both the SAMDev Plan and this Neighbourhood Plan*”. Paragraph 4.51 makes a similar point.
- 4.4 The lack of support for the plan by a neighbouring parish: In the context of the designation and consultation process, I found this to be a significant issue that remained unresolved.
- 4.5 I have found that the proposed designations of Local Green Space sites fail to provide adequate evidence of a robust site selection process; nor do they meet the criteria in the Framework. The designations thus fail the Basic Conditions and so I do not support these designations, which I explain more fully later.
- 4.6 Taking all these problems together it is my view that the plan cannot proceed to referendum. It simply fails the Basic Conditions on too many counts as well as failing the legal requirement to avoid excluded development (minerals in this case). The unresolved concerns regarding the consultation process with the adjoining parishes are also an issue.
- 4.7 However, the plan has laudable aims and objectives in relation to the matters it addresses, so it may be of help if I make further observations on the individual policies, which could assist in the framing of a new plan. Any new plan, of course, must adequately address the concerns of the neighbouring parishes.
- 4.8 Finally, some of the mapping is illegible or at too small a scale. In particular, the various sites that make up the green infrastructure network need separate maps to identify them. The plan would benefit from a single composite map that encompasses all the various allocations and designations, possibly coupled with the development plan designations, which they are designed to complement. Indeed, the allocations north of the A53 make more sense when seen in the context of the SAMDev allocations (though that alone is not sufficient justification for them).

5. Proposed marina and associated development

- 5.1 **Policy MDNDP1** is a complex policy which, together with **MDNDP2** (dealing with its constraints; with both shown on Map 1), sets out the scope for the promotion of a marina with its enabling (mainly) housing development. As the two policies are to be read together for delivery of this project, they could be combined into a simpler presentation of points, with a more clearly structured set of criteria. A significant issue, raised in some representations (in reference to MDNDP1 point 5), is the degree to which this site should include housing – given the need for cross-subsidy. If housing remains included – given that other housing sites are also linked to the delivery of the marina – then it would be most helpful to indicate how many homes are involved, which will no doubt be linked to proving its viability.
- 5.2 The supporting text (4.7-4.10) describes the site selection process, which given the engineering requirements of a marina, may well have few alternatives. Nevertheless,

the policy is not supported by a technical assessment of the site's various landscape, ecology, water resource and other characteristics and it is not clear on why the specific extent of the site (its boundaries) was chosen. There is no masterplan, for example to justify it. Nor are the concerns expressed in the Health Check about the process – which should cover the exclusion of potential sites – resolved.

- 5.3 To meet the Basic Conditions this pair of polices need to be justified by robust and proportionate evidence as to the suitability, deliverability (essentially viability) and availability of the proposal, which is in turn linked to the Maer Lane site (MDNDP4), see below). While all three sites are the subject of a Promotion Agreement with a developer, who gave oral evidence of their support at the hearing, nevertheless, no viability or other evidence was presented and it is clear that the promotion of these sites is at a very early stage.
- 5.4 The Canals and River Trust point out that while they are supportive of the concept of a marina here the steps for engaging formally with their processes have not yet begun. They cannot therefore comment on the availability of water resources or the impact a marina might have on environmental assets and policies away from the proposed allocation.
- 5.5 Overall, I concluded that the evidence remains insufficient to support the allocations, which remain aspirational. Ultimately the allocations fail on too many points: not resolving the safeguarded minerals issue (as explained earlier), an inadequate site selection and assessment process, lack of viability evidence and insufficient evidence of deliverability. The neighbouring parish council concerns about the enabling housing allocations are not resolved.

6. Provision for recreation

- 6.1 **Policy MDNDP3** supports development of a site at Longford Turning for formal and informal recreation. Essentially, this is designed to be a replacement for the current recreation ground at Greenfields, to the south of the town.
- 6.2 I found little evidence of a robust site selection and assessment process. The fact that this was the only site with a willing landowner is not, in my view, a sufficient reason to avoid a rational site selection, appraisal or assessment process. A number of representations also criticized the location as less conveniently situated; and I found conflicting evidence as to the advantages and disadvantages of the Greenfields site. These need to be resolved.
- 6.3 The policy itself suggests some uncertainty as to the extent of the allocated site required to provide the desired facilities. This may be because the list of features (and the limited justification in the supporting text) reads more like a set of aspirations rather than a set of objectively defined needs. In short, it needs a far tighter set of criteria, that relate to real needs. And a masterplan would undoubtedly help.
- 6.4 The delivery of this project is dependent on a cross-subsidy from housing development. Given the direct link it would be far clearer if the enabling developments' policies and justification were either combined or were linked and stood alongside each other.

7. Additional housing sites

- 7.1 **Policy MDNDP4** allocates land at Maer Lane (and shown on Map 3) to help deliver the marina development. The allocation is on two parcels, separated by a road. I repeat my concerns over the site selection process, which lacks robustness, as does the extent of the sites needed for housing. And the supporting text (4.24) confusingly suggests that “.. *the sites would be appropriate for at least an element of housing...*”.
- 7.2 I can find no evidence for these sites to viably support the marina development; or the extent to which it can be delivered that would fulfill the criteria set out in the policy, notwithstanding the support from the developer who has only recently entered into a Promotion Agreement. The site’s flood risk, raised by representations, is not resolved.
- 7.3 **Policy MDNDP5** supports housing development at Greenfields (shown on Map 5), to effectively support delivery of the new facilities on a suitable alternative site. It is not directly related to the planned new facilities at Longford Turning. However, it does seek to secure the relocation of existing facilities and so the relationship of this policy to MDNDP3 is unclear.
- 7.4 The policy also seeks the development of the site to secure a range of requirements, including pedestrian access to the town centre and enhancement of the adjacent green corridor, with no real justification. The evidence for such requirements needs to be reviewed to ensure they do not place an undue burden on the deliverability of the development.
- 7.5 **Policy MDNDP6** supports the development of sites off Longford Road for housing, as shown on Map 4. This shows two parcels, one “carved out” of the Recreation Site allocation (and enveloping some existing housing) and a larger plot, separated by the road and reaching to the A53. The purpose of these allocations is to “...*assist the delivery of the formal and informal recreation proposal advanced under Policy MDNDP3...*”. The difficulty is that it is far from clear how it will do this.
- 7.6 Similar issues as with the other housing allocations appear here: the site selection process, to demonstrate suitability; a robust assessment; the justification for the extent of the sites selected; and the deliverability of the policy all remain unresolved.
- 7.7 The unresolved issues over consultation with the neighbouring parishes remain a significant concern.

8. Open Space and Green Infrastructure Network

- 8.1 **Policy MDNDP7** seeks the protection, management and planning for existing and new green infrastructure. The network is shown on Map 6 – though erroneously titled as referring to MDNDP9 – apart from site 13, which is the subject of a separate policy and identified on map 9; and the sites listed at paragraph 4.38 are not cross-referenced in the policy. I found Map 6 at too small a scale to identify the sites and so requested a more legible copy and also maps of each individual site.
- 8.2 The drafting of the policy would be clearer for development management purposes by some slight modifications, such as: replacing the word “achieved” by “supported” in the opening sentence; deletion of the word “would” in the second line of para 2; and the re-phrasing of para 4 by making it less of a blanket policy. Also the list at para 4.38 – less site 13, which has its own policy – should be cross referenced in the

policy and have each site map located in an appendix; and Map 6 should be accurately titled.

9. Regeneration and enhancement projects

- 9.1 This section of the plan relates to three sites, one a town centre site and the other two green spaces, which are also proposed to be designated as Local Green Space.
- 9.2 **Policy MDNDP8** is a town centre site, which involves land to the rear of the former Red Lion Public House. It is brownfield land, which includes a large spanned industrial building at its northern end. The policy seeks its regeneration through a mixed business and residential development, and which also seeks to secure a range of improvements. Without evidence to demonstrate it is not clear whether the various parts of the proposal constitute onerous requirements. I would recommend they be reviewed.
- 9.3 **Policy MDNDP9** concerns the enhancement of the former railway cutting south of Greenfields – shown on Map 8 - and seeks to designate it as Local Green Space. In my view it would be clearer if the drafting distinguished between the two, as designation as Local Green Space is a distinct proposal.
- 9.4 The supporting text explains why the plan seeks the desired enhancements to the site but is not supported by evidence as to why it should be designated as Local Green Space. Indeed, the criteria in the Framework are not even mentioned. Accordingly, I would have recommend that the proposed designation be deleted.
- 9.5 **Policy MDNDP10** seeks the enhancement of land to the south of the town swimming pool – as shown on Map 9 - and its designation as Local Green Space. Again, in my view the enhancements and designation should be split. The policy supports intensification of the site in certain circumstances, which are set out. The supporting text seeks to explain and justify these criteria. However, as before, the supporting text explains the reasons for the desired enhancements but does not contain any robust or proportionate evidence to support the Local Green Space designation in terms of the Framework. I would have recommended deletion of the proposed designation.

10 Delivery and monitoring

- 10.1 The final short section of the plan (Chapter 5) is concerned with implementing the plan and monitoring its delivery. The Town Council seeks a partnership approach; though the mechanisms to bring the sites forward are yet to be established.
- 10.2 Finally, paras 5.2/3 deal with Monitoring and Review. The intention is to review on a five-year cycle.

11 Referendum Area

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

“It may be appropriate to extend the referendum area beyond the neighbourhood area, for example where the scale or nature of the proposals in the draft

neighbourhood plan or Order are such that they will have a substantial, direct and demonstrable impact beyond the neighbourhood area.”

- 11.2 There are development site allocations in the neighbouring parishes, which are controversial. While there are few immediate neighbours in this part of the plan area (ie the areas that extend beyond the Town Council’s boundary), in my view the nature and scale of what the plan proposes would *have a substantial, direct and demonstrable impact beyond the neighbourhood area*. I would therefore have recommended that the Referendum Area be extended beyond the designated neighbourhood area.
- 11.3 Both the Town Council and Shropshire Council proposed at the hearing that the area should be the same as the designated area, notwithstanding this does not correspond to voting areas, as the Council’s electoral team can handle this. Norton-in-Hales preferred the referendum area be extended to the whole of their parish and felt that at least the nearest ward (Betton) should be included.
- 11.4 Overall, I have concluded that if the plan went forward to referendum, the referendum area should be extended to include parts of all of the neighbouring parishes. Given the extensive rural areas I have concluded that the southern wards of the three parishes of Adderley, Moreton Say and Norton-in-Hales should be included.

12 Conclusions and recommendations

- 12.1 I can see that the Town Council volunteers have put in a great deal of hard work into the preparation and submission of the plan and the supporting documents. The plan is well presented and clear. The plan seeks to represent the local community’s aspirations, which it does well. Where it has not succeeded so well is in the ways I have identified earlier, especially evidential support for the main policies, the lack of a site selection and assessment process, an inadequate SEA and poor consultation with the neighbouring parishes.
- 12.2 Consequently, many of the policies fail the Basic Conditions and, in the case of the marina, the plan fails a legal requirement as it affects excluded development.
- 12.3 The inadequacies in the consultation process with the neighbouring parishes has resulted in a particular difficulty for me in coming to a conclusion on the adequacy of plan’s consultation process, especially as so much of the delivery of its main objectives is dependent on sites that are allocated within other parishes. In any future plan the process must be robust and engage with the neighbouring parishes fully.
- 12.4 Overall, from my examination of the submitted Neighbourhood Plan, together with the supporting documents, including having regard to all the representations made, I have concluded that the making of the plan will NOT meet the Basic Conditions and that the legal requirements will not be met either. I have set out my conclusions, drawn from the findings in my report, in the Summary, on page 3.
- 12.5 In summary, I **recommend** that the Market Drayton Neighbourhood Development Plan should NOT proceed to referendum.
- 12.6 I **recommend** that if the plan does proceed to referendum then the Referendum Area should be extended beyond the designated neighbourhood area to include the southern wards of the three parishes of Adderley, Moreton Say and Norton-in-Hales.

12.7 Finally, my thanks to both Councils for setting up the public hearing and for their support during the examination.

John Parmiter FRICS FRSA MRTPI

Independent Examiner

john@johnparmiter.com

www.johnparmiter.com

30 October 2018