

HIXON NEIGHBOURHOOD PLAN

Hixon Neighbourhood Plan Examination,
A Report to Stafford Borough Council

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

Nigel McGurk

Erimax Land, Planning and Communities

erimaxltd.com

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Contents:

- 1. Introduction**
- 2. Basic Conditions and Development Plan Status**
- 3. Background Documents and Hixon Neighbourhood Area**
- 4. Public Consultation**
- 5. The Neighbourhood Plan: Introductory Section**
- 6. The Neighbourhood Plan: Policies**
- 7. The Neighbourhood Plan – Other Matters**
- 8. Summary**
- 9. Referendum**

1. Introduction

The Neighbourhood Plan

This Report provides the findings of the examination into the Hixon Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”

(Paragraph 183, National Planning Policy Framework)

Hixon Parish Council is the *qualifying body*¹ responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Stafford Borough Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Hixon Neighbourhood Area.

¹The qualifying body is responsible for the production of the Plan.

Role of the Independent Examiner

I was appointed by Stafford Borough Council, with the consent of Hixon Parish Council, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan, and I possess appropriate qualifications and experience. I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Hixon Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- 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 Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act, and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect.

The title page of the Neighbourhood Plan does not refer to any plan period but simply refers to the month of submission, “*November 2015.*” However, together, the Foreword and Paragraph 1.3 provide clear references to the plan period, which runs from 2011 to 2031.

For clarity, I recommend:

- **Title Page, replace “SUBMISSION DOCUMENT TO STAFFORD BOROUGH COUNCIL NOVEMBER 2015” with “2011-2031”**

Taking the above into account, I confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of the written representations submitted, I confirmed to Stafford Borough Council that I was satisfied that the Hixon Neighbourhood Plan could be examined without the need for a Public Hearing.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*² following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

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

I have examined the Neighbourhood Plan against the basic conditions.

Paragraph 1.2 of the Neighbourhood Plan states:

“The Hixon Neighbourhood Plans conforms with the National Planning Policy Framework (NPPF) and the strategic policies and vision of the Plan for Stafford Borough (PFSB)...”

This does not quite equate to the same thing as the requirements of the basic conditions. For clarity, I recommend:

- **Paragraph 1.2, change to “*The Hixon Neighbourhood Plan has regard to the National Planning Policy Framework and is in general conformity with the strategic policies of the Plan for Stafford Borough (PFSB), adopted in June 2014.*”**

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998, and there is no substantive evidence to the contrary.

European Union Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal³. However, it may, in some limited circumstances, where it is likely to have significant environmental effects, require a Strategic Environmental Assessment (SEA).

Consequently, draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This is a process known as a “screening” assessment. An environmental report must be prepared when the screening assessment identifies likely significant effects.

Stafford Borough Council undertook a “*Screening Assessment of the Draft Hixon Neighbourhood Plan.*” This was submitted alongside the Neighbourhood Plan and is referred to in the Basic Conditions Statement.

The Screening Assessment states that:

“2.2 The Borough Council has prepared this screening assessment to determine whether the content of the draft Hixon Neighbourhood Plan requires a SEA in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004;”

It concluded that:

“...it is considered unlikely that any significant environmental effects will occur from the implementation of the Hixon NP that were not considered and dealt with by the Sustainability Appraisal of the Plan for Stafford Borough (PFSB).”

and went on to state that:

“As such the Hixon NP does not require a full SEA to be undertaken.”

³ Paragraph 026, Planning Practice Guidance 2014.

There is a requirement for a Habitats Regulations Assessment (HRA) to be undertaken if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites.

The Screening Assessment identifies six European sites in Stafford Borough that may be affected by the Neighbourhood Plan. These comprise Cope Mere and Aqualate Mere RAMSAR sites; and Motte Meadows, Cannock Chase, Chartley Moss and Pasturefields Salt Marsh Special Areas of Conservation (SACs).

It recognises that the Neighbourhood Area falls within a 15km radius of Cannock Chase Special Area of Conservation (SAC), but notes that the Neighbourhood Plan does not propose anything that departs from the strategy set out in the Plan for Stafford Borough. The Plan for Stafford Borough contains policies that aim to protect the SAC's integrity and address water quality issues, and the HRA carried out on it concluded that the Plan for Stafford Borough's implementation would not result in likely significant or in-combination effects.

Taking the above into account, with regards HRA, the Screening Assessment of the Neighbourhood Plan concluded that:

“4.10...it is unlikely that any significant environmental effects will occur from the implementation of the draft Hixon NP that were not considered and dealt with by the Habitats Regulation Assessment carried out on the PFSB. As such the draft Hixon NP does not require a further HRA work (sic) to be undertaken.”

In line with National Planning Practice Guidance, the relevant statutory bodies – the Environment Agency, English Heritage (now, with regards to planning matters, Historic England) and Natural England - were all consulted on the Screening Assessment.

Each of the statutory bodies concurred with the conclusions of Stafford Borough Council, that neither a full Strategic Environmental Assessment, nor further Habitats Regulations Assessment work, are required. In addition, each statutory body was also consulted during the Submission Consultation stage and none had any further comments to make in this regard.

Notwithstanding the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets European Union obligations is placed on the local planning authority,

“the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” (Planning Practice Guidance 11-031)

In this regard, it is relevant that Stafford Borough Council produced the Screening Assessment and that there is nothing before me to indicate that it has any concerns with regards the Neighbourhood Plan's compatibility with EU obligations.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with European Union obligations.

3. Background Documents and Hixon Neighbourhood Area

Background Documents

In undertaking this examination, I have considered various information in addition to the Hixon Neighbourhood Plan. This has included:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- The Plan for Stafford Borough (2014)
- Basic Conditions Statement
- Consultation Statement
- Screening Assessment

Also:

- Representations received during the publicity period

In addition, I spent an unaccompanied day visiting the Hixon Neighbourhood Area.

Hixon Neighbourhood Area

Paragraph 1.3 of the Neighbourhood Plan confirms that the Neighbourhood Area “covers the whole of Hixon Parish.” The boundary of Hixon Parish is shown on Map 6 of the Neighbourhood Plan. For clarity, I recommend:

- **Paragraph 1.3 line 3, change to “...(see Map 6)...”**

Further to an application made by Hixon Parish Council, Stafford Borough Council approved the designation of Hixon as a Neighbourhood Area on 4 July 2013. There is a typographical error in Paragraph 1.7 of the Neighbourhood Plan⁴. I recommend:

- **Paragraph 1.7, first line, change date to “July 4th 2013”**

The above satisfies requirements in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

⁴ Paragraph 2.2 of the Basic Conditions Statement states that the Neighbourhood Area was designated on 4 July 2013, whereas the error in the Neighbourhood Plan refers to 3 July 2015. Stafford Borough Council has confirmed that the date provided in the Basic Conditions Statement is the correct one.

4. Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Hixon Neighbourhood Plan Consultation

Hixon Parish Council submitted a Consultation Statement to Stafford Borough Council in line with legislative requirements. As required by the neighbourhood planning *regulations*⁵, this sets out who was consulted and how, together with the outcome of the consultation. The introductory section to the Neighbourhood Plan also provides a brief summary of the consultation process.

Hixon Parish Council called for volunteers to join a Neighbourhood Plan Steering Group in May 2013 and further to designation of the Neighbourhood Area, the Steering Group met for the first time in September 2013 and was formalised, with a constitution, in January 2014.

In May 2014, a questionnaire was distributed to all 770 households in Hixon Parish. This included a map showing sites included in Stafford Borough Council's Strategic Housing Land Availability Assessment (SHLAA) 2013, as well as sites put forward for industrial use. Residents were asked to indicate any preferences for future housing and/or employment development.

The response rate to the questionnaire was relatively high, with around 60% of households returning completed questionnaires. The information received was considered and a public exhibition, providing analysis of the questionnaire results, together with plans showing the proposed land use boundaries, was held over two days in December 2014. Around 200 people attended the exhibition.

⁵Neighbourhood Planning (General) Regulations 2012.

A business questionnaire was produced and distributed to all businesses and shops in Hixon, in December 2014, and the results of this fed into the plan-making process. The draft plan was produced and underwent consultation over a six week period during July and August 2015. The consultation period was widely advertised and people were invited to comment in a variety of ways.

The consultation was also supported by a full colour newsletter, which set out a significant level of detail, including the content of each draft policy. This was distributed throughout the Neighbourhood Area. It showed where the full plan could be accessed (hard copies or electronically) and invited comments.

Evidence is presented in the Consultation Statement to demonstrate that consultation was widely communicated and well-publicised in a variety of ways. Three substantial newsletters were distributed throughout the Neighbourhood Area. A postcard was sent to all residents, advertising the questionnaire that followed. Posters were placed on notice boards and bus shelters; and advertisements placed in shops. Use was also made of the Parish Council website, as well as that of Stafford Borough Council, and of social media.

Taking all of the above into account, the Consultation Statement presents an audit trail to demonstrate that consultation was wide-ranging, comprehensive and transparent. Comments were pro-actively sought, such that people and organisations were not just provided with a fair chance to have their say, but were actively encouraged to engage in shaping the Neighbourhood Plan.

There is evidence to demonstrate that the comments received were duly considered and that the Neighbourhood Plan reflects the views of local people.

I am satisfied that the consultation process was comprehensive and robust.

5. The Neighbourhood Plan – Introductory Section

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. I have also considered the Introductory Section of the Neighbourhood Plan and make recommendations below, aimed at making it a clear and user-friendly document.

The Neighbourhood Plan is a refreshingly concise and punchy document. The Introductory section focuses on the aims and vision of the document, and provides a brief, relevant analysis of the Neighbourhood Area. Consequently, the emphasis of the Hixon Neighbourhood Plan is firmly placed on the most important part of the document – its Policies. As a consequence, the reader is drawn to the Policy content, to the benefit of the Neighbourhood Plan.

Presentation is clear, with Policies being distinguished from supporting text by the use of colour and a different font. The text is easy to read and avoids unnecessary jargon. The presence of photographs, diagrams and plans adds significant interest and relevant supporting information. Altogether, the Neighbourhood Plan is a very well put-together document. It also appears distinctive from a more standard, formal planning document and, in so doing, it appears to capture the spirit of neighbourhood planning.

The Contents Page makes reference to a number of maps / plans. There are six plans, of which “*Map 2*” comprises seven separate plans. All are well-presented, with clear, distinguishable boundaries and relevant context. However, given the importance of each of the plans, it is, in my view, inappropriate for them to be separated from the Policies by Appendix 1.

Appendices are simply that and do not form part of the Neighbourhood Plan itself. However, in this case, the plans are, to my mind, an essential part of the Neighbourhood Plan. For clarity, I recommend:

- **Move Appendix 1 to follow Map 6**
- **Delete “Appendices (continued)” from the top of page 3**

Whilst a casual observation, rather than a recommendation, the size and spacing of the text in the Contents section appears as though it would benefit from being reduced. This would enable the Contents to appear on a single page and page 3

could then comprise photographs. However, this is simply a subjective view on presentation.

The Foreword provides an interesting opening to the Neighbourhood Plan and is worded in a way that gets across the local community's passion for the area. I have made two recommendations with regards the Introduction (Paragraphs 1.2 and 1.7) earlier in this Report and no other changes are proposed to the Foreword or to Chapter 1.

Together, the Vision and the Household Analysis bring together the results of the consultation and plan-making process, and provide a good introduction to the Policies that follow. No changes are recommended either.

6. The Neighbourhood Plan – Neighbourhood Plan Policies

Each Policy within the Neighbourhood Plan is supported by text and a “*policy objective*.” The latter of these is presented in such a way that it appears as a Policy and as such, it introduces unnecessary scope for considerable confusion. The Policy Objective is not a Policy and does not have land use planning policy status.

To address this, I recommend:

- **For each “*policy objective*,” replace the detailed title (which repeats and appears similar to the corresponding Policy title) with a simple title “*Parish Objective*”**
- **Change the colour of the policy objective text box. This should be the same for every policy objective and if possible, the colour chosen should be different to the colour of the Policy text boxes**
- **Change the font of the policy objective text. This should be smaller than the Policy text. I recommend that it is the same as the supporting text.**

Policy No.1: Residential Development

Spatial Principle 3 (SP3) of the Plan for Stafford Borough identifies Hixon as a Key Service Village. Key Service Villages comprise settlements located on main transport routes with “*sufficient available land to accommodate future growth*” (Plan for Stafford Borough Paragraph 6.27).

As a Key Service Village, Hixon must contribute towards the provision of 1,200 homes, to be met by such settlements across the Borough between 2011-2031.

Policy 1 of the Neighbourhood Plan is a positive planning policy that supports housing development within a new settlement boundary for Hixon, which is identified on Map 1. Consideration of the settlement boundary shows that it provides opportunities for housing development to come forward in the future. In this way, the Neighbourhood Plan provides for sustainable growth and has regard to national policy’s presumption in favour of sustainable development, as set out in the Framework.

Supporting information indicates that around 125 new homes might be provided within the settlement boundary during the plan period. This would amount to more than 10% of the 1,200 homes that must be provided by Key Service Villages, Borough-wide. As there are eleven Key Service Villages, such a level of provision would result in Hixon providing for a significant proportion of new housing, and there is no evidence to demonstrate that the approach set out in Policy 1 conflicts with the requirements of the Plan for Stafford Borough, or would prevent its requirements from being achieved.

The creation of a settlement boundary, with room within it for significant new residential development – the provision of which would be supported by the Neighbourhood Plan – enables Hixon to contribute to the achievement of sustainable development. The proposed settlement boundary appears to provide for a reasonable proportion of the housing land requirement for Key Service Villages, and there is no substantive evidence to the contrary. Consequently, Policy 1 is in general conformity with the strategic policies of the development plan.

I note that one of the representations to the Neighbourhood Plan states that:

“...the requirement for 1,200 dwellings across the 11 Key Service Villages has now been achieved through existing permissions” (Paragraph 5.2.10, Gladman Developments Representation).

On this basis, Policy 1 provides for development, in combination with other Key Service Villages, in excess of the housing requirement for the Key Service Villages. As such, it has regard to the Framework, which seeks to “*boost significantly the supply of housing.*”

Whilst I note that the same representation would like the Neighbourhood Plan to allocate additional residential land, there is no requirement for it to do so.

The first part of Policy 1 states that proposals “...will be permitted...” Such an approach runs the risk of effectively pre-determining an application without taking relevant factors into account. The Policy also uses the unnecessary and somewhat vague phrase “...subject to other policies.” It fails to properly reflect the objective presented, or other relevant Policies in the Neighbourhood Plan, and I address this in the recommendations below.

The second part of Policy 1 presents requirements that take into account the prevailing character of the area. Both national policy and the Plan for Stafford Borough seek to protect local character and, in the absence of any substantive evidence to demonstrate that the requirements set out would prevent sustainable development from coming forward, this part of Policy 1 meets the basic conditions.

I note that part of (the second) Paragraph 3.8 reads as though it were a Policy, which it is not.

I recommend:

- **Policy 1, change first sentence to “Proposals for new housing development within the Settlement Boundary identified on Map 1 will be supported subject to respecting local character and residential amenity.”**
- **Change second Paragraph “3.8” to “3.9” and delete the second sentence of that Paragraph.**

Policy No. 2: Housing Mix

Chapter 6 of the Framework, *“Delivering a wide choice of high quality homes,”* supports the provision of a range of housing. Paragraph 50 of the Framework requires planning for:

“...a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community...”

and the identification of:

“...the size, type, tenure and range of housing that is required in particular locations, reflecting local demand;”

In promoting a diverse range of housing provision, to include provision for bungalows, Policy 2 has regard to this. Evidence is provided to demonstrate that, whilst bungalows comprise a significant and distinctive part of the local housing mix, none have been built for a considerable period of time.

Furthermore, the approach set out in Policy 2 is in general conformity with the Plan for Stafford Borough Policy C1, which states that:

“All new housing development must be compatible with the character and distinctiveness of the area...the final mix will be determined in line with local needs...”

Consequently, Policy 2 meets the basic conditions. The only recommendation in relation to Policy 2 is to provide for some flexibility, having regard to Paragraph 50 of the Framework, which requires policies to be sufficiently flexible to take account of changing market conditions over time:

- **Policy 2 second sentence, change “...shall...” to “...should...”**
- **Amend paragraph number 45 to 4.5**

Subject to the above, Policy 2 contributes to the achievement of sustainable development and meets the basic conditions.

Policy No. 3: Housing, Design, Access and Landscaping

Good design is recognised by national policy as comprising

“a key aspect of sustainable development...indivisible from good planning”
(Paragraph 56, The Framework)

In addition, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework) and the Plan for Stafford Borough Policy N1 promotes high quality design.

The first part of Policy 3 seeks to encourage new development to respect existing street patterns and connectivity. However, the supporting text refers to housing development in Hixon as being *“the same as everywhere else.”* Given this, it is not clear why *“complementing”* the existing street pattern comprises good design.

The second sentence of Policy 3 requires the creation of *“street scenes that have evolved over time.”* No indication is provided with regards how a new development might achieve this, or why doing so would constitute good design. There is no evidence to demonstrate that such a requirement is in general conformity with the strategic policies of the development plan, or has regard to national policy. I also note that this part of the Policy refers to matters of detail, and that such an approach does not have regard to Paragraph 59 of the Framework, which states:

“...design policies should avoid unnecessary prescription or detail.”

The third sentence does not make grammatical sense. Notwithstanding this, no indication is provided with regards what *“innovative use”* of colours might entail. This part of the Policy does not provide a decision maker with a clear indication of how to react to a development proposal. I note that the fourth sentence may not be applicable to smaller residential developments.

The final sentence of Policy 3 has regard to national policy support for *“people wishing to build their own homes”* (Paragraph 50, the Framework). However, as worded, it is not clear how a development site can *“aspire”* to something.

The supporting text to Policy 3 contains an assertion, not supported by evidence, and reference to matters not covered by the Policy itself. This is confusing. Further, some of the supporting text then goes on to read as though it were a Policy, which it is not; and parts of it set out prescriptive requirements, without justification, and establish requirements without demonstrating why, how and whether these can be met.

Taking all of the above into account, I recommend:

- **Policy 3, change opening sentence to “*Housing development should respect and, where possible and appropriate, complement local character.*”**
- **Delete the second and third sentences.**
- **Change the fourth sentence to “*The provision of attractive, high quality open spaces within residential development sites will be supported.*”**
- **Change final sentence to “*The provision of self-build plots within residential development sites will be supported.*”**
- **Paragraph 5.1 delete “*...with little or no regard for the site location.*”**
- **Change Paragraph 5.5 to “*Where required, affordable housing should comprise an integral...scene.*”**
- **Delete Paragraphs 5.6 to 5.11.**

Policy No. 4: Open spaces and the natural environment

In Chapter 8 of the Framework, “*Promoting healthy communities*,” national policy recognises that:

“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities” (Paragraph 73).

In general, Policy 4 has regard to this. In addition, the Plan for Stafford Borough Policy C7 supports the additional provision of open space, sport and recreation, and Policy 4 is in general conformity with this.

However, as worded, Policy 4 states that all development “*shall*” help deliver open spaces for play and leisure. In practice, such a requirement will not be appropriate, or relevant, to many development proposals, for example, household extensions. Further, whilst the Policy goes on to require all housing developments for 10 or more dwellings to provide high quality, well-equipped open spaces within development sites, no evidence is provided to demonstrate that such a requirement is necessary, or fairly and reasonably related in scale and kind to any such development, having regard to Paragraph 204 of the Framework.

In addition to the above, there is no evidence to demonstrate that it will be viable or even physically possible for all developments of 10 or more dwellings to provide on-site well-equipped open spaces. The Policy then contradicts itself by stating that provision of open spaces within development sites could include improvements to other existing open spaces within the village. This is confusing and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

I recommend:

- **Policy 4, delete all Policy text and replace with “*The delivery of a diverse range of local open spaces for play and leisure activities for all ages and abilities will be supported. This could take the form of attractive, high quality and well-equipped open spaces within development sites, or improvements to existing open spaces within the village.*”**

Taking the above into account, Policy 4 contributes to the achievement of sustainable development.

Policy No. 5: Heritage Assets and Culture

Chapter 12 of the Framework, “*Conserving and enhancing the built environment,*” sets out the national policy approach to the appropriate conservation of heritage assets. It recognises that heritage assets are irreplaceable.

Policy N9 of the Plan for Stafford Borough requires development proposals to conserve and protect the significance of heritage assets.

Generally, Policy 5 sets out a positive, supportive approach to conserving heritage assets, and is in general conformity with Policy N9 of the Plan for Stafford Borough and has regard to national policy. However, as worded, the opening sentence moves away from land use planning, via its reference to “*Initiatives that promote...*” This appears to relate more to marketing than land use planning.

Whilst it may be welcome, there is no national or strategic local policy requirement for all development to “*enhance*” heritage assets, and no indication is provided with regards the difference between “*preserve*” and “*protect,*” as set out in the Policy. Also, it is not clear why Policy 5 singles out landscape, environment and highway infrastructure for consideration, and not other relevant factors.

The supporting text provides a wealth of information relating to local heritage assets and no changes are recommended to Paragraphs 7.1 to 7.9, inclusive.

Taking the above into account, I recommend:

- **Policy 5, delete all Policy text and replace with “*The conservation and/or enhancement of Hixon’s heritage assets (not just Listed Buildings) and their settings will be supported.*”**

Subject to the above, Policy 5 contributes to the achievement of sustainable development and meets the basic conditions.

Policy No. 6: Community facilities and amenities

Chapter 8 of the Framework, "*Promoting healthy communities*" recognises the important role that the planning system can play in facilitating social interaction and creating healthy, inclusive communities. It supports positive planning for the provision and use of community facilities and local services (Paragraph 70).

An overall aim of Policy 6, to improve services and/or create new community facilities and services, has regard to national policy. However, the drafting of the Policy is unclear. It states that housing and employment development "*shall address identified shortfalls in local service provision.*" No such shortfalls are identified. Further, no justification is provided for why, say, the development of one house, or an office extension, should meet local service provision shortfalls.

The Policy goes on to state that provision for the above will be made "*by planning gain agreements set within conditions...*" and by "*...financial contributions...*" No indication is provided to demonstrate that such Policy requirements have regard to Paragraph 204 of the Framework, which sets out the tests that all planning obligations must meet.

Consequently, Policy 6, is less clear and less detailed than national policy, with which it also conflicts. It does not provide a decision maker with a clear indication of how to react to a development proposal and does not meet the basic conditions.

Taking the above into account, I recommend:

- **Policy 6, delete all Policy text and replace with "*The delivery of community facilities and other local facilities to enhance the sustainability of the Neighbourhood Area will be supported.*"**
- **Change Paragraph 8.7 to read "*The Parish Council will seek to use financial contributions from...relevant to the Parish to address local needs as highlighted above. Where possible, the Parish will prioritise the delivery of the following:*"**
- **Replace Parish Objective with "*To encourage development to help provide community facilities and local services for the Hixon community.*"**

Policy No. 7: Highways, Gateways and Public Transport

Policy 7 is confusing and sets out onerous requirements without justification.

No clarity is provided as to why every residential or employment development must “mitigate” impacts on the local highway, and no indication is provided with regards what such “impacts” might be, or how they will be measured and who by. Further, there is no information with regards what a “suitable measure” might comprise, to mitigate any impacts.

No clarity is provided with regards what an impact on the “visual landscape at key gateways to the village” comprises. The supporting text suggests that one “gateway” has an existing negative impact on local character. It is unclear why, or how a development should mitigate its impact on an area that has a negative impact on its surroundings.

No indication is provided to demonstrate how a new residential or employment development can reduce carbon emissions, or why it should need to do so. Similarly, it is not clear how a new development can protect a “long view across the open countryside,” or where such views need to be protected and why.

No clarity is provided with regards how a development can “be integrated within the public transport network” and it is unclear on what basis every housing development can, or should, provide “an integrated network of safe cycling and user friendly pedestrian routes within the settlement boundary.” No evidence is provided to demonstrate that it is possible to provide such an integrated network. In addition, no indication is provided with regards when it will be “necessary” for developments to seek to improve “the visual landscape of key gateways.”

Altogether, Policy 7 does not provide a decision maker with a clear indication of how to react to a development proposal. It does not meet the basic conditions. In making the recommendation below, I note that other Policies in the Neighbourhood Plan and the Plan for Stafford Borough address matters relating to local character, and that Paragraph 32 of the Framework states:

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

I recommend:

- **Delete Policy 7, supporting text and Objective**

Policy No. 8: Employment Land

The Framework supports economic growth in rural areas (Paragraph 28) and requires positive planning for “*the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries*” (Paragraph 21). Paragraph 21 also states that:

“Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.”

In addition, the Plan for Stafford Borough Policy E1 promotes appropriate development within Recognised Industrial Estates.

Generally, Policy 8 has regard to national policy and is in general conformity with the Plan for Stafford Borough Policy E1. However, the first part of the Policy does not provide for clarity. The fact that something will be “*considered*” lacks meaning in the context of the first sentence of Policy 8. Also, “*economic development*” is not defined. I address this in the recommendations below.

The second sentence of Policy 8 states that something will happen, but provides no indication of how, when or who by. It is noted that a “*Hi Tec Information Technology, Research and Development...*” etc... might “*suit*” the local demographic profile and skills base of Hixon. However, there is no substantive evidence to demonstrate that a focus on such uses would necessarily provide for the flexible approach supported by national policy. As above, national policy does support provision for knowledge driven industries and Policy 8’s general support for these has regard to the Framework.

Taking the above into account, I recommend:

- **Policy 8, first line, change to “*Business uses will be supported within the...*”**
- **Change second sentence to “*Proposals within, but at the edge of the RIEs, should demonstrate that a green buffer is provided between the development and residential areas.*”**
- **Change last sentence to “*The provision of Hi-Tec, Information Technology, Research and Development, Scientific, Administration, Education and Social Enterprise business uses within the RIEs will be especially welcome.*”**

Policy No.9: Local Green Spaces

The Framework enables local communities to identify, for special protection, green areas of particular importance to them. Paragraph 76 states that:

“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”

Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. Effectively, Local Green Spaces, once designated, provide protection that is comparable to that for Green Belt land. Notably, the Framework is explicit in stating that:

“The Local Green Space designation will not be appropriate for most green areas or open space.” (Paragraph 77)

Consequently, when designating Local Green Space, plan-makers must clearly demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land.

Policy 9 of the Neighbourhood Plan seeks to designate seven areas of Local Green Space. Evidence is provided to demonstrate that the designations meet the tests set by the Framework. I note above that the Neighbourhood Plan has undergone robust public consultation. The proposed areas of Local Green Space have emerged through this process. No substantive objections to the designation of any of the areas of Local Green Space were received during the Submission stage of consultation.

The designations are supported by seven very clear plans. These show the precise boundaries of each Local Green Space within its local context.

The wording of Policy 9 has regard to national policy. My only recommendations relate to referring to Local Green Space, in the singular, as per national policy:

- **Change title of Policy 9 to Local Green Space**
- **Change wording of Policy 9 to “Local Green Space has been...not permitted on the Local Green Space identified...”**
- **Paragraph 9.2, change to “...Local Green Space...”**

- Paragraph 9.3, change to ***“Hixon Neighbourhood Plan identifies seven areas of Local Green Space. Each of these are in close proximity to the community they serve. Each area of Local Green Space is demonstrably special...due to recreational value as a place for children to play...All of the Local Green Space in Hixon is local in character and none comprises an extensive tract of land.”***

Neighbourhood Plan – Other Matters

I make a recommendation with regards moving Appendix 1 earlier in this Report.
In addition it will be necessary to update the policy numbering, paragraph numbers and pagination based on the recommendations contained in this Report.

No further changes, other than those set out above, are recommended.

8. Summary

I have recommended a number of modifications further to consideration of the Hixon Neighbourhood Plan against the basic conditions.

Subject to these modifications, the Hixon Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Hixon Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

I recommend to Stafford Borough Council that, subject to the modifications proposed, the **Hixon Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Hixon Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Hixon Neighbourhood Area as approved by Stafford Borough Council on 4 July 2013.

Nigel McGurk, February 2016
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