

PONTESBURY NEIGHBOURHOOD PLAN

Report to Shropshire Council of the Independent Examination

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1. Executive Summary

1. I was appointed by Shropshire Council with the support of Pontesbury Parish Council to carry out the independent examination of the Pontesbury Neighbourhood Plan.

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

3. I consider the Plan to be an adequate expression of the community's views and ambitions for Pontesbury. It is based on an effective programme of public consultation which has informed a Vision to 2038. This is to be achieved through a set of 16 objectives structured into five themes and 16 planning policies largely dealing with matters distinct to the locality. The Plan is supported by a Consultation Statement and Basic Conditions Statement and Strategic Environmental Assessment and Habitats Regulations Assessment screening reports. There is supporting evidence provided and there is evidence of community support and the involvement of the local planning authority.

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

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

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

2. Introduction

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

8. I was appointed as the independent examiner of the Pontesbury Neighbourhood Plan by Shropshire Council with the agreement of Pontesbury Parish Council.

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

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

11. As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended). To comply with the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations, including the Conservation of Habitats and Species Regulations 2017.

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

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

- the submitted Pontesbury Neighbourhood Plan
- the Basic Conditions Statement
- the Consultation Statement
- the Strategic Environmental and Habitats Regulations Assessment screening reports
- the relevant parts of the development plan comprising the Shropshire Core Strategy (2006-2026) and Shropshire Site Allocations and Management of Development (SAMDev) Plan (2006-2026)
- representations made on the submitted neighbourhood plan
- relevant material held on the Pontesbury Parish Council and Shropshire Council websites
- National Planning Policy Framework (2021)
- Planning Practice Guidance
- relevant Ministerial Statements

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

15. No representations were received requesting a public hearing and having considered the documents provided and the representations on the submitted Plan I was satisfied that

the examination could be undertaken by written representations without the need for a hearing.

16. I carried out an unaccompanied visit to the Neighbourhood Area on a weekday during March. I visited the main locations addressed in the Plan, including the Local Green Spaces, Amenity Views, settlement gaps, and a majority of the community amenities. I also visited Pontesbury, Cruckton Hall and Malehurst Industrial Estate along with a selection of routes through the surrounding countryside and part of Earl's Hill Nature Reserve.

17. Throughout this report my recommended modifications are bulleted. Where modifications to policies are recommended they are highlighted in **bold** print with new wording in "speech marks". Existing wording is in "*italics*". Other modifications, including to the supporting text, are also recommended and these are not in bold. The recommended modifications are numbered from M1 and are necessary for the Plan to meet the Basic Conditions. A number of modifications are not essential for the Plan to meet the Basic Conditions and these are indicated by [square brackets]. These optional modifications are numbered from OM1. Some changes will also be needed to the supporting text and documents consequential to the modifications. These should be agreed between Shropshire Council and Pontesbury Parish Council.

18. Producing the Pontesbury Neighbourhood Plan has clearly involved significant effort over many years led by the Steering Group. The process began in 2016 and is informed by significant community involvement. There is evidence of collaboration with Shropshire Council and continuing this will be important in ensuring implementation of the Plan. The commitment of all those who have worked so hard over such a long period of time to prepare the Plan is to be commended and I would like to thank all those at Pontesbury Parish Council and Shropshire Council who have supported this examination process.

3. Compliance with matters other than the Basic Conditions

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

Qualifying body

20. The neighbourhood plan has been prepared by a suitable Qualifying Body – Pontesbury Parish Council – which being a parish council is the only organisation capable of producing a neighbourhood plan for the area.

Neighbourhood Area

21. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area which was designated by Shropshire Council on 1 March 2017.

22. The boundary of the neighbourhood area is shown in Figure 2. This is a relatively crude map presented at a small scale from which it is not possible to determine the exact boundary of the designated area. As a minimum a link to a larger scale map depicting the boundary online is needed.

- M1 – Provide access to a large scale map enabling the detailed boundary of the neighbourhood area to be viewed.

Land use issues

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

Plan period

24. The period of the neighbourhood plan runs from 2016 to 2038. The period is shown on the Plan cover and is consistent with the Vision.

Excluded development

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

4. Consultation

26. I have reviewed the Consultation Statement and relevant information provided on the Pontesbury Neighbourhood Plan website. It provides a clear record of the consultation process that has been undertaken since the prospect of a neighbourhood plan was first raised in 2016. This was guided by a Steering Group including both parish councillors and other members of the local community.

27. A number of different engagement methods have been used, including a dedicated website in addition to information carried on the parish council website, public meetings, drop-in events, social media, questionnaires, banners, noticeboards, local press and attendance at the local agricultural show, church fete and Gardeners' show. The parish newsletter is delivered to almost every household and has been used as a means to provide regular information.

28. Participation levels have been good, including nearly 400 responses to an initial questionnaire. A more detail questionnaire was sent to every household and resulted in 330 responses – a 24% response rate. There is evidence that the responses have actively shaped the Plan. Shropshire Council has been involved from the beginning and engaged with the emerging Plan before formal consultation on the draft.

29. The Plan was subject to Regulation 14 consultation between 1 March and 26 April 2022. A summary plan was provided to every household via the parish newsletter and a drop-in session was held. The Plan received over 130 responses from 60 respondents and an additional 10 statutory consultees. There is evidence of the consultation including the required statutory and other consultees. Physical copies of the Plan were made available.

30. A summary of the main issues raised is provided in the Consultation Statement and there is evidence of changes being made to the Plan.

31. Eight separate representations have been made on the submitted Plan from statutory bodies and consultees. All the representations have been considered as part of the examination and are addressed as appropriate in this report.

32. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan. The Plan has been subject to appropriate public consultation at different stages in its development. Participation rates have been good and appropriate opportunities to shape the Plan as it has developed have been provided.

5. General comments on the Plan's presentation

Vision and Objectives

33. The Plan includes a Vision Statement for Pontesbury in 2038. This presents a positive ambition for change and reflects the feedback received through consultation. It is consistent with the objectives and policies in the Plan. The overall approach focuses on retaining the area's character while improving employment opportunities, leisure and community infrastructure. Adequate affordable housing is provided to meet emerging needs. The Vision is consistent with sustainable development and this is complemented by the Plan's objectives.

Other issues

34. The Plan is clearly structured and has a broadly consistent format. The Policies are clearly identified by boxes and generally supported by evidence although there are issues which I address in relation to individual policies. The evidence base is intended to be available on the neighbourhood plan website but this is incomplete and many of the documents referenced lack bibliographic details or links which means the origin of some evidence is unclear.

35. The Plan includes a number of maps which relate to specific policies. These use a variety of base maps and there are instances in relation to individual policies where they do not provide the necessary clarity due to the scale or quality of the base map. In these cases an enlarged version and/or link to one online would be helpful and there are instances where the base map itself is not adequate. I address this in my assessment of relevant policies. It would be helpful if all maps had a scale bar.

36. The Plan's policies are not presented using a consistent approach. In some all paragraphs are numbered, including where there is only a single paragraph (e.g. Policy LAN5) but others are not numbered (e.g. Policy GRE1) or only sub-points are numbered (e.g. Policy EMP1). There is inconsistent use of bullets and letters. It would aid clarity of the Plan to adopt a consistent approach. It is unclear why the title of every policy is in brackets and punctuated with a colon. In some instances where I recommend changes to the title of

policies consideration will need to be given to the drafting of the Plan's objectives where this matches the title of a policy.

37. The titles of the main sections are not always consistent with those used in the Contents (including capitalisation) (e.g. sections 7 and 20). None of the titles of the Figures is consistent with those used in the Contents and a majority have incorrect page numbers. The Figure on page 11 is referenced in the text but is not numbered or identified in the Contents. There are also inconsistencies in the titles of the Appendices and those used in the Contents.

38. Some sections of the supporting text are written in relation to a draft Plan (e.g. paragraphs 2.2-3.3). This text will need to be updated if the Plan proceeds to Referendum and then being made. The Plan will also need to reflect the most up to date version of the National Planning Policy Framework (e.g. paragraph 10.3) and Local Plan (currently at Examination). It is also clear that the Plan process has not been paused in relation to the Local Plan review (paragraph 10.9).

- OM1 – [Address the detailed issues relating to the Plan's presentation and evidence base identified in this section]

6. Compliance with the Basic Conditions

National planning policy

39. The Plan is required to “*have regard*” to national planning policies and advice. This is addressed in the Basic Conditions Statement which relates each of the Plan’s policies and objectives to the National Planning Policy Framework (NPPF).

40. The Basic Conditions Statement includes a table that relates each of the Plan’s objectives policies to relevant goals of the NPPF and an assertion that this demonstrates the Plan “*has regard to relevant policies*”. Each Policy is then related to relevant paragraphs in the NPPF and a short commentary provided. No instances of conflict are identified and the conclusion is that the assessment shows how each policy “*conforms specifically to the NPPF*”.

41. I address some issues with regard to national planning policy in my consideration of individual policies and recommend some modifications. These include areas where the drafting of the Plan’s policies needs to be amended in order to meet the NPPF’s principles regarding the clarity of policies, the need for policies to be positively worded and to serve a clear purpose and the need to avoid duplication. I also address the requirement expressed in national planning policy and Planning Practice Guidance that “*A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.*” (NPPG Paragraph: 041 Reference ID: 41-041-20140306). The Plan’s policies do not always meet these requirements and a number of recommended modifications are made as a result.

42. Generally, I agree with the Basic Conditions Statement and conclude that the Plan has regard to national planning policy and guidance but there are exceptions as set out in my comments below. These include the need for some policies to be more clearly expressed and/or evidenced, for policies to be positively worded and avoid being overly

restrictive, for policies to serve a clear purpose and for duplication with other planning policies or the NPPF to be avoided.

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

Sustainable development

44. The Plan must *“contribute to the achievement of sustainable development”*. This is addressed in the Basic Conditions Statement by relating relevant Plan objectives and policies to each of the three pillars of sustainable development in the NPPF. A short commentary is provided. The assessment omits Policy MOV2 relating to parking but this does not raise any unusual issues. I share the overall assessment that the Plan contributes to the different dimensions of sustainable development and that the Plan meets this Basic Condition.

Development plan

45. The Plan must be *“in general conformity with the strategic policies of the development plan”*. The Basic Conditions Statement addresses this by relating each of the Plan’s policies to relevant policies in the emerging Local Plan. This is on the basis that the *“current development plan is now out of date”*. While it is desirable for the Plan to address an emerging Local Plan, the Basic Condition relates to the development plan currently in force. On request I was provided with a comparable assessment with the current development plan and this raises no issues around general conformity.

46. Shropshire Council has raised no questions about the Plan’s general conformity with the strategic policies of the development plan and on request I was informed *“the Council does consider the submitted Neighbourhood Plan is in general conformity with the current and emerging Development Plan for the area”*.

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

Strategic Environmental Assessment

48. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects. A screening assessment was published in August 2022 which concluded that *“none of the proposed policies within the draft Pontesbury Neighbourhood Development Plan has the potential to have a significant effect on the natural environment. The draft Pontesbury Neighbourhood Development Plan can be ‘screened out’ of the Strategic Environment Assessment process”*. Unusually there was no separate consultation with the statutory conservation bodies on the screening although they were consulted on the submitted Plan. Natural England’s view is that *“there are unlikely to be significant environmental effects”* from the Plan. Historic England offered no comments beyond its support at the earlier stage of public consultation on the Plan and the Environment Agency has made no response and has expressed no objections to the Plan. Given these views I am satisfied the consultation with the statutory conservation bodies has been adequate.

49. I am satisfied by the screening assessment and conclude that the Plan meets this Basic Condition.

Habitats Regulations Assessment

50. The Plan must be informed by a Habitats Regulations Assessment if it is likely to lead to significant negative effects on protected European sites. A screening assessment was published in August 2022. No relevant sites lie within 20km of the neighbourhood area. The assessment concludes that *“there is no likely significant effect on any European Site as a result of the policies”* and the Plan is *“screened out”*. Natural England states that the Plan would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore no further assessment work is required.

51. I am satisfied with the screening assessment and conclude that the Plan meets this Basic Condition.

Other European obligations

52. The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations. The Basic Conditions Statement states this is the case.

53. No contrary evidence to the Plan meeting this Basic Condition has been presented and there is evidence of changes being made to the Plan during its preparation. I conclude that there has been adequate opportunity for those with an interest in the Plan to make their views known and representations have been handled in an appropriate manner with changes made to the Plan.

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

7. Detailed comments on the Plan policies

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

Community Amenities

56. **Policy COM1** – This supports enhancement and protects against loss of an identified set of community amenities and supports proposals for new facilities in appropriate locations.

57. The Policy is supported by Table 1 which lists 33 "*community amenities*" ranging from a named industrial estate and car park to a general category of hair dressers. There is evidence of public support for the approach in consultation on the Plan.

58. The Policy relates variously to "*amenities*", "*facilities*" and "*services*" and there is a lack of any clear definition of its scope. This extends to the variety of amenities included in Table 1 and the lack of evidence for how these were identified. The draft Shropshire Local Plan Policy SP6 and SP10 identify "*community facilities and services*" as including "*local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship*". This is consistent with Policy CS8 in the current Core Strategy which identifies community facilities and services as including "*schools, pubs, village shops, post offices, village halls, community centres, cultural and youth facilities, police and emergency services, health care, highways, pedestrian and cycling facilities, public transport and environmental infrastructure such as open space and green infrastructure, sport and recreational provision*". I recommend consistent use of "*facilities and services*" rather than "*amenities*" to provide a consistent approach in the development plan.

59. There is merit in the Plan providing more local detail on what comprises community facilities and services in the neighbourhood area. The lack of an additional evidence base

means, however, that this should not extend beyond the scope of that already identified in the current and emerging Local Plan. It is, additionally, not appropriate to directly reference specific facilities and services in the Policy and Table 1 should serve to provide relevant examples.

60. Malehurst Industrial Estate does not fall into the category of a community facility or service and should not be included. I note that Rea Valley Business Park is not included but that Table 1 identifies specific businesses within it and consider this to be the appropriate approach. There is also a lack of clarity over the location or identity of some of the services identified in Table 1 – e.g. “*Wynstay Farmers*” is intended to relate to “*Wynstay Stores*” – and I recommend that addresses are provided and, ideally, the locations are shown on a map. On request I was provided with an appropriate map and locational details.

61. As drafted the Policy would support replacement facilities or services on a different site which do not provide equal or greater benefits to the community which is not the intention.

62. The last part of the Policy overlaps significantly with emerging Local Plan Policy SP6 but given it is enabling in its approach and the Local Plan has yet to be adopted I am satisfied it does not duplicate existing policy.

63. Policy COM1 does not meet the Basic Conditions.

- M2 – Be consistent in using “community facilities and services” throughout the Plan, including headings, titles, policies and the supporting text

- **M3 – Amend Policy COM1 to:**
 - **Replace “*Amenities*” with “*Facilities and Services*” in the title**
 - **Replace “*amenities*” with “*facilities and services*” in two instances**
 - **Insert “or service” after “*facility*” in the seventh line**
 - **Insert “and services” after “*facilities*” in the fifth and penultimate lines**
 - **Delete the first line**

- **Replace “or” with “and” at the end of the fourth line**
- M4 – Amend Table 1 and the supporting text to:
 - Replace “*Amenities*” with “Facilities and Services” in the title and heading
 - Delete “*Malehurst Industrial Estate*”
 - Use correct names for the identified facilities and services in all instances
 - Reference that Table 1 provides examples of the community facilities and services addressed by Policy COM1 which can be found within the neighbourhood area/parish
- OM2 – [Provide addresses for all the facilities and services included in Table 1 and identify them on a map(s)]

Landscape and Local Character

64. **Policy LAN1** – This supports development outside the Pontesbury village development boundary which maintains or enhances landscape character and requires development proposals likely to have a significant impact on landscape character to demonstrate how this has been addressed.

65. The Policy references a “*Landscape Character Statement*” which in turn draws on Shropshire Council’s landscape character assessment but which is neither included in the Plan nor linked to a reference. On request I was informed this was a reference to Parts 4 and 5 of the Plan which describes the built and landscape character of the area in relatively general terms. I recommend that the reference is deleted from the Policy and addressed in the supporting text.

66. The “*development boundary*” is identified in Figure 4 and for clarity this should be included in the Policy. Figure 4 shows the boundary proposed in the emerging Local Plan. This has been extended to include sites allocated for development. Given the importance of neighbourhood plans aligning with emerging Local Plans I consider this to be a pragmatic approach as the amendment is not a matter of major debate at the Local Plan Examination.

Should the Plan proceed then the development boundary in Figure 4 should align with the most recent version in the emerging (or by then adopted) Local Plan.

67. The Policy duplicates emerging Local Plan policy by referencing Policy SP10. This is not consistent with national planning policy that development plan policies should “*serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area*” (paragraph 16, NPPF). The second part of the policy references the “*Plan area*” when it is the “*neighbourhood area*” that is designated by Shropshire Council.

68. The supporting text is written in an abbreviated form and the purpose of paragraph 16.8 which simply names an unreferenced document is unclear.

69. Policy LAN1 does not meet the Basic Conditions.

- **M5 – Amend Policy LAN1 to:**
 - **Replace “*if it meets the requirements of SP10 in the revised Local Plan (Managing Development in the Countryside and*” with “*which*”**
 - **Delete “*as expressed in the Landscape Character Statement*”**
 - **Insert “(Figure 4)” after “*boundary*”**
 - **Insert a reference in brackets after “*Statement*”**
 - **Replace “*Neighbourhood Plan*” with “*neighbourhood*”**

- **OM3 – [Provide supporting text in paragraph 16.3-16.11 which more clearly explains the evidence and justification for the Policy]**

70. **Policy LAN2** – This supports development which addresses a range of policy criteria related to heritage considerations.

71. The structure of the Policy is inconsistent with, for example, Policy LAN1. The numbered paragraphs in Policy LAN2 identify different criteria and in Policy LAN1 identify different arms of the Policy. The drafting of the criteria needs to be amended to relate them to the opening line. There is also inconsistent use of bold text.

72. The first and last part of the Policy duplicates national, existing development plan and future development plan policy, including Section 16, NPPF; Local Plan Policies CS17 and MD13 and emerging Local Plan Policy DP23. There is further duplication in the reference to Policy SP10.

73. The reference to “*isolated spots*” lacks clarity and would more appropriately address accessibility.

74. Policy LAN2 does not meet the Basic Conditions.

- **M6 – Replace Policy LAN2 with:**

“Development will be supported which:

- a. **involves the residential conversion with minimum alteration or rebuilding of heritage assets in accessible locations close to services and facilities**

- b. **involves development in or adjacent to Cruckton village which respects the historic environment associated with Cruckton Hall, including:**

- **the existing Home Farm boundary walls, trees and road alignment**
- **the linear shape of the village and pattern of footpaths**

and, where appropriate, uses designs which draw inspiration from the six County Council small holdings set up after the break-up of the Cruckton Hall Estate.”

75. **Policy LAN3** – This supports development which conserves and enhances the two Conservation Areas.

76. The Policy duplicates national and development plan policy in respect of designated heritage assets, including paragraph 199ff, NPPF; Local Plan policies CS6 and MD13 and emerging Local Plan Policy DP23. It does not “*serve a clear purpose*” (paragraph 16, NPPF) and should be deleted. There is no additional local information not already addressed in existing planning policy as existing policy requires consideration of the Conservation Area character appraisals.

77. Policy LAN3 does not meet the Basic Conditions.

- **M7 – Delete Policy LAN3**

78. **Policy LAN4** – This identifies six highly valued amenity views within which development which safeguards key features will be supported.

79. The Policy is supported by Appendix A comprising a map locating each view with a red dot and a summary of each view which locates it by Grid Reference and description, lists relevant key features and provides a panoramic photograph.

80. The Policy is positively worded and consistent with emerging Local Plan Policy DP17. There is evidence of community support for the approach.

81. The neighbourhood area benefits from many fine views and the Policy focuses on those with particularly easy access. There will be other views which can be addressed by reference to the Local Plan if development proposals come forward which impact on them.

82. I visited each of the identified views and share the assessment that they are significant and that relevant “*key features*” are identified. There is a lack of clarity as to the field of view from each location given these are identified only by dots and the direction of the view is only described in View 4. I recommend that this is addressed by indicating the general direction of each view and on request I was provided with this information.

83. There is an error in referencing View 5 as being on “*Glove Lane*” instead of “*Grove Lane*” in Appendix 5 and a misspelling of Breidden Hills in View 3. For View 3 it is unclear from which direction the reference to its location being “*20m before the stile*” refers.

84. Policy LAN4 does not meet the Basic Conditions.

- **M8 – Amend Policy LAN4 to replace “are identified on map at” with “and their key features are identified in”**

- M9 – In Annex A:
 - Replace the first line with “The following map locates the amenity views and the following photographs illustrate their extent.”
 - For each view indicate the ordinal point which most closely associates with the centre of the panoramic photograph

85. **Policy LAN5** – This does not support development resulting in the coalescence of settlements in two locations.

86. The Policy is supported by maps in Appendix B identifying specific shaded areas “where settlements would encroach on one another if the settlements were to increase in size”. The base maps are out of date with a significant area of new development west of Hanwood not shown despite being referenced in the supporting text. There is no information provided on how the shaded areas have been identified and on request I was not provided with any substantial further evidence for the shaded areas defining where development would result in coalescence. I do not consider the approach to be sufficiently robust to support identifying specific locations where development will not be supported. As a consequence I recommend deleting the areas shaded in Appendix B.

87. The Policy takes an inconsistent approach to defining its objective. Avoiding encroachment, ensuring separate settlement identity, maintaining gaps, avoiding coalescence, and keeping physical separation are all referenced and while there is a consistent general intent these can each be interpreted differently. On request I was informed the policy is intended to avoid coalescence

88. There is evidence of support for the approach through public consultation. Given Minsterley’s location outside the neighbourhood area I sought clarification as to the views of Minsterley Parish Council and was informed it is supportive.

89. The Policy is negatively worded in stating what “*will not be supported*” and lacks robust evidence justifying such an approach in specific locations. I recommend modifying the Policy to provide more general support for avoiding coalescence.

90. Policy LAN5 does not meet the Basic Conditions.

- **M10 – Replace Policy LAN5 with:**

- **“Policy LAN5 Avoiding coalescence of settlements**

- **Development proposals should protect the separate identity of and contribute to maintaining the gaps between the settlements of Cruckmeole and Hanwood and Pontesbury and Minsterley (Appendix B).”**

- M11 – Amend Appendix B to:

- Remove the brown shaded areas
 - Provide up to date base maps
 - Delete the three lines of text at the bottom of age B-1

91. **Policy LAN6** – This supports development along the A488 which is consistent with Local Plan policies for development in the countryside and maintains or enhances landscape character.

92. There is evidence of strong community support for the protection of the countryside and views, including along the road and the overall intention of the Policy is to avoid ribbon development.

93. The reference to Policy SP10 in the emerging Local Plan serves no clear purpose by repeating other planning policy and the Examination into the revised Local Plan has not been completed.

94. Policy LAN6 does not meet the Basic Conditions.

- **M12 – Amend Policy LAN6 to delete “Proposed” and replace from “will” to “enhances” with “should maintain or enhance”**

Housing and Design

95. **Policy HOU1** – This identifies a range of design considerations to be addressed by new development in Pontesbury Village, including the Character of Pontesbury village statement.

96. The Policy is positively worded and there is evidence of community support for high quality design.

97. The Policy is limited to development in Pontesbury village despite the general title. This should be clarified by referencing the map showing the development boundary to provide necessary certainty to applicants.

98. The Policy references the “*Character of Pontesbury Village statement*”. No further information on this statement, its contents or where it can be located is provided. It is not available in the evidence base provided online. On request I was informed this was a reference to Parts 4 and 5 of the Plan which describes the built and landscape character of the area in relatively general terms and look beyond Pontesbury village. I recommend that the reference is deleted from the Policy and the analysis from elsewhere in the Plan is addressed in the supporting text.

99. I recommend some minor rewording of the detailed considerations to address syntax issues and confirm that all considerations apply. The final consideration relating to the naming of new developments is not a planning consideration.

100. Policy HOU1 does not meet the Basic Conditions.

- **M13 – Amend Policy HOU1 to:**
 - **Insert “in Pontesbury village” at the end of the title**

- **Replace “*New development in Pontesbury Village*” with “New development within the boundary of Pontesbury Village (Figure 4)”**
- **Delete “*as expressed in the Character of Pontesbury Village statement*”**
- **Replace the penultimate bullet with “Maintaining a village feel by breaking down larger scale development into distinct areas and including a focal point, such as a green, where appropriate”**
- **Insert “; and” at the end of the penultimate bullet**
- **Delete the final bullet**

101. **Policy HOU2** – This supports infill development in Pontesbury village which meets identified housing needs on sites for two to four homes.

102. The Policy is positively worded and enabling. There is some evidence of unmet housing needs although the Plan notes that the emerging Local Plan is expected to provide sufficient affordable homes. The Policy seeks to complement emerging Local Plan Policy DP1 addressing housing mix on sites of five or more dwellings. It is logical that the Policy should apply to all sites of four or fewer homes, including single dwellings, and this is appropriate given its positive drafting as it will not be unduly restrictive. The Policy should reference “homes” or “dwellings” as not all provision will be in the form of “houses”.

103. The Policy title is misleading in referencing affordable homes and failing to reference the Policy only applies to building within Pontesbury village. The need for development to be in conformity with other relevant planning policies duplicates existing policy and serves no clear purpose.

104. Policy HOU2 does not meet the Basic Conditions.

- **M14 – Amend Policy HOU2 to:**
 - **Change the title to “Meeting housing needs in Pontesbury village”**
 - **Replace “*between two and four houses*” with “four homes or fewer”**
 - **Insert “(Figure 4)” after “boundary”**
 - **Replace “*houses*” with “homes”**

- **Delete “and in conformity with other relevant policies”**

Movement and Transport

105. **Policy MOV1** – This supports development enhancing the Public Rights of Way network, including providing access in two specific locations.

106. The Policy is positively worded and enabling. The title does not relate well to the content of the Policy.

107. The relationship between the first and second parts of the Policy is unclear and the latter considerations should be bulleted or lettered to ensure consistency with other Plan policies. This requires some minor redrafting.

108. Two locations are specifically identified where access points would be desirable. These are identified in Figures 5 and 6 but neither Figure is clearly presented. It is not possible accurately to identify the location of either the dismantled bridleway or the relevant stretch of Thieves Lane (which extends well beyond the map). The broad indication of an “*Area of Development*” in both Figures serves no helpful purpose given its general nature and relevant development may come forward in other locations. On request I was provided with more suitable Figures. It is overly restrictive to state that such links “*must*” be provided.

109. Paragraph 18.5 relating to car parking does not belong in this section of the Plan.

110. Policy MOV1 does not meet the Basic Conditions.

- **M15 – Amend Policy MOV1 to:**
 - **Change the title to “Public Rights of Way and links”**
 - **Add “This includes proposals that:” after the first sentence and replace subsequent numbered points with bullets or letters**

- In first bullet replace *“Development should promote the protection and maintenance of”* with *“protect and maintain”*; delete *“but”*; and put commas before and after *“including mobility scooters”*
 - In second bullet replace *“Upgrading of”* with *“upgrade”*
 - In third bullet replace *“Developments in proximity of”* with *“provide access points for all forms of active traveller to”* and delete *“must include access points for all forums of active traveller to the right of way”*
 - In third bullet replace *“(e.g.”* with *“, including”*
- M16 - Replace Figures 5 and 6 with maps enabling the locations to be accurately identified
 - M17 – Delete or move paragraph 18.5

111. **Policy MOV2** – This supports development not increasing pressure for on-street parking and providing for electric vehicle charging in line with the Local Plan.

112. The Policy is supported by some evidence of community support but there is no evidence provided as to the parking issues faced by the neighbourhood area. The Policy is positively drafted and enabling. The second sentence could be more clearly drafted. The requirement that new development *“must”* maximise off-street parking is unduly restrictive and there is a lack of evidence supporting a need for off-street parking. The third part of the Policy service no clear purpose as it duplicates Local Plan policy requirements.

113. Policy MOV2 does not meet the Basic Conditions.

- **M18 – Amend Policy MOV2 to:**
 - **Replace the second sentence of section 1 with “Proposals which involve loss of existing parking will be considered if equivalent alternative parking is provided.”**
 - **Delete section 3**

- **Replace section 4 with “Development which maximises off-street parking whilst bearing in mind the needs of high quality design will be supported.”**

Employment and Business

114. **Policy EMP1** – This provides a range of policy considerations for the development of small scale employment and farm diversification.

115. The Policy addresses a wide range of different types of employment related development which are characteristic of the area. The approach is positively worded and enabling and there is evidence of broad support from public consultation. The overall approach is to require all such development to respect local character and there are instances where this is duplicated in the detailed policy considerations.

116. On request I was informed of the support of the landowner for an expansion of Malehurst Industrial Estate and provided with a map showing the potential area. This is helpful context but the lack of evidence for how the boundary of the potential expansion area has been defined and its omission from the submitted Plan and the opportunities for consultation mean it is not appropriate to be included.

117. The purpose of the illustration on page 41 (incorrectly referenced as page 36 in the Policy) is unclear. It includes references to generic approaches to environmental enhancement that does not add clarity to the Policy.

118. There is no evidence supporting a threshold of 10 pitches above which support for glamping, camping or touring caravans will not be provided. It is therefore appropriate only to reference the impact of such activity without defining a threshold. The second part of this policy relating to multiple sites is negatively worded.

119. There is support for the reuse of redundant or disused buildings “*of sufficient character*” without any definition as to how this might be determined. Given the intention is to retain the buildings it is appropriate to reference buildings of a character worthy of retention.

120. In the absence of any further detail or reference the Shropshire Farmsteads Characterisation Project should be addressed in the supporting text and a reference and, ideally, link provided.

121. It is unclear whether the reference in the final section to being adapted to climate change refers to proposals for new small scale businesses or their accompanying renewable energy schemes. The latter are also a climate change mitigation and not adaptation measure.

122. Policy EMP1 does not meet the Basic Conditions.

- **M19 – Amend Policy EMP1 to:**
 - **In section 2 delete the second sentence**
 - **In section 3 replace “*exceed 10 pitches*” with “*significant adverse impacts*” and “*will not be supported*” with “*should demonstrate that they do not have significant adverse impacts*”**
 - **In section 5 insert “to warrant retention” after “*character*”**
 - **In section 6 delete the second sentence and include details of the Shropshire Farmsteads Characterisation Project in the supporting text**
 - **Replace section 7 with “Development for new small scale business that are well adapted to the impacts of climate change and include renewable energy schemes”**

Green Environment

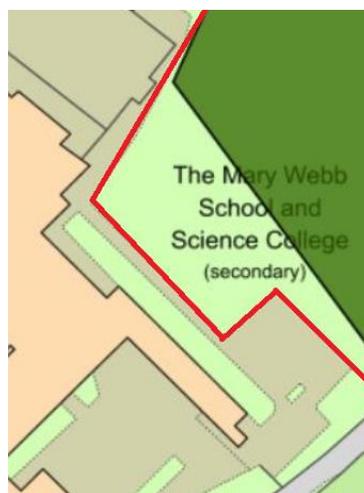
123. **Policy GRE1** – This designates eight Local Green Spaces.

124. The Policy is supported by Figure 7 summarising each of the proposed Local Green Spaces and Appendix C providing a large scale map defining their boundaries. The locations have been identified through community engagement on the Plan. On request I was informed that the landowners have been consulted and no objections have been raised.

125. The assessment of each of the proposed Local Green Spaces in terms of the criteria provided in paragraph 102 (incorrectly referenced as paragraph 101 in the Plan) of the National Planning Policy Framework is at a basic level and barely sufficient to support the Policy. I visited each of the proposed Local Green Spaces during my visit and made my own assessment which broadly agrees with that provided in Figure 7. There have been some changes since the assessment was completed, including the closure of Cruckton Hall School and the opening of Fitzroy Academy on the same site at LGS8. With LGS7 there would be logic in extending the area to the south east to include the green space west of Church House which is contiguous and performs the same function as the area proposed but I was informed it had not been possible to contact the owner and so the site was omitted. This could be addressed in a future review of the Plan.

126. The detailed boundaries are not accurately presented in the polygons provided in Appendix C and this needs to be improved to provide a more precise alignment. It would also be preferable for all the maps to be provided at the same scale. Other recommended changes are:

- LGS2 – remove the area of the road running N/S through the area from the area of Local Green Space and extend the area in the south west to remove the arbitrary boundary and include the additional area bounded by the red line



- LGS4 – reference the area of woodland in Figure 7

- LGS7 – remove the roads from the area of Local Green Space

127. There is some inconsistency in the names used in the Policy, Figure 7 and Appendix C for LGS1, LGS2, LGS4, LGS5 and LGS8. Appendix C does not include the LGS identification number for each of the locations.

128. To be afforded a level of protection consistent with them being Green Belt, Local Green Spaces need only be designated by the Plan. This follows a Court of Appeal case relating to a Local Green Space policy in a neighbourhood plan (Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council, [2020] EWCA Civ 1259) which means it is inappropriate without clear justification to include any wording that sets out how development proposals should be managed. The reference to how parking proposals on LGS2 will be considered is similarly not appropriate as any such proposals will be considered in accordance with Policy GRE1 and other development plan policies.

129. The purpose of the map of open space availability in Appendix D is unclear. It is poorly presented and incorrectly referenced in paragraph 20.7.

130. Policy GRE1 does not meet the Basic Conditions.

- **M20 – Amend Policy GRE1 to:**
 - **Delete “*where new development is ruled out except in very special circumstances*”**
 - **Use consistent names throughout the Plan, including a reference to Fitzroy Academy in relation to LGS8**
- **M21 – Amend the supporting text and evidence to:**
 - Be more precise in depicting the precise boundary of each Local Green Space on the maps
 - Amend the boundary of LGS2 and LGS8 as indicated
 - Update references to LGS4 and LGS8 as indicated
 - Identify each map in Appendix C with the relevant LGS reference number

- Delete paragraph 20.5
- Delete Appendix D and paragraph 20.7

131. **Policy GRE2** – This supports development which benefits biodiversity and identifies a range of policy considerations.

132. The Policy is supported by some evidence as to the significance of the area for biodiversity although Figure 8 only shows protected species sites already addressed in Local Plan policy.

133. The Policy is not worded positively with development only being *“considered”*.

134. The Policy expects development to demonstrate 10% net gain for biodiversity. This anticipates implementation of measures on biodiversity net gain only recently introduced into law but not yet in force and with important details on how it will apply to different levels and types of development still being finalised. The issue is also addressed in emerging Local Plan Policy DP12. It is not appropriate to limit consideration of sites suitable for contributing to net gain to the parish council which is not a decision making body.

135. There is no evidence supporting a need for replacing trees at a 2:1 as opposed to any other ratio. No link is provided to the local Nature Recovery Network. Examples such as bat boxes should be provided in the supporting text.

136. Policy GRE2 does not meet the Basic Conditions.

- **M22 – Amend Policy GRE2 to:**
 - **Replace the first two sentences with “Proposed development that protects and enhances local wildlife species and habitat and contributes to on-site net gain will be supported.”**
 - **In section 3 replace “ratio of 2:1” with “a positive ratio”**
 - **In section 4 move the examples to the supporting text**

- In section 5 delete *“specified by the Parish Council”* and provide a reference/link to the Local Recovery Network
- In section 6 delete *“Implement”*

137. **Policy GRE3** – This supports development which minimises pollution and contributes to a low carbon economy.

138. The Policy addresses a range of considerations and is not consistent in the way it addresses both general pollution and the desire to support a transition to a zero-carbon economy. *“Minimising light pollution”* is one example that has little bearing on carbon ambitions. Ambitions for a zero carbon economy also goes beyond the scope of current policy and is distinct from the national net zero policy objective. There are also overlaps with Policy GRE4 focused on carbon reduction and to provide necessary clarity I recommend that Policy GRE3 addresses pollution considerations more generally.

139. On the detailed policy drafting there is a lack of clarity as to what is an *“acceptable place”* in relation to the A488.

140. Policy GRE3 does not meet the Basic Conditions.

- **M23 – Amend Policy GRE3 to:**
 - Replace the first two lines with **“Development proposals should minimise pollution by:”**
 - In section 1 deleting *“in an acceptable place in relation to the A488”* and adding **“, including from the A488”** at the end

141. **Policy GRE4** – The Policy provides a range of policy considerations relating to carbon reduction and renewable energy production.

142. The overall approach conflates different issues with the two of the three sections relating to renewable energy. I recommend this issue is considered as a separate Policy.

143. The first part of the carbon reduction policy overlaps with other provisions, including Building Regulations. These address the thermal efficiency of building materials and compliance with construction and other standards. National planning policy is that “*any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards*” (NPPF, paragraph 154) and the Plan can support but not require development to deliver higher voluntary standards. The second part includes a superfluous reference to avoiding fossil fuels. The third part includes a confused reference to setting out a minimum percentage of energy provision from on-site renewables and low carbon sources. Such a percentage would need to be set out in planning policy and not determined during development management.

144. Policy GRE4 does not meet the Basic Conditions.

145. The approach to community renewables is positive and enabling. The Policy would be supported by further definition of community renewables, such as by referencing the Government guidance (<https://www.gov.uk/guidance/community-energy>).

- **M24 – Amend Policy GRE4 to:**
 - **Replace the first four lines with “Development proposals which support the transition to net zero will be supported, including where appropriate the following measures:”**
 - **Replace section a. with “Energy efficiency standards that exceed national technical standards”**
 - **End section b. at “PV” and delete remainder**
 - **End section c. at “sources” and delete remainder**
- **M25 – Insert a new Policy “GRE5 Community Renewables” comprising the second two parts of Policy GRE4 in the submitted Plan**
- OM4 – [Provide further information on the definition of community renewables in the supporting text]

8. Recommendation and Referendum Area

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