

# The Shifnal Neighbourhood Plan 2014-2026

## Report of Examination

**Report to Shropshire Council**

by the Independent Examiner:

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1 April 2016

<b>Contents</b>	<b>page</b>
Summary	2
1. Introduction	3
2. Neighbourhood Plan preparation and public consultation	5
3. The Neighbourhood Plan in its planning and local context	7
4. Overview	9
5. Green Belt and the Shifnal Settlement Boundary	9
6. Housing	10
7. Transport and movement	11
8. Character and conservation	12
9. Health and leisure	12
10. Environment	13
11. Town Centre and economy	13
12. Conclusions and recommendations	14
Annex	16

## Summary

1. From my examination of the submitted Shifnal Neighbourhood Plan and its supporting documents, including all the representations made, I have concluded that, with modifications, the making of the plan will meet the Basic Conditions. In summary they are that it must:
  - Be appropriate to be made, having regard to national policies and advice;
  - Contribute to the achievement of sustainable development;
  - Be in general conformity with the strategic policies of the development plan; and
  - Not breach, and be otherwise compatible with, European Union and European Convention on Human Rights obligations.
2. I have also concluded that:
  - The plan has been prepared and submitted for examination by a qualifying body - Shifnal Town Council;
  - The plan has been prepared for an area properly designated; and does not cover more than one neighbourhood plan area;
  - The plan does not relate to “excluded development”;
  - The plan specifies the period to which it has effect – to 2026; and
  - The policies would, once some are modified or removed, relate to the development and use of land for a designated neighbourhood area.
3. I recommend that, once modified, the plan should proceed to a Referendum. This is on the basis that I have concluded that making the plan will meet the Basic Conditions once modified.
4. If the plan goes forward to Referendum, I recommend that the Referendum Area should be the same as the Town Council’s area

## **1. Introduction**

- 1.1 I am appointed by Shropshire Council, with the support of Shifnal Town Council, the Qualifying Body, to undertake an independent examination of the Shifnal Neighbourhood Plan, as submitted for examination.
- 1.2 I am a 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 a neighbourhood plan meets the "Basic Conditions." These are that the making of the Neighbourhood Plan must:
- be appropriate to be made, having regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan (see Development Plan, below) for the area; and
  - not breach, and must be otherwise be compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.
- 1.4 Regulations also require that the Neighbourhood Plan should not be likely to have a significant effect on a European Site or a European Offshore Marine Site either alone or in combination with other plans or projects.
- 1.5 In examining the Plan I am also required to establish whether:
- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body;
  - The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA).
  - The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (i.e. the Plan must specify the period to which it has effect, must not include provisions about development that is excluded development, and must not relate to more than one Neighbourhood Area); and
  - The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the PCPA.
- 1.6 Finally, as independent Examiner, I must make one of the following recommendations:
- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
  - b) that the Plan once modified to meet all relevant legal requirements should proceed to Referendum; or

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

1.7 If recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this Report.

### **The Examination process**

1.8 I commenced my examination of the plan in late February 2016, following my appointment. The default position is that neighbourhood plan examinations are conducted by written representations. In this case, apart from a local site visit, I conducted the examination from the submitted documentation.

### **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, Neighbourhood Plans Regulations, the National Planning Policy Framework and the Planning Policy Guidance) together with the development plan, the relevant documents that were furnished to me, and were identified on the Parish and Council's websites as the neighbourhood plan and its supporting documentation for examination, were:

- Shifnal Neighbourhood Plan – Submission Stage Consultation (regulation 16); Appendix C lists the evidence base documents;
- Basic Conditions Statement; and
- Public Consultation Statement.

### **The Qualifying Body and the Designated Area**

1.10 Shifnal Town Council is the designated Qualifying Body for the geographical area that is the neighbourhood plan area. The neighbourhood plan designated area is the civil parish of Shifnal. Shropshire Council is the local authority for the neighbourhood plan area, designating the Neighbourhood Area on December 20<sup>th</sup> 2014. There is no other neighbourhood plan for this area.

### **The Neighbourhood Plan Area**

1.11 The neighbourhood plan area is focused on the small market town of Shifnal, which lies to the east of the new town of Telford, and has been significantly affected by the expansion of Telford, while retaining its essential identity. The boundaries of the civil parish extend from the ancient Watling Street (A5) to the north, Telford and Wrekin borough urban area in the west, the rural parishes of Kemberton and Ryton in the south and Tong and Donington (which includes RAF Cosford) in the east. The M54 bisects the plan area, just north of Shifnal town.

1.12 The heart of the town, which was already a relatively prosperous town recorded in the Domesday Book, is a conservation area with many 17<sup>th</sup> century half-timbered buildings remaining, as well as some attractive brick houses from the 19<sup>th</sup> and 19<sup>th</sup> centuries and the medieval church. Until the 1960's the town changed very little, having stagnated after WWII. The impact of the development of Telford has been

very significant, with many new residents coming to work in the new town; the population had doubled, to over 7,000, at the last census

- 1.13 At the same time the town lost some of its employment base and many of its local facilities, often to Telford, some of which had been such a feature of life in the 19<sup>th</sup> century town: the magistrates court, fire station, cattle market, some shops and also the cinema. In the 1970's older buildings in Market Place were cleared to create the main shopping pitch of Bradford Street and Cheapside. Shifnal has many groups, voluntary organisations, clubs, societies and activities supporting a strong community spirit, with a number of local events.
- 1.14 The population is ageing and has very strong growth in its retirement population; by contrast, it has a lower than average proportion of children and young people. It has comparatively high levels of social housing, coupled with low qualification levels and some pockets of deprivation. It has a higher than average preponderance of detached and semi-detached homes; and relatively high car ownership
- 1.15 A significant feature of the town's planning context is the surrounding Green Belt (part of the wider West Midlands Green Belt), which is tight up against the western urban boundary where it protects the open countryside between Shifnal and Telford; areas of safeguarded land lie in the space between the eastern and southern Green Belt boundaries of the town.
- 1.16 There have been a number of large-scale housing developments permitted on the northern and southern outskirts of the town, much already under construction, accounting for some 1350 new homes, which could increase the population by some 40%.

## **2. Neighbourhood Plan preparation and public consultation**

- 2.1 The Neighbourhood Plan grew out of the local community's concerns to have a greater degree of control over the growth of the town and to resolve certain key issues such as the impact of growth on infrastructure provision, facilities and services to serve existing and new residents. These include a new medical centre and highway improvements.
- 2.2 The plan's preparation has built on previous engagement activity as part of the 2008 Town Plan for Shifnal as well as consultation on the new Local plan. The process was overseen and co-ordinated by the Shifnal Neighbourhood Plan (SNP) Steering Group who met every 3-4 weeks. In addition Shifnal Forward (a partnership between Shropshire Council, Shifnal Town Council and the wider community) played a key role, both as stakeholder and as a community reference group. Four action groups focused on specific topic areas: Economy and Tourism, Community Well-being, Planning/environment; and Transport.
- 2.3 The process of plan preparation got going in October 2014 and soon a Have Your say exercise gathered local views on key issues. A range of consultation activities followed: through face-to-face meetings and workshops, drop-in days, email, leaflet, media and surveys, as well as some public events and exhibitions, all clearly recorded in the Consultation Statement. As the process progressed the Steering Group responded to issues raised by residents, business and local stakeholders.
- 2.4 Key themes from the process are recorded in section 2 of the Consultation Statement: Green Belt and Shifnal Settlement Boundary; Housing; Transport and

Movement; Character and Conservation; Health and Leisure; Environment; and Town centre and economy. These became the plan's objectives and policies.

- 2.5 The Steering Group finalised the draft plan in September 2015. The Town Council received 87 separate responses (67 residents, 10 local organisations and 10 statutory consultees) to the Regulation 14, pre-submission version of the plan, which was subject to 6 weeks consultation ending 8<sup>th</sup> November 2015. The means of publicizing the draft plan and the actions taken in response to representations - are set out clearly in appendix J of the Consultation Statement.

### **Environmental Assessment and EU Directives**

- 2.6 Under Article 3(3) and 3(4) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC SEA is required of plans and programmes which "determine the use of small areas at a local level". Shropshire Council is the "responsible authority" and must determine whether the plan is likely to have significant environmental effects. While no external consultations (with EA, NE etc) were carried out, the Council determined in August 2015 (as set out in their Screening Opinion, reproduced at Appendix F of the Consultation Statement) that the plan would not have such effects and a full SEA would not need to be undertaken.

### **European Sites and the Habitats Directive**

- 2.7 A screening assessment to determine the need for a Habitats Regulations Assessment was undertaken by the Council into the Site Allocations and Management of Development (SAMDev) Plan, which had screened out potential significant adverse impacts of development from planned development in Shifnal on European protected sites. This was also confirmed in the Screening Opinion from Shropshire Council of August 2015.

### **Examination version – public consultation**

- 2.8 The Draft Plan was submitted to Shropshire Council in December 2015. The Council published the Draft Plan, under Regulation 16, with all supporting documents, for a 6-week period of public consultation ending 26<sup>th</sup> February 2016. A total of 7 completed on-line responses were made via the portal and four further written representations were made by emailed letter (though one party made two representations); thus a total of 10 representations were made, 6 in support. The one substantive objection came from the headmaster of Idsall School, concerning funding; as this is not a land-use matter I leave it with the Town Council to consider how they might wish to respond, possibly adding the cause to their Non-Policy Actions (see 3.13).

### **Human Rights**

- 2.9 I have no reason to believe that making the plan breaches or is incompatible with the European Convention on Human Rights.

### **Plan period**

- 2.10 The neighbourhood plan states clearly in a number of places, for example at 1.1,1.3 and on the cover, that it covers the period to 2026, which is co-terminus with the plan period of the Shropshire Core Strategy, adopted 2011 and the Site Allocations and Management of Development (SAMDev) Plan, adopted December 2015.

## Excluded development

- 2.11 The plan cannot include policies for excluded development, such as minerals and waste. While the Basic Conditions Statement makes reference to two County Matter Plans (noting they are not relevant), I am clear that the plan does not cover excluded development.

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

### National policies and advice

- 3.1 The neighbourhood development plan (NDP) must have regard to national policies and advice contained in guidance issued by the Secretary of State and, in that context, be appropriate to be made. It must also contribute to the achievement of sustainable development (the first two Basic Conditions). Paragraph 16 of the National Planning Policy Framework (the Framework) 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 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. For example, para 042 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.”*

- 3.3 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. Paragraph 040 of the Guidance (recently revised) 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”.*

- 3.4 The latter references to housing need were added shortly before the examination commenced. While the plan makes no housing allocations, as such, it does address the issue of housing supply and so I had asked the local authority and Town Council to address me on the latest position, which I cover later in my report.
- 3.5 The Basic Conditions Statement sets out succinctly how the Town Council considers that the plan has had regard to national policy and meets the relevant Framework policies and for sustainable development, in sections 2 and 3. I am satisfied that the plan does have due regard to national policies and does contribute towards sustainable development.

### **The Development Plan - strategic policies**

- 3.6 The neighbourhood development plan must be in general conformity with the strategic policies of the development plan for the area. The development plan is the Shropshire Core Strategy, adopted in 2011 and the Site Allocations and Management of Development (SAMDev) Plan adopted in December 2015 – after the neighbourhood plan was submitted for examination.
- 3.7 The Basic Conditions Statement erroneously notes that two Local Plans – dealing with Minerals and Waste – are part of the development plan (and see my para 2.11, above). These references should be removed.
- 3.8 Table 4.1 of the Basic Conditions Statement sets out the Steering Group’s view of the relevant strategic policies of both the Core Strategy and the SAMDev Plan. These include: CS3: The market towns and other key centres; CS5: Countryside and Green Belt; and CS8 Facilities, services and infrastructure provision.
- 3.9 While Shropshire Council has made no representations to the submission version of the plan, officers have given support and advice to the Town Council, commented on the earlier version and these are recorded at Ref 52. I understand officers were content with the statements in the Basic Conditions Statement.

### **The Neighbourhood Plan and its objectives**

- 3.10 The plan’s strapline is “Your Town – Your Choice” which encompasses the local community’s desire to have a greater degree of control over future growth and to influence it for the community. The central aim of the plan is described as “... ensuring the delivery of sustainable places” while highlighting two particular areas of infrastructure that have been identified as being of critical priority for the town: a new medical centre and highway improvements (para 2.12).
- 3.11 The community’s Vision for their plan area is set out in full at section 3.2. It is concerned with the area being a pleasant place in 2026, that has grown considerably while taking account of current concerns. It remains a bustling town with an attractive environment, a distinctive town centre and good community facilities. It will be a town that has addressed the two key issues – the new medical centre and highway

improvements. The character of the town will have been protected and better leisure facilities will have been developed. Some small-scale housing will have taken place in infill sites that has matched the scale and character of the existing built environment. There will have been an increase in local employment and a strong community spirit continues to exist.

- 3.12 To achieve this vision the plan sets out a series of objectives under 7 main headings, as I identified at para 2.4.
- 3.13 The plan's seven policy sections are followed, at section 11, with a short chapter on Non-Policy Actions. These are non-land-use actions identified for each of the policy topics that the local community seeks to influence. As it is a discrete section of the document and is clearly identifiable as non-land-use issues (as stated in the heading of table 11.1) I am content to leave it in the main body of the document.
- 3.14. The plan ends with the Proposals Maps – parish-wide and town-centred versions plus a town centre inset – are at section 12, followed by a Glossary and Appendices, with A on the parish's (mainly demographic) profile.

#### 4. Overview

- 4.1 The essence of the plan, in land use terms, is summarised by the Proposals Map – a compact town surrounded by open countryside, which is very largely within the Green Belt. Within this central constraint the plan is focused on Shifnal itself, retaining some pockets of safeguarded land for the longer-term future development, identifying key routes, making some specific allocations (Town Park and a new Medical Facility), identifying employment areas, the town centre (with extended primary shopping frontage) and designating some significant areas in and around the town as Local Green Spaces. The rest of the plan fits around these main land use elements.
- 4.2 This is not an ambitious plan. It seeks essentially to manage the growth that has already been committed and planned for through the SAMDev (and is likely to take place) and its implications for some supporting facilities and the impact of development on the character of the town, including its walkability. It does not allocate any land for housing but “makes space” for where new development can take place, within the settlement boundary, due to the main Green Belt and Safeguarded Land constraints. I consider that the plan is positively prepared and plans for sustainable development.
- 4.3 I now turn to consider the plan's policies, identifying any necessary modifications with the words **I recommend** (in bold).

#### 5. Green Belt and the Shifnal settlement boundary

- 5.1 There is overwhelming local support for maintaining the Green Belt. The extent (as defined in the development plan) is thus shown on the Proposals Maps. The areas between the Green Belt and the settlement boundary (also shown) are largely designated as “safeguarded land”.
- 5.2 Policy ESL1 deals with controlling three aspects of development: within the Green Belt, the safeguarded land and within the settlement boundary. Essentially development is generally supported within the settlement boundary, inappropriate development is opposed (as per national policy) within the Green Belt and only

development that is not prejudicial to the potential future uses of the safeguarded land is allowed there.

- 5.3 The plan's approach to the safeguarded land is at 4.3, summarising the Framework's policy approach at para 85. It makes clear that such land is not allocated for development and that planning permission should only be granted following a local plan review, which is essentially what the SAMDev Plan has done. The plan notes that "...the Inspector (on SamDev) has commented that only development that is not prejudicial to the potential future use of this land to meet Shifnal's longer term development needs would be acceptable".
- 5.4 This is a clear approach, though in order to achieve greater clarity for use in development management I **recommend** that Policy SL1 be modified as follows: The last word in the second paragraph (acceptable) be replaced with the word "supported".

## 6. Housing

- 6.1 Shropshire Council advises me (see my 3.4) in relation to need that:

*The Shropshire Core Strategy established the housing guideline for the whole county (27,500) based upon evidence from the West Midlands RSS Phase 2 review in 2008.*

*The role of the SAMDev Plan was to seek to deliver this housing guideline through a combination of site allocations and windfall, and in doing so it has established Settlement Policies for each town (including Shifnal). Policy S15.1 established the housing guideline for Shifnal of 1,250 dwellings in the plan period (2006-2026), along with three housing site allocations to help deliver this.*

*The Council updated its SHLAA in 2014, which continued to support the overall housing figure of 27,500 dwellings. This overall housing requirement and each of the Settlement Policies were found 'sound' at the SAMDev EiP. We therefore consider that both the overall housing requirement and the Shifnal specific guideline are based upon up-to-date evidence of need.*

- 6.2 The Town Council further point out that: *the adopted SAMDev identifies in the section headed 'Shifnal Town Development Strategy' ....*

*"The town of Shifnal will have balanced development that provides a mix of housing, employment, facilities and services with around 1,250 dwellings and 5 hectares of employment development over 2006-2026".*

*Then under the section on Explanation it says....*

*"Shifnal is a popular location for new homes, with a number of large sites obtaining planning permission in recent years. Around 790 homes had been built or committed over 2006-2013 and a number of large applications increased commitments further over 2014. The proposed allocations in Schedule 15a above will add a further 465 homes in Shifnal's most sustainably located, central sites."*

*Shifnal will according to these figures have 2079 new dwellings in total over the period 2006 to 2026 which is 829 more dwellings than were actually anticipated by the SAMDev. This is 66% more housing (nearly all family housing) than identified as*

*required in the SAMDev in the plan period. Until Shropshire provide revised population projections and housing need figures it is not possible to consider housing need beyond 2026.*

- 6.3 There are three main aspects covered by this chapter: scale, design and mix. The last encompasses issues around the types of housing needed, affordable housing, market housing need and care home provision.
- 6.4 In view of the scale of recently permitted housing developments, the plan does not allocate any sites, restricting the locations for new housing to infill developments within the settlement boundary. The locations of the recently permitted schemes are shown on Figure 6.1 (though that Figure is primarily concerned with walkable routes). Most sites are within the settlement boundary, as revised by SAMDev, leaving two of the schemes on safeguarded land.
- 6.5 The result is that there is little undeveloped land to accommodate the infill housing that the plan provides for. However, given the scale of recent permissions, the identified need in the plan is for smaller dwellings for older and young people and some care home places. Thus, the plan's aspirations are limited to infill developments within the settlement boundary, making no specific provision for new housing beyond it, and in the absence of identified need has no reliable means of meeting the potential scale of need.
- 6.6 What is at issue is the potentially restrictive application of Policy HG1 to only sites within the settlement boundary. Given that Policy SL1, which is in conformity with the development plan, will apply to any developments within the safeguarded land, I **recommend** that the policy be stripped back to a pure design policy, leaving the locational elements to SL1. I therefore **recommend** that Policy HG1 be modified so that the first part reads: "Where residential development is permitted in line with Policy SL1 and the development plan, the following criteria are to be met:".
- 6.5 Policy HG1 will now be concerned with the standard of design in new developments, which will be supported where all seven defined criteria are met. The criteria are commonplace development management ones.
- 6.6 The objectives for housing mix involve securing a more appropriate range of smaller homes, to meet the identified mix need. The evidence points to a strong need for more one- and two-bed homes. To achieve this, Policy HG2 applies to all housing developments over 5 units and requires that at least 20% of the units be smaller homes. Variations can be justified on the basis of need for a different mix.
- 6.7 Policy HG3 recognises the need to house the ageing population and supports proposals for care home accommodation on two named sites – which are not allocations and would benefit from being identified on a plan - or elsewhere within the settlement boundary. I **recommend** the two locations mentioned be shown on the Proposals Map.

## **7. Transport and movement**

- 7.1 The plan gives much attention to resolving the impact of traffic on the character and environmental quality of town, from new development. Thus the plan promotes highways improvements, improved walking and cycling routes, improved public transport provision and adequate car parking in the town centre. However, the plan,

as a land-use planning document has limited scope to affect change in these areas. Consequently, some of the draft policies are, effectively, about advocacy rather than land-use.

- 7.2 Policy TM1 concerns highway improvements. Part of the policy is advocacy – engaging with the community – and part is unnecessary – the need for mitigating impacts - as this is dealt with in the development plan. I therefore **recommend** that the policy be modified as follows:
- In the first part/paragraph, delete the words “... subject to ....at the earliest stage”; and
  - Delete the second part/paragraph and, if it is to be retained in the plan, add it to the supporting text at para 6.9 of the plan.
- 7.3 Policy TM2 is concerned with pedestrian access and walkway routes. To achieve one of the aims of the policy certain “Walkway Routes” have been defined on the Proposals Map. It is acknowledged that these could change over the lifetime of the plan. Policy TM3 is concerned with improving the cycle network and cycle parking in the town centre.
- 7.4 Policy TM4 is concerned with improving bus services and Infrastructure. Whilst laudable and clearly supported by the consultation process the resulting policy is more about advocacy than land-use. Accordingly, I **recommend** that the policy be deleted and the text transferred to chapter 11.
- 7.5 Policy TM5 is concerned with supporting improved cycle and car parking at, and improved disabled access to, the railway station. Finally, Policy TM6 is concerned to safeguard car parking within the town centre.

## 8. Character and conservation

- 8.1 The plan (helpfully) does not replicate national policies or those in the development plan. It does, however, focus on one local issue – that of derelict and empty buildings, given the scale of the problem and the impact they have on the character and image of the town. Policy CH1 supports their positive re-use.

## 9. Health and leisure

- 9.1 This chapter is concerned with promoting the new medical facility that is needed, with protecting existing leisure facilities, promoting additional facilities and the allocation of land for a new town park.
- 9.2 The provision of new medical facility is a high priority of the plan. There is already a planning permission for 400 new dwellings – which includes the medical centre at Haughton Road. Policy HL1 allocates a site for the new facility on the site, which is shown on the Proposals Map. This site has been supported as part of the consultation.
- 9.3 The plan seeks to secure better opportunities for leisure. Policy LE1 protects existing leisure facilities. Policy LE2 promotes additional facilities. Policy LE3 allocates land for a new town park, as shown on the Proposals Map, as part of the development site at Thomas Beddoes Phase 2, which has outline planning permission. A current Reserved Matters application includes the new Town Park.

## 10. Environment

- 10.1 The most significant feature of this chapter is the draft neighbourhood plan's designation of six areas as Local Green Space under Policy EN1, which are defined on the Proposals Map and an unnumbered plan on page 41, as well as illustrated on pages 39 and 40. The plan notes at para 9.3 that the Framework sets the national policy context for such designations at paras 76 and 77, with a set of criteria to be applied. These relate to, in summary, proximity, scale, being demonstrably special and holding a particular local significance. Para 78 explains the significance of such designations.
- 10.2 While Shropshire Council's PPG17 assessment of 2010 is listed among the evidence base documents, there is little correlation back to the plan's proposed designations. The plan itself says little about how these spaces fulfill the criteria in the Framework, though all are self-evidently local in character, are not extensive tracts of land and are in reasonably close proximity to the community they serve. The issue is whether they satisfy the second criterion – are they demonstrably special to the local community and hold a particular significance, with reference to the illustrative list of features in the Framework?
- 10.3 For answers to that question I had regard to the consultation responses, which demonstrate the degree of support and how significant and special the local community regard these spaces, and my own site visits. Overall, I am satisfied that the spaces can be designated as Local Green Space. But I **recommend** that the reference in the policy and supporting text to "built" and "limited" development be deleted as potentially misleading.
- 10.4 For development management purposes, the section on Local Green Space is too much of a jumble. I **recommend** it be modified, for clarity, so that:
- The plan on page 41 is numbered;
  - The sites described on pages 39 and 40 be numbered and follow the order of the numbered sites on that plan; and
  - The sites to be referenced by a site plan and the relevant photograph.
- 10.5 Policy EN2 resists the loss of existing open space. Finally, Policy EN3 deals with flood risk management, as a significant number of properties were affected by the 2007 floods; it is a local issue. I **recommend** that for clarity the parts of the policy be numbered and that the word "attenuation" be replaced by "risk" in the second paragraph.

## 11. Town centre and economy

- 11.1 This chapter covers a range of local issues, including extending the primary shopping area, shopfront design, tourism, protecting existing employment land, promoting new employment opportunities and supporting the rural economy.
- 11.2 The plan argues that the town centre needs to be capable of adapting to change. It promotes an extension of the Primary Shopping Area (PSA), in the light of the consultation exercise, noting that both sides of Victoria Road and market place, as well as the west side of Church Street also form what shoppers consider to be the primary area for shopping. Accordingly, the town centre inset proposals map (on

page 58) shows the extended frontage.

- 11.3 Policy EC1 uses the defined PSA to protect its function through a presumption in favour of retail proposals and a presumption against changes of use away from A Class uses. Policy EC2 promotes sympathetic shopfront signage. For clarity I **recommend** that the last word in the second paragraph, “required”, is replaced by “supported”; and that the third para be deleted and moved to the supporting text.
- 11.4 Policy EC3 is concerned with improving the local visitor and tourism economy. The second sentence is essentially an advocacy point, not a land-use policy, so I **recommend** that it be deleted from the policy and moved to the supporting text and/or chapter 11.
- 11.5 Policy EC4 protects existing employment land and premises. While the local employment base is small it is regarded as important. The policy is not one of blanket protection and recognises the Framework’s policy approach. For clarity of operation as a development management tool, I **recommend**:
- The word “commercial” be replaced with “employment” in the policy heading and text;
  - That the word “strong” in the first sentence be deleted;
  - The word “valuation” be replaced with “viability” in the final sentence.
- 11.6 Policy EC5 promotes small-scale employment development. Again, for clarity, I **recommend**, the word “commercial” be replaced with “employment” in the policy heading. Policy EC6 supports rural employment and agriculture.

## 12 Conclusions and recommendations

- 12.1 I congratulate the Town Council and its volunteers for all the hard work that has clearly gone into the drafting of the plan. And my thanks to both Town and Shropshire Council officers for their support in making the examination so smooth.
- 12.2 Finally, from my examination of the submitted Shifnal Neighbourhood Plan and its supporting documents, including all the representations made, I have concluded that the making of the plan will meet the Basic Conditions. In summary they are that it must:
- Be appropriate to do so, having regard to national policies and advice;
  - Contribute to the achievement of sustainable development;
  - Be in general conformity with the strategic policies of the development plan; and
  - Not breach, and be otherwise compatible with, European Union and European Convention on Human Rights obligations.
- 12.3 I have also concluded that:
- The plan has been prepared and submitted for examination by a qualifying body - Shifnal Town Council;
  - The plan has been prepared for an area properly designated; and does not

cover more than one neighbourhood plan area;

- The plan does not relate to “excluded development”;
- The plan 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, subject to the recommended modifications.

12.4. I recommend that the plan, once modified, should proceed to a Referendum.

12.5 I recommend that the plan, in proceeding to a Referendum, should have a Referendum Area that is the same as the Town Council’s civil parish area.

John Parmiter FRICS FRSA MRTPI

Independent Examiner

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1 April 2016



## **Annex**

It is not my role to improve what is a well-written, succinct document. However, as the plan moves to the next stage, the Town and Shropshire Councils might consider the following:

1. Using annotation for all photos and other images. Their message needs to come across, if they are to be included.
2. Linking the Development Sites in Fig 6.1 with the narrative on recently permitted schemes in chapter 2, so that the current housing position is clearer.
3. Resolving the presentation of the Proposals Maps at chapter 12. I suggest that the overall picture on page 56 only shows the Green Belt, which is not changing and should not be a formal Proposals Map as only one is necessary; this plan needs a Fig number. The image on page 57 should become the Proposals Map, which shows all the main mapping implications of the plan's policies. The image on page 58 could be described as an Inset Plan, with the outline marked on the Proposals Map.
4. The concerns over the impact of development on funding expansion of Idsall School could be included in section 11.
5. Removing any text that will no longer be relevant once the plan is made; this might include the appendices, which will get out of date.