

Churchill & Blakedown Parish Council

**Churchill and Blakedown  
Neighbourhood  
Development Plan  
2016 - 2026**

**Independent Examiner's Report**

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13 February 2017

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## Summary

I have been appointed as the independent examiner of the Churchill and Blakedown Neighbourhood Development Plan.

The Plan is clearly presented and well organised with planning policies clearly defined and 'Parish Actions' clearly differentiated. The Parish falls within the Green Belt with the exception of Blakedown village. Churchill has a Conservation Area. The vision is to ensure that the two villages retain their distinct and distinctive identities. The vision is underpinned by seven objectives. Policies cover housing, traffic and transport, heritage and the environment, community and business and the economy.

Further to consideration of the Plan and its policies I have recommended a number of modifications that are intended to ensure that the basic conditions are met satisfactorily and that the Plan is clear enabling it to provide a practical framework for decision-making.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Wyre Forest District Council that the Churchill and Blakedown Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI  
Ann Skippers Planning  
13 February 2017



## 1.0 Introduction

This is the report of the independent examiner into the Churchill and Blakedown Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Wyre Forest District Council (WFDC) with the agreement of Churchill and Blakedown Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over twenty-five years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

## 2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The examiner is required to check<sup>1</sup> whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

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<sup>1</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

The basic conditions<sup>2</sup> are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two basic conditions in addition to those set out in primary legislation and referred to in the paragraph above. These are:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site<sup>3</sup> or a European offshore marine site<sup>4</sup> either alone or in combination with other plans or projects, and
- Having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this is not applicable to this examination as it refers to orders).

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>5</sup>

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

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<sup>2</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

<sup>3</sup> As defined in the Conservation of Habitats and Species Regulations 2012

<sup>4</sup> As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>5</sup> The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Wyre Forest Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

### **3.0 Neighbourhood plan preparation and the examination process**

Work began on the Plan in earnest in early 2014 after earlier meetings introduced the concept of neighbourhood planning to residents. A volunteer steering group was established and comments were first sought on the Plan's objectives through a single page questionnaire.

A neighbourhood plan website has been established and regularly updated.

Pre-submission (Regulation 14) consultation took place between 1 November – 13 December 2015. The Plan was available from the website and hard copies available in various locations throughout the Parish and on request. Consultation bodies were written to alongside local groups and organisations. This resulted in 13 responses.

It is clear that the submitted Plan has been the result of sustained effort and consultation.

The Plan was then submitted to WFDC on 26 April 2016. The submission (Regulation 16) consultation took place between 20 May - 1 July 2016. I was appointed to undertake that examination.

After visiting the area on 18 August 2016 and raising some questions of clarification (appended to this report in Appendix 2), I wrote to WFDC because I felt that the Plan would not be found to be compatible with EU obligations, in particular with Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.

In essence it is a requirement that either an environmental report that accords with the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR) is submitted or a statement of reasons for the determination that a plan is unlikely to have significant environmental effects must be submitted.

Following on from a number of queries about this, it transpired that neither document had been submitted. Whilst a Sustainability Appraisal (SA) had been prepared, it had not been submitted at the same time as the Plan, but subsequently. In any case I did not consider that the SA satisfactorily met Regulation 12 of the EAPPR. My letter of 12 October 2016 is attached for information to my report in Appendix 3.

As a result of this correspondence, Churchill and Blakedown Parish Council withdrew the Plan on 8 November 2016 to allow for additional work to be undertaken.

The Plan was submitted to WFDC on 28 November 2016 with a number of supporting documents. Whilst the Plan largely remained the same as the previously submitted version, the supporting documents were updated and a SEA Statement of Reasons submitted. The submission (Regulation 16) consultation took place between 30 November 2016 – 25 January 2017, sensibly allowing a little more time over the Christmas period. This resulted in representations from ten different parties and one late representation. I have considered all the representations, including the late one, and taken them into account in preparing my report.

Any representations on the earlier Regulation 16 consultation were not rolled forward to the more recent consultation.

I have set out my remit earlier in this report. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).<sup>6</sup> PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>7</sup> Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further additions or amendments are required. On occasion I refer to a specific representation, but I have not felt it necessary to comment on each of them. I have focused on giving reasons for any recommendations I make.

PPG explains<sup>8</sup> the general rule of thumb is that the examination will take the form of written representations,<sup>9</sup> but there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. After careful consideration of all the documentation and representations, I decided that neither circumstance applied and therefore it was not necessary to hold a hearing.

As previously explained I made an unaccompanied site visit to familiarise myself with Churchill and Blakedown and the Plan area on 18 August 2016. I did not consider it necessary to revisit the Plan area again on the resubmission of the Plan.

It should be noted that the questions of clarification related to the earlier submission of the Plan and its associated documents. Some of the queries and answers are no longer relevant to this examination whilst others are.

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<sup>6</sup> PPG para 055 ref id 41-055-20140306

<sup>7</sup> *Ibid*

<sup>8</sup> *Ibid* para 056 ref id 41-056-20140306

<sup>9</sup> Schedule 4B (9) of the Town and Country Planning Act 1990

Where I recommend modifications in this report they appear as bullet points in **bold text**. Where I have suggested specific changes to the wording of the policies they appear in **bold italics**.

## **4.0 Compliance with matters other than the basic conditions**

I now check the various matters set out in section 2.0 of this report.

### **Qualifying body**

The Basic Conditions Statement (BCS) confirms that the Churchill and Blakedown Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is met.

### **Plan area**

The Plan area is coterminous with the Parish Council administrative boundary. WFDC approved the designation of the area on 2 April 2013. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on Map 1 on page 41 of the Plan.

### **Plan period**

The Plan covers the period 2016 – 2026. This is clearly shown on the front cover of the Plan.

### **Excluded development**

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the BCS.

### **Development and use of land**

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. The Plan has very clearly differentiated between planning policies and a number of "Parish Actions" which is to be commended. However, should I consider a policy or proposal to fall within this category, I will recommend it be moved to a clearly differentiated and separate section or annex of the Plan or contained in a separate document. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood

plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>10</sup> Subject to any such recommendations, this requirement can be satisfactorily met.

## 5.0 The basic conditions

### Regard to national policy and advice

The main document that sets out national planning policy is the National Planning Policy Framework (NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.<sup>11</sup>

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.<sup>12</sup>

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at [planningguidance.communities.gov.uk](http://planningguidance.communities.gov.uk). The planning guidance contains a wealth of information relating to neighbourhood planning and I have had regard to this in preparing this report.

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.<sup>13</sup>

PPG indicates that a policy should be clear and unambiguous<sup>14</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.<sup>15</sup>

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<sup>10</sup> PPG para 004 ref id 41-004-20140306

<sup>11</sup> NPPF paras 14, 16

<sup>12</sup> *Ibid* para 184

<sup>13</sup> *Ibid* para 17

<sup>14</sup> PPG para 041 ref id 41-041-20140306

<sup>15</sup> *Ibid*

PPG states there is no ‘tick box’ list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>16</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>17</sup>

The BCS sets out how the Plan has responded to national policy and guidance, focusing on the 12 core planning principles of the NPPF.

### **Contribute to the achievement of sustainable development**

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole<sup>18</sup> constitutes the Government’s view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.<sup>19</sup>

Tables 1 and 2 of the BCS help to show how the Plan contributes to the achievement of sustainable development.

### **General conformity with the strategic policies in the development plan**

The development plan of most relevance to this examination consists of the Core Strategy 2006 -2026 (CS) which was adopted in December 2010 and the Site Allocations and Policies Local Plan 2006 – 2026 (SALPP) adopted in July 2013.

The CS is the key strategic level document setting out the broad strategy and vision for development within the District. This identifies Blakedown as a “village” in the settlement hierarchy where housing to meet local needs, local services and small scale rural employment are considered to be suitable. With the exception of Blakedown which is excluded, the Parish falls within the West Midlands Green Belt.

The SALPP allocates and designates areas of land for particular uses including housing and other major development needs and sets out development management policies. SALPP Policy SAL.PFSD1 introduces a presumption in favour of sustainable development and refers to neighbourhood plans. The SALPP allocates a site, Blakedown Nurseries, for development and this has now been built.

Table 3 of the BCS cross-references the Plan policies with the CS and the SALPP. It simply reproduces each of the Plan policies with the relevant policies from the CS and SALPP. Whilst this is a thorough approach, it would have been helpful to also add a short commentary about how the Plan meshes with these two documents, but this has formed part of my own assessment.

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<sup>16</sup> PPG para 040 ref id 41-040-20160211

<sup>17</sup> *Ibid*

<sup>18</sup> NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government’s view of what sustainable development means in practice

<sup>19</sup> *Ibid* para 7

## **European Union Obligations**

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

PPG indicates that it is the responsibility of local planning authorities to ensure that the Plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive) when it takes the decision on a) whether the Plan should proceed to referendum and b) whether or not to make the Plan.<sup>20</sup>

## **Strategic Environmental Assessment**

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.

A Statement of Reasons dated November 2016 has been submitted. WFDC has assessed the draft Plan and has determined that a SEA is not required. The requisite consultation with the statutory consultees was undertaken. All three statutory consultees responded and concur with the determination.

Therefore EU obligations in respect of SEA have been satisfied.

## **Habitats Regulations Assessment**

Directive 92/43/EEC refers to the conservation of natural habitats, commonly known as the Habitats Directive. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.<sup>21</sup> The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

WFDC has indicated that a HRA is not required based on the premise that HRA was not required for either the CS or the SALPP. The BCS states that there are no European sites in, or near to, the Plan area. There are no representations to indicate that any European sites would be, or might be, affected by the Plan.

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<sup>20</sup> PPG para 031 ref id 11-031-20150209

<sup>21</sup> *Ibid* para 047 ref id 11-047-20150209

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in primary legislation as detailed in section 2.0 of this report. In my view, requirements relating to Habitats Regulations Assessment have been met and the Plan complies with this basic condition.

### **European Convention on Human Rights (ECHR)**

The BCS contains a statement about fundamental rights and freedoms guaranteed under the ECHR and confirms the Plan complies with the Human Rights Act 1998. There is nothing in the Plan that leads me to conclude there is any breach of the Convention or that the Plan is otherwise incompatible with it.

## **6.0 Detailed comments on the Plan and its policies**

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. As a reminder, where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is generally presented well with policies which are clearly differentiated from supporting text.

The Plan is organised around five themes. Each theme refers to the relevant objectives of the Plan and outlines the issues of importance to the community. This is then followed by two sections which outline the “technical evidence” and “justification” for the policies appertaining to that particular theme. Each theme is followed by a ‘box’ of what are regarded to be relevant CS and SALPP policies. They are also supported by actions for the Parish Council to take that are associated with that theme. In line with my comments in section 4.0 of this report, I consider that these actions are clearly differentiated from the planning policies.

Many of the “technical evidence” sections contain whole or partial quotes from CS and SALPP policies. However, it is not clear to the reader that this is the case. I feel it is confusing to first of all only quote part of a policy as it could be taken out of context and secondly, not to acknowledge it as a CS or SALPP policy. Where the prose in the Plan simply repeats, partially or in full, other policies from the CS and SALPP this should be made clear. This applies throughout the Plan and I do not repeat this recommendation at every juncture in the interests of brevity.

In addition in some places there is no policy ‘box’. Whilst this is not a recommendation I need to make in order for the Plan to meet the basic conditions, I urge the Parish Council to consider whether in the interests of consistency this should be added to a future version of the Plan.

- **Make it clear that where paragraphs throughout the Plan partially or fully quote from CS or SALPP policies by differentiating the words from the CS or SALPP policies by using a different font or italics and adding a sentence to that effect; this modification applies throughout the Plan and in particular to paragraphs 4.1.2, 4.1.3, 4.1.4, 4.2.2, 4.2.10, 4.2.18, 4.2.20, 4.3.2, 4.4.2, 4.5.2.**

## 1 Introduction and Background

This section contains contextual and informative information about the Parish.

Amongst other things reference is made to the Hurcott Pool Site of Special Scientific Interest (SSSI) which the SALPP explains is the County's largest alder woodland. I understand that the full name for the SSSI is "Hurcott and Podmore Pools" and this should be reflected here and elsewhere in the Plan in the interests of accuracy. Podmore Pool falls outside the Plan area and this should be explained in the Plan by adding text to paragraphs 1.28 and 4.2.12 and the SSSI referred to by its full name.

- **Change the name of the SSSI in paragraph 1.28 on page 7 and paragraph 4.2.12 on page 20 of the Plan to "*Hurcott and Podmore Pools*" and explain that only part of the SSSI falls within the Plan area**

## 2 A Neighbourhood Development Plan for Churchill and Blakedown

Overall this section provides useful background information about the Plan and its preparation and helpfully signposts the Parish Council's website and the Consultation Statement for further information.

Paragraph 2.2 refers to neighbourhood plans becoming part of the "Local Plan"; they become part of the development plan and so in the interests of accuracy, a small change in terminology is needed on three separate instances.

The section contains a useful diagram of the Plan process, but naturally needs updating as the Plan progresses and for that reason and in the interests of clarity, it might now be better to remove the indicator of "we are here" which has been helpful in earlier stages.

Paragraph 2.9 refers to a list of CS policies at Appendix B; the list is included as Appendix D. I recommend later in this report that this appendix is deleted.

- **Substitute the phrase "*Development Plan*" for "*Local Plan*" on the three occasions it appears in paragraph 2.2**
- **Remove the different colour and "we are here" from Figure 1 on page 8 of the Plan**

- Delete references to “Appendix B” in paragraph 2.9 as although this should be a reference to “Appendix D”, Appendix D is recommended for deletion later in this report

### 3 Vision for Churchill and Blakedown and Objectives

The vision for Churchill and Blakedown is:

“Our vision for the villages of Churchill and Blakedown is one of a continuing recognition of their separate characteristics – Churchill maintaining its essentially historic rural nature and Blakedown with its larger more diverse but essentially compact community, each valuing and respecting each other.”

The vision is underpinned by seven objectives; all are clearly articulated and relate to the development and use of land.

### 4 Neighbourhood Development Plan Policies for Churchill and Blakedown

#### *Theme 1 Traffic and Transport*

#### **Policy CB1 Traffic Management**

Policy CB1 is a criteria based policy that seeks to address the impacts of new development and will help to ensure that safe and suitable access can be achieved in line with the NPPF and that sustainable development can be achieved.

Criterion 3. causes me some concern as it states that parking should be provided in accordance with the adopted policies, but does not indicate which ones or what they require. It would provide more certainty if the County and District Councils were referred to in the policy so it is clearer for the development industry. Otherwise the policy is in line with the basic conditions.

- **Add at the end of criterion 3. “at County and District Council level.”**

#### **Policy CB2 Transport Improvements**

This policy seeks funding, including from developer contributions, towards a range of projects throughout the Parish. It is important that any contributions sought from development meet the statutory tests set out in the Community Infrastructure Levy Regulations 2010 and the policy tests set out in the NPPF. Therefore when the statutory and policy tests would not be complied with, a developer contribution could not be sought, but other sources of funding potentially could be and I have taken this

policy to indicate the project priorities of the community. It is clear in its extent and what it seeks and will particularly help to achieve sustainable development subject to a modification to make it clear about developer contributions.

- **Add the words “*where appropriate,*” after “...developer contributions,…” in the first sentence of the policy**

## ***Theme 2 Heritage and the Environment***

### **Policy CB3 Protecting Heritage Assets**

The NPPF<sup>22</sup> recognises their heritage assets are an irreplaceable resource and that they should be conserved in a manner appropriate to their significance.

The policy is in three parts. It firstly refers back to SALPP Policy SAL.UP6 in relation to development within Conservation Areas and the settings of listed buildings. However, it does so a little clumsily both in terms of its interpretation and wording. As a result some revision is suggested in the interests of clarity and to ensure that the policy reflects national policy and guidance more fully.

The second element of the policy refers to the benefits of any scheme outweighing any harmful impacts on any heritage asset or open spaces and views within the Conservation Area. This is different to the tests set out in the NPPF not least because the NPPF distinguishes between designated and non-designated heritage assets. Nevertheless the policy employs a similar approach by employing a balanced judgment and subject to some amendment will meet the basic conditions. Other modifications are made in the interests of clarity and providing a practical framework.

The last part of the policy is positively worded outlining a number of criteria that new development is required to meet. Some of the criteria are onerous and restrictive and rather make the assumption that historic development is ‘good’ and should be followed. It is important to support local distinctiveness, but also important not to stifle innovative design.

Taking each of the criteria I have concerns about in turn, criterion 1. requires the maintenance of the historic pattern of development through density and layout; I recommend a change to make this more flexible.

Criterion 3. is very specific and is not supported by sufficient evidence to justify its retention.

Criterion 4. Is complex and its intention unclear. It does not therefore provide the practical decision making framework sought by national policy and guidance.

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<sup>22</sup> NPPF Section 12

Criterion 5. may inadvertently stifle innovative design and so requires more flexibility. All of the criteria seek to ensure that new development makes a positive contribution to local character and distinctiveness in line with national policy and are worded well.

Criterion 6. lacks any justification and may stifle the achievement of sustainable development.

Criterion 8. requires all development to reuse traditional buildings that make a contribution. It requires more flexibility to take account of the NPPF and its stance on the substantial harm to or loss of designated heritage assets when it is necessary to achieve substantial public benefits and that harm or loss is outweighed by the benefit of bringing the site back into use.<sup>23</sup>

I note that Historic England in their representation is supportive of the Plan and “the emphasis on the conservation of local distinctiveness and the protection of locally significant buildings and landscape character including important views is to be applauded.”<sup>24</sup>

- **Reword paragraph one of the policy so that it reads: “*New development in the Conservation Area and/or within the settings of listed buildings will be expected to meet the requirements of Policy SAL.UP6.*”**
- **Add the words “*the significance of*” after “...detrimental impact on...” and before “...any heritage asset...” to paragraph two of the policy**
- **Delete the words “...or on the identified open spaces and views within the conservation area...” from paragraph two of the policy**
- **Reword criterion 1. to read: “*Respect the historic pattern of development, taking into account density and layout in the local context.*”**
- **Delete criterion 3. in its entirety**
- **Delete criterion 4. in its entirety**
- **Delete the words “...maintain unity of appearance and style at both front and back” from criterion 5.**
- **Delete criterion 6. in its entirety**
- **Add at the end of criterion 8. “...where it is appropriate and possible to do so.”**
- **Consequential renumbering to criteria will of course be necessary**

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<sup>23</sup> NPPF para 133

<sup>24</sup> Representation from Historic England of 15 December 2016

## Policy CB4 Local Heritage and Archaeology

This policy refers to archaeology and local heritage. Appendix B of the Plan is a list of locally listed buildings and structures. It would have been helpful had the explanatory text at least referred to this list and I suggest an additional paragraph of supporting text is inserted.

The policy seeks to ensure that archaeological interests are taken into account and that any proposals affecting structures on the local heritage list are sensitively designed and any loss of locally listed buildings is resisted. The policy is clearly worded and with an amendment to include a little more flexibility in relation to the archaeology element and to recognise national policy's emphasis on significance it will meet the basic conditions.

- **Add a new paragraph (4.2.6), subsequent paragraphs will require renumbering, that reads:**

***“Locally listed buildings and structures are also of importance. A Local Heritage List is to be found in Appendix B. From time to time this list will be updated and so it is important that applicants seek the most up to date information from the relevant authorities before submitting any planning applications.”***

- **Change part 1. of the policy to read:**

**“New development must take account of known surface and sub-surface archaeology and, where there is a reasonable and identifiable potential for unknown and potentially significant deposits ensure they are identified and appropriately considered during development. Lack of evidence of sub-surface archaeology must not be taken as proof of absence.”**

- **Add the words “the significance of” after “...how they protect or enhance...” and before “...such heritage assets.” to criterion 2. of the policy**

## Policy CB5 General Design Principles

This policy is preceded by (existing) paragraph 4.2.6 which provides a summary of SALPP Policy SAL.UP7 which I consider is suitably worded for retention in this instance. It is followed by two other well worded paragraphs that set the scene for Policy CB5.

The policy itself sets out 18 criteria which are worded well and aimed at achieving high quality, sustainable development in line with the thrust of national policy and the CS and SALPP. Criterion 11. refers to Policy CB7 which in turn refers to local green spaces rather than views and for this reason this appears to be an anomaly. Even assuming

that the reference should have been to Policy CB6 rather than CB7 this is unnecessary cross-referencing. With this exception, the policy meets the basic conditions.

- **Delete criterion 11. in its entirety**
- **Consequential amendments to the policy's numbering will of course be needed**

### **Policy CB6 Protecting and Enhancing Local Landscape Character and Views**

This is a long policy that has 12 paragraphs or criteria referred to as landscape design principles.

Criterion 1. refers to a “green wedge” separating Blakedown and Hagley. In response to a query, I am advised that this land is Green Belt and that “green wedge” is a generally descriptive term.

The effect of this would be to prevent any development in the area between Blakedown and Hagley within the Parish/Plan area boundary. This would not accord with Green Belt policy. One of the purposes of Green Belt policy is to prevent neighbouring settlements from coalescence. The green wedge is not referred to elsewhere in the Plan and so there is little justification or explanation for it. This part of the policy does not accord with the basic conditions and should be deleted.

Criteria 2. and 3. seek to preserve and enhance character and local habitats respectively. Enhancement is a high bar and so some flexibility should be inserted in relation to this.

Criterion 5. refers to “locally significant views” and “protected views” shown on Map 2. In response to a query these are one and the same. Maps 2 show numbered viewpoint arrows and the circles on the maps illustrate the area in view from those numbered arrows. The criterion requires consideration of any adverse impacts on these views through a landscape appraisal and impact study. The phraseology should be referred to consistently between the text, policy and map in the interests of clarity.

All other criteria are worded appropriately.

The policy as modified will generally conform to CS Policy CP12, take account of national policy and guidance and help to achieve sustainable development.

- **Delete criterion 1. of the policy in its entirety [subsequent renumbering will of course be needed]**
- **Add the word “or” in criteria 2. and 3. before “enhance” and “enhanced” respectively**

- **Change the last sentence in criterion 5. to read “*Locally Significant Views* are shown on Maps 2”**
- **Change the title of Maps 2 to “*Locally Significant Views*” [see also other changes to these maps later in the report]**

## **Policy CB7 Protection of Local Green Spaces**

Four new Local Green Spaces (LGS) are identified in this policy. The designation has been introduced via the NPPF<sup>25</sup> which explains that LGSs are green areas of particular importance to local communities. The effect of such a designation is that new development will be ruled out other than in very special circumstances. Identifying such areas should be consistent with local planning of sustainable development and complement investment. The NPPF makes it clear that this designation will not be appropriate for most green areas or open space. Further guidance about Local Green Spaces is given in PPG.

The proposed LGSs are shown on “Maps 3” in the Plan although the policy refers to Map 4; clearly the map numbers need to tie up with the wording of the policy. In addition it would be preferable to identify the maps for Blakedown and Churchill as 3a and 3b and to name both appropriately. Furthermore it was apparent to me at the site visit that the key incorrectly identifies each of the LGSs; for instance 1. is the Millennium Green not the Avenue, 2. is Churchill Village Green not the Millennium Green. In the interests of accuracy and to avoid confusion, these small presentational matters need to be addressed.

The policy is clearly worded in terms of what development will be permitted on the LGSs. However, it refers to the designation of such areas and refers to the specific paragraphs in the NPPF. This is not necessary and may even prove to be problematic during the lifetime of the Plan if the NPPF is changed. So to make the policy clearer, I suggest an amendment to address this concern.

With regard to each proposed LGS, I saw at my visit that the Millennium Green is an open, grassed area enclosed by trees and hedges close to the Parish Rooms and Scout Hall. It has parking nearby and is close to housing development with a footpath. The designation also includes the bowls club. It is a self-contained and secluded area with seating on it. It was well used at the time of my visit and the Plan explains it is also used for village events as well as for recreational purposes.

The Village Green is a small area of grass at an important junction and key point in Blakedown village. It forms part of the village centre and is close to the car park. It contains a seat. It is important both for its visual impact and functionality. The Plan explains that this is also the location for the Christmas tree.

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<sup>25</sup> NPPF paras 76 and 77

The Avenue is a path which begins with rear access to houses which then backs onto gardens. It leads from the village centre to close to the railway station. It is clearly well used as a route connecting the Village Green with the station and is a historic thoroughfare.

The Village Green in Churchill is an area of grass with a war memorial at an important crossroads.

In my view, all four proposed LGSs meet the criteria in the NPPF satisfactorily.

- **Rename the “Maps 3” as “Map 3a Local Green Spaces in Blakedown” and “Map 3b Local Green Space in Churchill” and ensure that the key correctly identifies the relevant LGS**
- **Refer to “Maps 3a and 3b” instead of “Map 4” in the policy**
- **Reword the first sentence of the first paragraph of the policy to read: “The following local green spaces as shown on Maps 3a and 3b are designated:”**

### **Policy CB8 Water Management and Surface Water Run-off**

The CS explains that water supply within the District is a finite resource and that water management and conservation are becoming increasingly important. This is further emphasised in the SALPP and its policy SAL.CC7. Policy CB8 contains five criteria that will assist with this strategic aim. All are worded well.

The policy takes account of national policy and guidance, is in general conformity with relevant policies in the CS and SALPP and will help to achieve sustainable development. No modifications are therefore recommended.

### **Policy CB9 Connectivity**

The policy supports the enhancement of the bridleway network with the Plan area and seeks to improve connections to the surrounding area. A third criterion requires all new development to maximise accessibility and improve biodiversity. The aim of this part of the policy is to be supported, but it would be very difficult and onerous for all development including minor householder extensions for instance to be able to meet these requirements. Therefore the wording of the policy needs some adjustment to increase flexibility without losing its overall aim which is in line with national policy and guidance and will help to achieve sustainable development.

- **Reword criterion 3. of the policy to read:**

***“3. Development proposals should take every available opportunity to maximise accessibility to residents, improve connectivity and support local biodiversity through:” [retain the three bullet points]***

### ***Theme 3 Community***

#### **Policy CB10 Protection of Local Community Facilities**

Policy CB10 starts with a presumption in favour of protecting community facilities in general and permitting other health, education or “community type” uses for those existing community facilities listed in Appendix C. The facilities listed in that appendix range from churches to schools, car parks to a website, the golf club to a sports field. In response to a query the list at Appendix C is intended to be illustrative, but not exhaustive and the policy intended to support all community facilities. Unfortunately it is worded confusingly.

The policy as currently worded protects rather than resists the loss of community facilities and there are inherent difficulties in having the list comprised as it is of both private and public interests, and non development and use of land facilities.

There is little flexibility within the policy and the potential for a great deal of argument as to what a “community type” use might be. Health, education and community type uses are preferred, but there is little evidence to support that preference.

However, the NPPF<sup>26</sup> promotes the retention of and development of local services and community facilities. CS Policy CP07 also resists the loss of any community facilities unless an appropriate alternative is provided or that there is evidence to show the facility is no longer required and suitable alternatives have been considered. SALPP Policy SAL.DPL11 also refers to the loss of community facilities. Therefore a modification is recommended to ensure the policy takes account of national policy, is in general conformity with the relevant policies of the CS and the SALPP and helps to achieve sustainable development.

- **Reword Policy CB10 to read:**

***“The loss of local community facilities will be resisted.***

***A change of use to another community use or for health and education uses will generally be supported subject to acceptable impacts.***

***Other changes of use will only be permitted when:***

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<sup>26</sup> NPPF para 28

**1. The proposal includes alternative provision of an equivalent or enhanced quality on an appropriate site within the locality which is accessible by public transport, walking or cycling and has satisfactory car parking provision; or**

**2. Where satisfactory evidence demonstrates there is no longer a need for the facility or that the community facility is no longer viable to provide on that site or building.”**

### **Policy CB11 New and Enhancement of Existing Local Community Facilities**

The title of the policy could be clearer and a modification is made to simplify it.

The policy supports new or enhanced community facilities within or adjacent to the settlement boundary subject to satisfactory transport impacts, parking provision and effects on residential amenity. It is worded clearly.

Criterion 4. Requires “opportunities to integrate services”; this phrase is open to interpretation and is a high bar to achieve. As a result it should be deleted.

The policy will help to provide such facilities which will help to achieve the social dimension of sustainable development. The settlement boundary is the same as that identified in the SALPP and although land adjacent to it falls within the Green Belt, any proposal would be subject to Green Belt policies at national and District level.

- **Change the title of the policy to: “*New and Enhanced Local Community Facilities*”**
- **Delete criterion 4. from the policy [consequent renumbering of the remaining criteria will of course be needed]**

### **Policy CB12 Supporting Development of Communications Infrastructure**

The title of the policy could read better through the inclusion of the word “the”.

This policy supports the provision of high quality communications infrastructure both through support for the infrastructure itself and through new development making provision for it. The NPPF<sup>27</sup> states that such infrastructure is essential for sustainable economic growth and plays a vital role in enhancing local services and facilities. The policy also reflects SALPP Policy SAL.CC5. Subject to the insertion of greater flexibility in relation to new development making provision for high speed broadband, the policy will meet the basic conditions.

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<sup>27</sup> NPPF Section 5

- Insert the word “*the*” into the title of the policy so that it reads “Supporting *the* Development of Communications Infrastructure”
- Change the last sentence of the policy to read: “All new development will be required *where appropriate* to make provision for *high quality communications infrastructure.*”

### Policy CB13 Developer Contribution and Community Infrastructure Levy

The title of the policy should be changed so that developer contribution is plural so that it reads better.

Simply worded, this policy seeks developer contributions for community facilities and infrastructure and sets out two priorities. It is important that any contributions sought from development meet the statutory and policy tests. To ensure this is the case they should only be sought where it is appropriate to do so and a modification is recommended to ensure that this is the case in line with the statutory tests set out in the Community Infrastructure Levy Regulations 2010 and the policy tests set out in the NPPF.

Subject to these modifications and in other respects the policy will meet the basic conditions as there is sufficient flexibility in the wording.

- Change “Developer Contribution” to “Developer *Contributions*” in the policy’s title
- Reword the policy to read:

***“Developer or Community Infrastructure Levy contributions will be sought from new development where appropriate to fund improvements to community facilities and infrastructure in the Parish.***

***Priority will be given to the following:***

- 1. Healthcare including a Doctor’s Surgery***
- 2. Parking facilities at the school and railway station.”***

### Policy CB14 Village Centre

It would be helpful for the policy to refer to Blakedown just in the interests of clarity.

The village centre is defined on Map 4. This is a relatively small area which, I saw at my site visit, comprises the Village Green, a car park, a collection of shops and businesses and a public house. It straddles an important junction across a busy road, but is a

compact area that also includes part of the Avenue route from this area to the railway station. It is appropriate to define a village centre and its definition seemed to me to be rational.

Within the village centre, the policy seeks to ensure that any changes of use from retail to other uses that require planning permission do not adversely affect the vitality and viability of the centre, a shop front display is retained, day time opening hours are encouraged and that the unit has been marketed for over six months.

It seems sensible to me to seek to protect and develop this small area as the centre so that local facilities and services are protected and encouraged as this helps to create a sustainable settlement and adds to quality of life. The criteria are worded well with sufficient flexibility. The policy will support SALPP Policy SAL.GPB3 which identifies Blakedown Village Centre and protects local retail services and supports new retail development.

The policy takes account of national policy, is in general conformity with relevant policies at District level and will help to achieve sustainable development. It therefore meets the basic conditions.

- **Add the word “*Blakedown*” to the start of the policy’s title**

#### ***Theme 4 Business and the Economy***

##### **Policy CB15 Supporting Existing Local Employment**

Existing local employment uses are supported by this policy. It only permits changes of use or redevelopment of employment sites in three circumstances. Firstly, after marketing for six months when the premises has been empty. Secondly, the site is no longer suitable for employment uses because of poor access or incompatibility with surrounding uses. Lastly, when the use is no longer viable and this is supported by evidence.

In general terms support for existing employment uses is important as such uses will make a contribution to the Parish both in terms of the employment they provide, but also in terms of the service they offer. CS Policy DS04 supports developments that provide the rural community with essential services and facilities and supports appropriate schemes to support the rural economy. CS Policy CP08 safeguards appropriate rural employment sites. The policy as worded is sufficiently flexible to allow changes of use in a variety of circumstances. It meets the basic conditions and no modifications are recommended.

## Policy CB16 New Local Employment Opportunities

Policy CB16 permits new employment uses in the Plan area provided they are in accordance with the relevant policies at District Council level. CS Policy DS04 is of relevance here. The policy then continues with a number of criteria which reflect local circumstances.

With regard to criterion 1. I do not know what “community amenity” means and there is little explanation in the supporting text. As a result I recommend this be removed to help with the clarity of the policy.

The second criterion refers to the loss of open space or green infrastructure. In certain circumstances the loss of spaces or green infrastructure may be outweighed by the benefits of the development, the development may be locationally specific or the proposal may include equivalent or enhanced open space or green infrastructure provision. As a result greater flexibility in the criterion is needed to ensure that sustainable development can be achieved and a modification is recommended to this effect.

The conversion of agricultural buildings is also covered by the policy reflecting CS Policy DS04 and SALPP Policy SAL.UP11.

In all other respects the policy is worded clearly.

In order for the policy to meet the basic conditions the following modifications are needed:

- **Delete the words “or community” from criterion 1. in the policy**
- **Add the word “unacceptable” after “Do not lead to the...” and before “...loss of open space...” to criterion 2.**

### ***Theme 5 Housing***

PPG clearly states that neighbourhood plans do not have to contain policies addressing all types of development.<sup>28</sup> Whilst a neighbourhood plan can allocate sites, there is no obligation to do so and many do not.

CS Policy DS04 states that new residential development will be to meet local housing needs only, as established through Parish surveys.

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<sup>28</sup> PPG para 040 ref id 41-040-20160211

A Housing Needs Survey has been carried out in 2015 and information from the Census 2011 updated to reflect new housing completed in the period 2011 – 2015 is contained in a table on page 35 of the Plan.

The Plan explains that there is a shortfall of one, two and three bed properties compared to the District as a whole.

SALPP Policy SAL.DPL1 identifies sites and sets out locations for housing development. Residential development outside of either the sites or specified locations will not be permitted unless in accordance with SALPP Policy SAL.DPL2 or other rural development and Green Belt policies.

### **Policy CB17 Scale and Type of New Residential Development**

The first part of this policy supports housing development within the Blakedown settlement boundary subject to a number of criteria. This principle reflects CS Policy DS04. The settlement boundary is shown on Maps 1 in the Plan and is the same as that defined in the SALPP.

The first criterion is that there should be no loss of open space, shops or other local facilities. This is a valid approach, but leaves no flexibility for relocation, new or enhanced provision and as a result may inadvertently stifle sustainable development. To overcome this concern, a modification is recommended.

I also have concerns about criterion 3. which requires new housing to contribute to local open space and village amenity. It might be difficult for smaller sites or conversions to achieve this. Again whilst I understand the sentiment, more flexibility is needed so that this can be considered on a site by site basis to ensure that sustainable development can be achieved.

Criterion 4. requires compliance with another policy in the Plan; this is unnecessary as all relevant policies will need to be taken account of. It should therefore be deleted.

Criterion 5. Requires any new development to convert or reuse an existing building or previously developed land. This policy applies within the settlement boundary and so this criterion is unduly onerous and will potentially prevent sustainable development being achieved. It should be deleted.

Criterion 6. Requires development to be “in proportion with the surrounding area”. Whilst I understand what this is ‘getting at’ it is clumsily worded. There are other policies in the Plan which cover this aspect. The second element refers to the amenity of the occupiers of neighbouring properties and this can be retained. I have though recommended more precise wording.

Criterion 7. seeks to ensure that development is located within easy reach of facilities and services. This is not unreasonable, but given that the policy applies to locations within the settlement boundary is unduly onerous and unnecessary.

Criterion 8. requires adequate car parking; I consider “satisfactory” to be better phraseology. In addition given the policy’s applicability, car parking may be provided off site but still in a convenient and suitable location. The criterion should therefore be more flexible.

Criterion 9. resists the extension of existing ribbon development. Again given the policy applies to locations within the settlement boundary, this is unnecessary and unduly onerous. In any case, the effect on character and appearance is covered by other policies in the Plan.

The second part of the policy indicates that larger scale redevelopment opportunities will be subject to all relevant policies in the Plan and at District level. Whilst this does not add anything to planning policy, given that the last policy then covers rural exception sites, in this instance it can be retained for completeness.

The last part of the policy refers to rural exception sites. These are supported if they accord with national and District level policy, in particular SALPP Policy SAL.DPL2, and subject to consultation and agreement with the Parish Council. This latter requirement is not a development and use of land matter and so these words should be deleted.

Subject to these modifications, the policy will meet the basic conditions.

- **Add the word “*unacceptable*” after “It would not lead to the...” and before “...loss of open space...” to criterion 1.**
- **Add the words “*wherever possible*” to the end of criterion 3.**
- **Delete criterion 4. in its entirety**
- **Delete criterion 5. in its entirety**
- **Change criterion 6. to read: “*The development should not materially harm the living conditions of the occupiers of neighbouring properties.*”**
- **Delete criterion 7. in its entirety**
- **Change the word “adequate” in criterion 8. to “*satisfactory*” and delete the words “within the site”**
- **Delete the words “...after consultation and agreement with the Parish Council.” from the last paragraph of the policy**

- **Consequential amendments to the numbering of the criteria etc. will be needed**

### **Policy CB18 Ensuring an Appropriate Range of Tenures, Types and Sizes of Houses**

The policy begins by ensuring that all new housing proposals should show how they maintain and enhance the mix of tenures, types and sizes of dwellings in the Parish. Smaller affordable units of 2 and 3 beds and market bungalows are encouraged by this policy. This will help to deliver the wide choice of homes and create inclusive and mixed communities promoted by national policy.

On sites of three or more, a mix of tenure, type and size is required; this is an onerous requirement particularly in relation to tenure. CS Policy CP04 seeks affordable housing provision on sites of six or more dwellings. There is no explanation in the Plan as to why the threshold of three units has been selected or what number or sort of sites might be 'caught' by this policy.

The policy then seeks to resist proposals that, over time, would lead cumulatively to an over provision of one tenure, type or size. This is very difficult to 'police' and it may be better to word the policy positively so that proposals should reflect local housing needs. This would also align better with CS Policies DS01, DS04 and CP05. This in itself may have the same outcome, but would not preclude a number of bungalows or homes suitable for older people, a need identified in the Plan, being built.

Lastly, the policy seeks to integrate market and affordable housing across sites. I consider this will help to integrate and create sustainable communities although is unlikely to be achieved on smaller sites, but could potentially be achieved on larger sites or rural exception sites.

CS Policy DS04 supports new housing development to meet local housing needs. In order to better reflect this and to address my concerns set out above and to ensure that the policy meets the basic conditions, the following modification is suggested:

- **Change the second paragraph of the policy to read: *"A mix of types and sizes of dwellings must be provided on suitable sites based on the most up to date information available about local housing needs."***

## **5 Conclusions**

This is a short, well written section to end the Plan.

## Maps

A series of maps then follows. I have already recommended some modifications to the Maps in my report and recommend further modifications here.

The Maps need to be identified properly and be legible. This will help to provide clarity and a practical framework for decision making in line with national policy and guidance.

- **Renumber and rename the Maps as follows: the three maps on pages 41 and 42 of the Plan respectively become Map 1 titled “Churchill and Blakedown Neighbourhood Plan Area”; Map 2 titled “Churchill Conservation Area” and Map 3 titled “Blakedown Settlement Boundary”**
- **Both the new Maps 2 and 3 should be reproduced in better quality**
- **Renumber the three maps on pages 43 and 44 of the Plan “Map 4a”, “Map 4b” and “Map 4c” and title these maps “Locally Significant Views”**
- **Renumber the Maps 3 on page 51 of the Plan “Map 5a” and “Map 5b” and title Map 5a “Local Green Spaces in Blakedown” and Map 5b “Local Green Spaces in Churchill”**
- **Ensure that the key for the new Maps 5a and 5b is correct and that each Local Green Space is numbered and identified correctly on that key**
- **Renumber Map 4 as “Map 6” and retain its title “Blakedown Village Centre”**
- **Renumber Map 5 as “Map 7” and retain its title “Churchill and Blakedown Watercourses”**
- **Consequential amendments to the maps will be needed throughout the Plan to reflect the new numbering system and new titles**

## Appendices

A number of appendices then follow. I have commented on any changes needed to references to these appendices earlier in my report at the appropriate place.

Appendices A, B and C are relevant and contain useful information. It will however be important to ensure that users of the Plan seek the most up to date information available as this information may change throughout the lifetime of the Plan. For this reason I suggest that a sentence directing users of the Plan to the most up to date information is added to each of these three appendices.

Appendix D is a list of extracts from the NPPF, the CS and the SAL. It does not add anything to the contents of the Plan, is unnecessary and is risky if not all the relevant extracts and policies have been correctly identified.

Appendix E is a summary of Parish Actions. These are clearly identified throughout the Plan and there is little to be gained from reproducing them here. The Plan will be more succinct and user friendly without superfluous appendices.

As a result it would be better if these appendices (D and E) were deleted in the interests of clarity and providing a practical framework in line with national policy and guidance. Appendix F is a useful summary of the new builds and conversions since 2002 and is referred to in the Plan, but will become out of date quickly. For this reason a similar sentence to that added in Appendices A, B and C is recommended.

- **Add to Appendices A, B and C a sentence that reads: *“The information in this appendix reflects information and is correct at the time of writing the Plan. Up to date information should be sought from the local planning authority, the Parish Council or other relevant organisation such as Historic England.”***
- **Delete Appendix D in its entirety**
- **Delete Appendix E in its entirety**
- **Add to Appendix F a sentence that reads: *“The information in this appendix reflects information and is correct at the time of writing the Plan. Up to date information should be sought from the local planning authority or the Parish Council.”***
- **Consequential renumbering of appendices will be needed and amendments made throughout the Plan to the revised renumbering**

## Jargon Guide

A helpful glossary of terms is then included.

## 7.0 Conclusions and recommendations

I am satisfied that the Churchill and Blakedown Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Wyre Forest District Council that, subject to the modifications proposed in this report, the Churchill and Blakedown Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Churchill and Blakedown Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Plan should proceed to a referendum based on the Churchill and Blakedown Neighbourhood Plan area as approved by Wyre Forest District Council on 2 April 2013.

*Ann Skippers* MRTPI  
Ann Skippers Planning  
13 February 2017

## **Appendix 1 List of key documents specific to this examination**

Churchill and Blakedown Submission Neighbourhood Plan 2016 – 2026

Basic Conditions Statement undated

Consultation Statement November 2016

Strategic Environmental Assessment (SEA) Statement of Reasons November 2016

Wyre Forest District Council Core Strategy 2006 – 2026 (adopted December 2010)

Wyre Forest District Council Site Allocations and Policies Local Plan 2006 – 2026  
(adopted July 2013)

Various evidence documents and other information on [www.cnbdnp.co.uk](http://www.cnbdnp.co.uk)

**List ends**

## Appendix 2 Questions of Clarification from examiner to WFDC and the Parish Council of 5 September 2016

### Churchill and Blakedown Neighbourhood Plan Examination

#### Questions of clarification from the Examiner to the Parish Council and WFDC

Having completed an initial review of the Neighbourhood Plan (the Plan) and some of the evidence submitted in support of it, I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information.

Please ensure that your answers are as brief as possible and factual in nature. Please do not send or direct me to evidence that is not already publicly available.

1. Has the Blakedown settlement boundary been reviewed as part of the neighbourhood planning process or has it been brought forward from the CS/SAL?
2. Where is the site Station Yard? This site is referred to in the representation from RCA Regeneration and I would find it useful if it could be identified on a map please.
3. Policy CB6 refers to a “green wedge that separates Blakedown and Hagley”. Is it the intention to designate a green wedge and/or is the green wedge defined on a map or is it a designation which is brought forward from an earlier or another plan (at Parish, District or County level) or is it the intention of the policy to use the term in a more general sense? If it is defined, please provide a map of the green wedge.
4. Policy CB6 refers to “local significant views” and “protected views” and refers to “Maps 2”. Maps 2 is titled “protected views”.
  - Are “locally significant views” and “protected views” one and the same? If not which is which and how do they differ?
  - Are the views the circled areas on the three Maps 2 or the viewpoint arrows which are then described and photographed?
5. Policy CB7 seeks to designate The Avenue as a Local Green Space.
  - Is The Avenue a public right of way?
  - Have the owners of The Avenue been contacted (in line with PPG advice)? Is there a possibility of multi-ownership given that part of The Avenue appears to given access to private properties?
6. Policy CB10 refers to existing community facilities and refers to a list of such facilities at Appendix C. Was it the intention that only those facilities listed in Appendix C would be subject to this policy (or was it intended that the policy should apply to any/all existing community facilities)?
7. Does part of the Hurcott and Podmore Pools SSSI fall outside the Plan area?

8. The next series of questions relate to Strategic Environmental Assessment (SEA). It would be useful if you could factually outline the series of events in relation to the Sustainability Appraisal from any screening determination onto the first Scoping Report to the submission of the SA including consultations carried out, dates and any responses received etc. please.
9. Was a screening opinion undertaken as to the need for Strategic Environmental Assessment? If so, please provide a copy of this together with the statutory consultees' responses.
10. There are two SA Scoping Reports; one is dated March 2016 and one April 2016. The baseline report is dated 2014 and so this would suggest there was an earlier Scoping Report? If so, please provide me with a copy of this.
11. WFDC's website appears to only include the responses to the Scoping Report of March 2016. Is this right?
12. Please provide me with the responses to the Scoping Report of April 2016 or confirm that this was not consulted upon.
13. The neighbourhood plan was submitted to WFDC on 26 April 2016, but the Sustainability Appraisal presumably submitted with the neighbourhood plan is dated May 2016. Please explain this apparent anomaly or is it a typo? Please confirm whether not the SA was submitted to WFDC at the same time as the Plan and its other accompanying documents? Has the SA been out to consultation?
14. The SA dated May 2016 states that it refers to the policies in the Consultation Draft Plan (October 2015) and indicates that the report has been amended to take account of comments received. Please explain.
15. The SA Framework at 1.2.3 does not appear to reflect the revised framework in the revised Scoping Report of April 2016. Is this correct? Please give me any reasons as to why this was the case given the SA is dated after the revised Scoping Report.
16. Please explain why a revised Scoping Report was undertaken, whether it has been consulted upon and its status.
17. It would appear that changes were made to the Plan as the first paragraph on page iv of the non technical summary of the SA assesses whether the changes made to the Plan in response to representations made during the (presumably) Regulation 14 stage have not been considered to be significant enough for more work on the SA to be done. This is also borne out by Table 6.0.1 which details the changes made. Is this correct?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public

document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate. With many thanks.

Ann Skippers  
5 September 2016



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12 October 2016

*Dear Ms. Wells,*

**Churchill & Blakedown Neighbourhood Plan Examination**

I am writing in relation to the above examination which I am undertaking via NPIERS.

I sent some questions of clarification to you and you have kindly recently responded. One of those queries related to the Strategic Environmental Assessment (SEA).

I am mindful of the information on the Planning Practice Guidance (PPG) website in relation to the strategic environmental assessment requirements for neighbourhood plans. This explains, as you know, that there is no legal requirement for a sustainability appraisal but a SEA may be needed where a neighbourhood plan is likely to have significant environmental effects. It advises that plans should be assessed i.e. screened to determine whether the plan is likely to have significant effects. This 'screening' should be carried out in accordance with Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR). If likely significant effects are identified an environmental report must be prepared in accordance with Regulation 12 of the EAPPR.

As you know part of my role is to see whether the making of the plan would be compatible with European Union obligations including under the SEA Directive. From 9 February 2015 it is a requirement that either an environmental report that accords with the EAPPR is submitted or a statement of reasons for the determination that a plan is unlikely to have significant environmental effects must be submitted to the examiner.

Your responses confirm that a 'screening' assessment was not undertaken. A sustainability appraisal has been prepared. However, your responses indicate that this was not submitted to the District Council and that it was in fact completed by the District Council after the Plan had been submitted.

My original concern was that the sustainability appraisal did not meet the EAPPR in any case; it does not appear to identify, describe or evaluate the likely significant effects on the environment of any reasonable alternatives taking into account the objectives and the geographical scope of the plan in line with Regulation 12 of the EAPPR. In fact the report states this itself. It is widely accepted that the assessment of reasonable alternatives does not mean all possible alternatives, but requires a judgement as to which alternatives should be included in any evaluation. On occasion it may be the case that only one policy might meet the objectives of the neighbourhood plan. It does seem to me however that consideration should have been given to reasonable alternatives. The Plan would not comply with the basic conditions if Regulation 12 of the EAPPR has not been followed.

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However, of more import now in the light of your responses to my queries, it seems to me that the plan as currently submitted does not meet the requirements set out in PPG as neither a statement of reasons for a determination under Regulation 9 of the EAPPR or an environmental report prepared in accordance with Regulation 12 of the EAPPR was submitted to the local planning authority.

Furthermore it is not particularly clear to me what process was followed in reaching the point we are now at.

Whilst I am aware that it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of the plan proposal submitted to it have been met in order for the plan to progress and ultimately must decide whether the plan is compatible with EU obligations, I feel it is appropriate for me to write to you pointing this out. This is because if I continue with the examination I would be likely to recommend to you that the Plan should not proceed to a referendum.

I have considered whether it would be best to suspend the examination or to advise you to withdraw it from examination. As it appears that the requisite documentation was not submitted to the District Council, it is my advice that the plan should be withdrawn from examination.

This course of action would allow the requisite 'screening' determination to be undertaken in accordance with the EAPPR which requires consultation with the statutory bodies and publicity. If the 'screening' assessment determines that a SEA is not needed, I suggest the plan is resubmitted with this assessment and without the sustainability appraisal or it should be made clear the sustainability appraisal is a background supporting document. If a SEA is found to be needed, useful groundwork has been done and a SEA can be produced, but the existing SA would need significant amendment to ensure its compliance with Regulation 12 of the EAPPR. Regulation 16 consultation would then need to be undertaken in either scenario as the plan would have been withdrawn.

I appreciate that this and the ensuing delay will come as a disappointment to you and the Parish Council and others involved in the development of this Plan; it is only after very careful consideration I believe this is the most appropriate way to proceed. It is, I feel, important to ensure that all the basic conditions are satisfactorily met and that the Plan once it proceeds to its latter stages can do so with confidence.

Given the nature of the situation in that there is a remedy to this issue, I am therefore writing to you to ascertain your further instructions as to whether you would wish to withdraw the Plan from examination to allow the situation to be remedied or whether you wish me to continue the examination. Once the Council has decided on the course of action it wishes to take, please let me know how you wish to proceed.

The comments made in this letter are without prejudice to my conclusions on any other issue.

Yours sincerely

*Ann Skippers*

Ann Skippers  
Director

via email to Helen Wills, Senior Planning Policy Officer, Wyre Forest District Council

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