

TIBBERTON AND CHERRINGTON NEIGHBOURHOOD PLAN

**Report to Telford and Wrekin Council of the Independent
Examination**

By Independent Examiner, Tony Burton CBE BA MPhil (Town Planning) HonFRIBA FRSA

Tony Burton
tony@tonyburton.org.uk
July 2021

Contents

1.	Executive Summary	3
2.	Introduction	4
3.	Compliance with matters other than the Basic Conditions	7
	Qualifying body	7
	Neighbourhood Area	7
	Land use issues	7
	Plan period	7
	Excluded development	8
4.	Consultation	9
5.	General comments on the Plan's presentation	11
	Vision Statement and Objectives	11
	Other issues	11
6.	Compliance with the Basic Conditions	14
	National planning policy	14
	Sustainable development	15
	Development plan	16
	Strategic Environmental Assessment	16
	Habitats Regulations Assessment	16
	Other European obligations	17
7.	Detailed comments on the Plan policies	18
	Community Amenities	18
	Rural Character and Housing	21
	Environment, Open Spaces and Recreation	28
	Highways and Byways	30
8.	Recommendation and Referendum Area	32

1. Executive Summary

1. I was appointed by Telford and Wrekin Council with the support of Tibberton and Cherrington Parish Council to carry out the independent examination of the Tibberton and Cherrington Neighbourhood Plan.
2. I undertook the examination by reviewing the Plan documents and written representations, and by making an unaccompanied visit to the Neighbourhood Area.
3. I consider the Plan to be an adequate expression of the community's views and ambitions for Tibberton and Cherrington. It is based on an effective programme of public consultation which has informed a Vision to 2031 supported by fourteen Objectives to be achieved through 11 planning policies dealing with issues distinct to the locality .There is a commitment to monitoring and reviewing. The Plan is supported by a Consultation Statement and Basic Conditions Statement and has been screened to determine whether full Strategic Environmental and Habitats Regulations Assessments are required. There is supporting evidence provided and there is good evidence of community support and the involvement of the local planning authority.
4. I have considered the 12 separate representations made on the submitted Plan and the representations from statutory environmental bodies on the Strategic Environmental Assessment and Habitats Regulations Assessment screening reports and address them in this report as appropriate.
5. Subject to the recommended modifications set out in this report I conclude that the Tibberton and Cherrington Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a small number of additional optional recommendations.
6. I recommend that the modified Plan should proceed to Referendum and that this should be held within the Neighbourhood Area.

2. Introduction

7. This report sets out the findings of my independent examination of the Tibberton and Cherrington Neighbourhood Plan. The Plan was submitted to Telford and Wrekin Council by Tibberton and Cherrington Parish Council as the Qualifying Body.

8. I was appointed as the independent examiner of the Tibberton and Cherrington Neighbourhood Plan by Telford and Wrekin Council with the agreement of Tibberton and Cherrington Parish Council.

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

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

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

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

12. I am also required to make a number of other checks under paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990.

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

- the submitted Tibberton and Cherrington Neighbourhood Plan
- the Basic Conditions Statement
- the Consultation Statement
- Strategic Environmental Assessment and Habitats Regulations Assessment screening reports
- the relevant parts of the development plan comprising the Telford and Wrekin Local Plan
- representations made on the submitted neighbourhood plan
- relevant material held on the Tibberton and Cherrington Parish Council and Telford and Wrekin Council websites
- National Planning Policy Framework (2019, 2021)
- Planning Practice Guidance
- relevant Ministerial Statements

14. The Tibberton and Cherrington Neighbourhood Plan was submitted in July 2020 and the National Planning Policy Framework (February 2019) applied for the majority of my examination. A revised National Planning Policy Framework was published on 20 July 2021. This has had no material impact on my examination of the Plan. References to the National Planning Policy Framework have been updated to reflect the recent revision.

15. No representations were received requesting a public hearing and having considered the documents provided and the representations on the submitted Plan I was satisfied that the examination could be undertaken by written representations without the need for a hearing. I was also mindful of support for this in the context of current Government guidance on social distancing.

16. I carried out an unaccompanied visit to the Neighbourhood Area on a weekday during June. I visited the main locations addressed in the Plan, including the community facilities, The Playing Field and the settlement boundary. I also used a number of public footpaths both within and adjacent to the neighbourhood area to understand its rural character and setting. I visited a number of the more recent housing developments in the area.

17. Throughout this report my recommended modifications are bulleted. Where modifications to policies are recommended they are highlighted in **bold** print with new wording in “speech marks”. Modifications are also recommended to some parts of the supporting text. These recommended modifications are numbered from M1 and are necessary for the Plan to meet the Basic Conditions. A number of modifications are not essential for the Plan to meet the Basic Conditions and these are indicated by [square brackets]. These optional modifications are numbered from OM1.

18. Producing the Tibberton and Cherrington Neighbourhood Plan has clearly involved significant effort over many years led by the Neighbourhood Plan Group. The process began in 2017 and is informed by significant community involvement. There is evidence of good collaboration with Telford and Wrekin Council and this will continue to be important in ensuring delivery of the Plan. The evident commitment of all those who have worked so hard over such a long period of time to prepare the Plan is to be commended and I would like to thank all those at Telford and Wrekin Council and Tibberton and Cherrington Parish Council who have supported this examination process.

3. Compliance with matters other than the Basic Conditions

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

Qualifying body

20. The neighbourhood plan has been prepared by a suitable Qualifying Body – Tibberton and Cherrington Parish Council – which being a parish council is the only organisation that can prepare a neighbourhood plan for the area.

Neighbourhood Area

21. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area which comprises the area of Tibberton and Cherrington Parish Council and was agreed by Telford and Wrekin Council on 24 January 2019.

22. A map of the neighbourhood area is included in the Plan as Figure 2. It would be helpful to include a link to a version of the map on which the detailed location of the boundary can be determined.

- OM1 - [Provide a link to a suitable map which clearly depicts the boundary of the neighbourhood area at an appropriate scale]

Land use issues

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

Plan period

24. The period of the neighbourhood plan runs to 2031 and this aligns with the period of the Plan's Vision and the period of the Local Plan. The Plan's cover shows a start date of 2020.

Excluded development

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

4. Consultation

26. I have reviewed the Consultation Statement, its Annexes and relevant information provided on the Tibberton and Cherrington Neighbourhood Plan website. This provides a clear record of the extensive consultation process that has been undertaken, dating back to the decision to proceed with designation of a neighbourhood area in 2017.

27. The public consultation process has been in clear stages and has benefited from the relatively small number of residents within the neighbourhood area which allowed for significant face to face discussion. Four themes were developed after a series of public consultation meetings (involving 57 people) and these informed a wider questionnaire on their translation into relevant planning policies.

28. The Plan was subject to Regulation 14 consultation in 2020 and this included three public consultation sessions (involving 48 people), an online survey and a questionnaire circulated to all residents and businesses. The questionnaire received over 100 responses which comprised a >30% response rate. Posters, social media and the Parish noticeboard were also used to promote the consultation and copies of the documents were available online and for inspection at Tibberton Village Hall during public consultation events. The public consultation period was supplemented by additional public consultation on the proposal for a Settlement Boundary for Tibberton. There is evidence of the consultation including the required statutory and other consultees. There was strong support for the Plan's policies and Objectives and 96% agreed with the Vision.

29. There is good evidence of considered analysis of the responses and subsequent amendments being made to the Plan.

30. 12 separate representations have been made on the submitted Plan including from individuals and statutory bodies. All the representations have been considered and are addressed as appropriate in this report.

31. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan. It has been subject to effective public consultation at different stages in its development. The participation rates have been good. The process has allowed community input to shape the Plan as it has developed and as proposals have been firmed up. Local businesses and the local planning authority have been engaged through the process.

5. General comments on the Plan's presentation

Vision Statement and Objectives

32. I have reviewed the Plan's Vision to 2031 and the 14 Objectives that inform the 11 policies in the Plan. The Vision stresses the importance of shaping the future of development and retaining the rural character and historic identity of the neighbourhood area so that it is an attractive place to live, work and visit. This approach is consistent with the feedback received through consultation and is carried through into the Plan's Objectives. It is supportive of sustainable development.

33. I have been notified that the Parish Council wishes to clarify the Plan's fifth objective to insert "(including listed buildings, and those of local or architectural interest)" after "housing". I am content with this change. I deal with a proposed change to the seventh objective relating to dark skies in my consideration of Policy RCH4.

34. The policies are distinguished from the rest of the Plan by the use of boxes and tinted headings. Each Policy has a unique identifying code and the policies are clearly differentiated from other aspects of the Plan.

Other issues

35. The Plan's evidence base draws on documents produced by Telford and Wrekin Council and a small number of additional sources. Planned work on landscape character was not undertaken in time to inform the Plan. Links to documents used in the evidence base are provided in Annex D. I comment on the adequacy of the evidence base in relation to individual policies where relevant. The absence of a clear evidence base results in a number of my recommended modifications to the Plan's policies.

36. The Plan includes maps of varying quality in the printed Plan. Where they do not provide sufficiently accurate boundaries or locations I make recommendations in relation to the relevant policies. It would be helpful if larger, high resolution copies were available, including links to where they are available online.

37. The Plan is well set out and presented with a clear Contents and an appropriate hierarchy of headings. Each Policy is presented in terms of its conformity with national planning policy and the Local Plan and identified in terms of the Plan objective(s) it supports. There are some inconsistencies in the titles of different sections, Annexes and Figures.

- OM2 - [Correct the following titles:

In the Contents

- “National and Local Planning Policy Framework.....page 12”
 - “Neighbourhood Plan Vision and Objectives.....page 17”
 - “Tibberton and Cherrington Parish Profile.....Annex C”
 - “Figure 5: Green Space”
 - “Figure 8: Listed Buildings in Tibberton and Cherrington”
 - “Figure 14: Tibberton and Cherrington Parish Rights of Way”
 - “Figure 18: Tibberton and Cherrington Parish Local Wildlife Site and Local Geological Site”
 - “Table 5: Household Types in Tibberton and Cherrington”
- On page C-5
- “Figure 11 Growth of Population and Housing Stock”]

38. The Plan references work on a Landscape Character Assessment that has yet to be undertaken and states that the policies “*will be validated against the proposed Landscape Character Assessment*” in a number of places. It is not appropriate to include a requirement to consider a future document in the Plan. When completed the Landscape Character Assessment may inform a future review of the Plan but it cannot be a consideration in the Plan now under examination.

- M1 – Delete all references to the Landscape Character Assessment other than as an expression of an intention to prepare one for publication at a future date

39. There are a number of other drafting issues in the supporting text.

- OM3 – [Make the following amendments:
 - Page 18, second paragraph – replace “*planning policy guidance*” with “development plan”
 - Be consistent in use of “&” or “and” in “Telford and Wrekin Council”]

40. The Plan’s drafting anticipates an Examination and appropriate changes to the explanatory text will be needed in the production of a revised version for the referendum.

- OM4 – [Make appropriate drafting changes to reflect the evolution of the Plan in the version to go to referendum]

6. Compliance with the Basic Conditions

41. The Plan is supported by a Basic Conditions statement. This provides an assessment against each of the Basic Conditions. Contrary to the summary provided in the second paragraph of the Basic Conditions Statement these do not include considerations relating to either listed buildings or conservation areas as these are only relevant to Neighbourhood Development Orders. The Statement does not subsequently address these issues.

National planning policy

42. The Plan is required to “*have regard*” to national planning policies and advice. This is addressed in the Basic Conditions statement which relates the Plan’s policies to the National Planning Policy Framework (NPPF) (February 2019). The requirement to “*have regard*” is not the same as requiring “*conformity*” as indicated by the title to this section of the Basic Conditions Statement. A revised National Planning Policy Framework was published on 20 July 2021. This has had no material impact on my examination of the Plan.

43. The Basic Conditions statement provides a table that compares each of the Plan’s Objectives with the most relevant “*Goal*” in the NPPF, as described by the NPPF’s section headings. There is a further table which tests compatibility of each of the Plan’s policies with relevant sections of the National Planning Policy Framework and which the Basic Conditions Statement states “*provides a summary of how each policy in the TCNP [Tibberton and Cherrington Neighbourhood Plan] conforms specifically to the NPPF*”.

44. The assessment provided is relatively limited and generally comprises a description of the purpose of the Plan policy. Nevertheless this does serve to demonstrate that consideration has been given to national planning policy.

45. I address some conflicts with national planning policy in my consideration of individual policies and recommend some modifications. There are also some areas where the drafting of the Plan’s policies needs to be amended in order to meet the National Planning Policy Framework’s requirement for plans to provide a clear framework within which decisions on planning applications can be made. The policies should give a clear

indication of *“how a decision maker should react to development proposals”* (paragraph 16). It is also important for the Plan to address the requirement expressed in national planning policy and Planning Practice Guidance that *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”* (NPPG Paragraph: 041 Reference ID: 41-041-20140306). The Plan’s policies do not always meet these requirements and a number of recommended modifications are made as a result.

46. Generally, I conclude that the Plan has regard to national planning policy and guidance but there are exceptions as set out in my comments below. These cover both conflicts with national planning policy and the need for some policies to be more clearly expressed and/or evidenced.

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

Sustainable development

48. The Plan must *“contribute to the achievement of sustainable development”*. This is addressed in the Basic Conditions statement by an assessment of each Plan objective and policy relevant to each of the three dimensions of sustainable development set out in national planning policy. This concludes *“the strategic objectives of the Neighbourhood Plan comprise a balance of social, economic and environmental goals”*.

49. The approach is relatively high level and does not identify any potential conflicts between any of the three dimensions of sustainable development. Nevertheless I am satisfied that the overall contribution of the Plan to sustainable development is positive and I am satisfied that the Plan meets this Basic Condition.

Development plan

50. The Plan must be *“in general conformity with the strategic policies of the development plan”*.

51. The Basic Conditions Statement addresses this by providing a comment on the conformity of the Plans policies against each of the relevant strategic policies in the Telford and Wrekin Local Plan 2011-2031. This commentary does not identify any issues of conformity and Telford and Wrekin Council has confirmed to me *“The Council is content that the plan is in general conformity with the strategic policies set out within the Telford & Wrekin Local Plan”*. I address some specific issues in my examination of individual policies.

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

Strategic Environmental Assessment

53. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects. An undated Strategic Environmental Assessment Screening Statement was published in February 2020 that concluded *“that none of the proposed policies within the draft Tibberton and Cherrington Neighbourhood Plan has the potential to have a significant effect on the natural environment”* and that a full Strategic Environment Assessment was not required.

54. Natural England and Historic England agreed with this conclusion and Environment Agency did not express a view when initially consulted. When asked for a view during the Examination the Environment Agency confirmed the Plan *“would raise no concerns”*.

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

Habitats Regulations Assessment

56. The Plan must be informed by a Habitats Regulations Assessment if it is likely to lead to significant negative effects on protected European sites. An undated Screening Report was published in February 2020 that concluded *“that none of the proposed policies within*

the draft Tibberton and Cherrington Neighbourhood Plan has the potential to lead to a Likely Significant Effect on a European Site” and that an Appropriate Assessment was not required. Natural England agreed with this conclusion.

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

58. I share the Parish Council’s view that the changes made to the Plan since the screening assessments were undertaken are not significant in relation to either the Strategic Environmental Assessment or Habitats Regulations Assessment requirements and that the conclusions remain robust.

Other European obligations

59. The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations. The Basic Conditions Statement asserts that this is the case. I am satisfied that the Plan has appropriate regard to the rights and freedoms guaranteed under the ECHR and to the Equality Act 2010. No contrary evidence has been presented. There has been adequate opportunity for those with an interest in the Plan to make their views known and representations have been handled in an appropriate and transparent manner with changes made to the Plan.

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

7. Detailed comments on the Plan policies

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

Community Amenities

62. **Policy CA1** – This protects a defined list of six community facilities in Tibberton and introduces policy criteria to be met by development that might result in their loss.

63. The Policy is supported by a Parish Profile which references the six community facilities and there is clear evidence of support for their retention from public consultation on the Plan. There is limited additional evidence as to the significance of each facility. I visited each of the facilities identified in the Policy and am satisfied that they each make an important contribution to the local community.

64. The Policy drafting introduces a presumption in favour of the retention of the facilities and states that proposals resulting in their loss *“will not be supported”* unless specific criteria are met. The Policy is unduly prescriptive in stating that a change of use in any of the facilities *“will only be supported”* for other similar uses and lacks clarity in what these uses might be. This element of the Policy is unnecessary given the broader protection provided by the first part and that changes of use to *“similar uses”* will not require a planning application. There is a grammatical error in stating that proposals to expand or replace them *“would”* be supported subject to evidence of viability, need and sustainability.

65. The effect of the Policy would be to introduce an inappropriate *“double presumption”* given that national planning policy is already for a *“presumption in favour of sustainable development”* (NPPF, paragraph 11). Plan policies should be prepared and generally drafted in terms of the development that will be supported. It would be helpful if the location of each community facility was identified on a map.

66. Policy CA1 does not meet the Basic Conditions.

- **M2 – Amend Policy CA1 as follows:**
 - **Replace the first two lines of the first paragraph with “Development proposals will be supported that protect or enhance the following community facilities:”**
 - **Delete the first line of the second paragraph**
 - **Replace “*will not be supported unless it satisfies*” in the second line of the second paragraph with “should satisfy”**
 - **Replace “*would*” with “will” in the first line of the third paragraph**

- OM5 - [Provide a map showing the location of each of the identified community facilities]

67. **Policy CA2** – This introduces policy criteria for supporting the development of small scale employment opportunities.

68. There is evidence of support for the Policy from public consultation and it is consistent with the approach in Local Plan Policy EC3.

69. The Policy is not supported by evidence of the scale of existing employment opportunities or a definition of “*small-scale*” and there was no substantive additional information provided to me on request. I was informed “*There is general agreement that ‘small scale’ would have a maximum of 5 people*” but this does not provide an adequate evidence base for the Policy and it is not included in the Plan. As a result the Policy is not “*unambiguous*” as required by national planning policy (NPPF, paragraph 16). Local Plan Policy EC3 already supports development where the “*scale, use and design is responsive to the local context*” and any employment development proposals will need to satisfy this.

70. The Policy drafting means that the third bullet does not relate to the previous two and should be freestanding. Some of the Policy is negatively worded and references use of

a “*recognised form of appraisal*” to demonstrate a lack of viability. This is not supported by any evidence or examples of what comprises such an appraisal.

71. Policy CA2 does not meet the Basic Conditions.

- **M3 – Amend Policy CA2 as follows:**

- Delete “*small-scale*” in the title and first line
- Add “; or” to end of first bullet
- Remove bullet before “*Proposals for the re-use of land.....*” to create a new paragraph
- Replace “*will not be permitted unless*” with “*should demonstrate*”
- Replace “*recognised form of*” with “*viability*”

72. **Policy CA3** – This introduces policy criteria for supporting new or diversified tourist development.

73. The Policy intends to provide more locally relevant considerations for such development than are in the Local Plan. It is acknowledged that the issue of tourism development is not a major one as identified through the public consultation on the Plan.

74. The Policy drafting is such that it is not clear that all the criteria apply, the third bullet combines two different criteria and the last bullet should be freestanding as it does not relate to all the previous criteria. The approach is restrictive even for development having a minor adverse impact or detrimental effect. The drafting needs clarifying in two instances to reference the development being addressed by the policy.

75. Policy CA3 does not meet the Basic Conditions.

- **M4 – Amend Policy CA3 as follows:**

- Insert “*significant*” before “*detrimental*” in the first bullet and “*adverse*” in the second bullet
- Insert “*the development*” after “*settlements and*” in the first bullet

- **Delete third bullet after “service provision”**
- **Add “; and” at end of the penultimate bullet**
- **Insert new fourth bullet “development of a size and with landscaping appropriate to its rural location in the parish”**
- **Delete existing fourth bullet and insert new paragraph “Appropriate tourism and leisure development proposals involving the re-use of existing buildings or as part of farm diversification will be supported.”**

Rural Character and Housing

76. **Policy RCH1** – This introduces policy criteria considering the historic character of the area.

77. The Policy is supported by clear evidence of public support for protecting the area’s historic character and amplifies Local Plan policies, including by identifying the local importance of Duke of Sutherland cottages. There is evidence for the area’s historic character provided in Annex B, including details of 17 nationally listed buildings and structures.

78. The Policy drafting is for development to “*preserve*”, “*enhance*”, “*protect*”, “*contribute*”, “*respect*”, “*retain*” and “*positively contribute*” each of which has distinct meaning when considering development proposals. This creates ambiguity. National planning policy is for plans to be “*sustaining and enhancing*” historic significance and supporting new development “*making a positive contribution*” to local character. There are no Conservation Areas within the neighbourhood area where development must “*preserve or enhance*” its special character. The Policy takes the same approach to nationally listed as other historic buildings. This is inconsistent with national planning policy which distinguishes between designated and non-designated heritage assets and listed buildings are already addressed in the Local Plan.

79. The Policy references “*locally important buildings, structures and open spaces*” and “*historic agricultural buildings*” but these are not identified in the Plan or its evidence base except for The Playing Field. This creates ambiguity. I recommend addressing this

ambiguity by referencing the contribution made to local and historic character as a means of identifying relevant buildings, structures and open spaces.

80. The Policy is unduly prescriptive in stating what “*must*” be provided in support of planning applications and restrictive in stating what “*will not be supported*”.

81. The reference to Policy CA2 within the Policy is superfluous as planning applications must be considered against all relevant policies in the development plan. It is not clear that all the policy criteria need to be considered.

82. Policy RCH1 does not meet the Basic Conditions.

- **M5 – Amend Policy RCH1 to:**
 - **Replace the first paragraph with “Development proposals will be supported that sustain and enhance the significance of historic buildings (including their settings) that contribute to local character and which make a positive contribution to the locally distinctive historic character of the Parish.”**
 - **Delete “*locally important*” and insert “*significantly*” after “*contribute*” in the third bullet**
 - **Create a new bullet from the second sentence of the third bullet that reads “Avoid substantial demolition, alteration, extension or other development of a Duke of Sutherland cottage that causes significant harm to its significance, including its setting.”**
 - **Replace “*enhancing*” with “*enhance*” in the fifth bullet**
 - **Replace the sixth bullet with “Involve the conversion or extension of historic agricultural buildings to residential use when accompanied by evidence that there is no appropriate alternative employment development“**
 - **Replace the seventh bullet with “Are of innovative design which fits sensitively into Tibberton’s and Cherrington’s frontages and street scenes”**
 - **Insert “; *and/or*” at the end of the penultimate bullet**

- **Replace the last paragraph with “Development proposals likely to have a significant impact on local historic character and distinctiveness and/or on heritage assets should include evidence as to how this is taken into account by the proposal.”**

83. **Policy RCH2** – This establishes the Tibberton Settlement Boundary within which appropriate proposals for new residential development will be supported.

84. The Policy is supported by Figure 1 which defines the Tibberton Settlement Boundary. This has been developed with the support of Telford and Wrekin Council in the light of recent planning experience of uncertainty over the extent of the built up area. It is acknowledged that Cherrington is within the rural area and a settlement boundary would not be appropriate. The Tibberton Settlement Boundary was subject to specific public consultation and its definition is addressed in Annex A. This recognises the need to include some areas of open land with recent planning permission within the settlement boundary. I reviewed the settlement boundary during my visit to the area and am satisfied with the overall rigour of its definition. There is strong support for the Tibberton Settlement Boundary and its impact from the public consultation on the Plan.

85. The detail of the Tibberton Settlement Boundary has been questioned in two locations through representations on the submitted Plan. The owner of Honey House has questioned the exclusion from land within the settlement boundary of an area that *“has been used as a garden for the past 15 years”*. The owner of 63 Plantation Road has questioned the exclusion from land within the settlement boundary of an area used as a garden, an area for which planning permission has been granted for a triple garage and an area of lawn/paddock.

86. The criteria used to define the Tibberton Settlement Boundary recognise that some large gardens may be excluded and that in some cases the boundary may not follow existing features. Both representations seek to align the settlement boundary with an area of property ownership and this is not the purpose of the boundary. It is entirely appropriate for a settlement boundary to run through an area of property ownership and for significant

gardens and paddocks to be excluded. My assessment of the Tibberton Settlement Boundary in the two locations in question is that it is reasonably drawn and performs an appropriate planning function in relation to the land in question. It is recognised that the unimplemented planning permission for a triple garage on land at 63 Plantation Road means the area of this proposed building should be within the settlement boundary. The garage is to be located close to the access and the settlement boundary should be drawn close to the proposed building. I am content with the revised boundary proposed by the Neighbourhood Plan Steering Group in correspondence with Telford and Wrekin Council on 18 December 2020.

87. The drafting of the Policy lacks clarity. It includes a purpose which should be located in the supporting text and selectively duplicates Local Plan Policy HO11 in respect of residential development in Cherrington. The approach to development within the settlement boundary should be more positively worded and its contribution to local character is addressed in other Plan policies. The amended Policy relates only to Tibberton.

88. An intention of the Policy is to distinguish between the application of Local Plan HO10 to Tibberton (within the settlement boundary) and Local Plan Policy HO11 to the rest of the parish area (including Cherrington). This could be more clearly expressed in the supporting text.

89. Policy RCH2 does not meet the Basic Conditions.

- **M6 – Retitle and replace Policy RCH2 with:**

“Policy RCH2: Residential development within Tibberton

Proposals for new housing development will be supported on suitable infill sites within the Tibberton Settlement Boundary (Figure 1).”

- OM6 – [Provide a clear explanation on the intention of the Policy to distinguish between the application of Local Plan policies HO10 and HO11 across the parish area in the supporting text.]

90. **Policy RCH3** – This establishes a restrictive approach to residential development outside Tibberton and Cherrington.

91. The Policy is supported by public consultation on the Plan. Its approach is that all new housing (including “*self-build and custom housing*”) will be “*strongly resisted*” outside Tibberton and Cherrington. The supporting text is that affordable exception sites would be supported but this is not addressed in the Policy. This is a significant conflict with Local Plan policies HO10 and HO11 which make provision for affordable rural exception sites and also affordable self-build or custom-build housing. The Plan is not supported by any evidence that a distinctly different approach to the neighbourhood area is appropriate.

92. The geographical area affected by the Policy is ambiguous. Tibberton has a defined settlement boundary but the Plan explicitly acknowledges this is not appropriate to Cherrington and it is therefore unclear what parts of the neighbourhood area are “*outside*” Cherrington.

93. Consequently, I conclude that Policy RCH3 does not meet the Basic Conditions and it should be deleted. Local Plan policies HO10 and HO11 are already relevant to residential development in the area outside the Tibberton Settlement Boundary (whether in Cherrington or elsewhere in the neighbourhood area) and Policy RCH3 either duplicates their approach or departs significantly from them without supporting evidence to justify it.

- **M7 – Delete Policy RCH3**

94. **Policy RCH4** – This introduces policy criteria relating to the design of new housing.

95. The Policy addresses considerations which arose during public consultation on the Plan and has strong support. It amplifies the design criteria in Local Plan Policy BE1 in the local context of the neighbourhood area.

96. The Policy references the *“Parish’s ‘Dark Sky’ Policy”* and no further details are provided. The Parish Council has confirmed *“there is no formal written policy for dark skies”* and proposed amendments to both Objective 7 and the Policy to refer instead to *“the Parish’s strongly stated preference for a ‘dark sky’”*. This approach addresses all lighting and not just the street lighting included in the Policy. The significance of dark skies and limiting the impact of light pollution is recognised in national planning policy (NPPF, paragraph 185) and the policy drafting should recognise this separate from the particular view of the Parish Council. It would be preferable for the clarification to Objective 7 to be similarly expressed. I am content with the update to the supporting text proposed by the Parish Council.

97. The Policy supports good *“pedestrian and cycle connections”* but omits horse riders. This is inconsistent with Policy HB1 which includes horse riders.

98. The Policy lacks clarity in its support for *“environmentally friendly measures”*, addresses greenhouse gas emissions only in terms of *“CO2”* and uses examples which should be provided in the supporting text. There is no evidence provided as to why development that exceeds Local Plan parking standards should be supported and I was provided with a single example on further request. This is not sufficient evidence to justify a local departure from the established parking standards. A relaxation of standards also creates conflicts with other objectives seeking a reduced environmental impact. The impact of traffic and parking on road and pedestrian safety should be significant before it needs to be considered.

99. I note West Mercia Police’s support for additional reference to *“Secured by Design”* principles in the Policy. The scope of issues to be addressed is a matter for the Parish Council and it is pertinent that the Telford and Wrekin Local Plan already references *“Secured by Design”* including as a monitoring indicator for achieving its aim to *“Promote more socially cohesive, healthy and active communities”*.

100. The Policy drafting should be more positively expressed in terms of support for development which meets the criteria. It is unclear whether all the criteria apply to all development proposals.

101. Policy RCH4 does not meet the Basic Conditions.

- **M8 – Amend Policy RCH4 to:**
 - Replace *“are to”* with *“should”* in the first line
 - Replace *“and cycle”* with *“cycling and horse riding”* in criterion e)
 - Replace criterion h) with *“It has regard to the importance of retaining the Parish’s dark skies”*
 - Replace criterion j) with *“It contributes to reducing environmental and climate impacts”*
 - Replace *“adversely affect”* with *“have significant adverse impacts on”* in criterion k)
 - Insert *“; and/or”* at the end of the penultimate criterion

102. **Policy RCH5** – This supports homes for smaller households suited to both younger and older generations where there is evidence of need.

103. The Policy is supported by some evidence of household size in the Parish although this does not demonstrate a need for a distinct local approach. There is strong support from public consultation on the Plan for the intent of the Policy and it is consistent with Local Plan Policy HO4.

104. The Policy seeks to address size, type and tenure of new housing. It lacks clarity on how tenure might be considered in determining the suitability of a development for meeting the needs of smaller households. The Policy does not need to reference that developments will need to *“conform with other policies”* given this is automatic.

105. Policy RCH5 does not meet the Basic Conditions.

- **M9 - Amend Policy RCH5 to:**
 - delete *“and tenure” from the title*
 - insert *“of a size and type”* after *“households”*

- **delete the text from “need” to the end**

Environment, Open Space and Recreation

106. **Policy EOR1** – This introduces policy criteria for development impacting on The Playing Field which is stated as being a designated Local Green Space.

107. The Policy is supported by details of how some parts of The Playing Field in the heart of Tibberton are protected against residential development under Telford and Wrekin Council’s “Green Guarantee” scheme. The Playing Field also includes an additional area which is not protected under this scheme.

108. The Policy and the supporting text assume that The Playing Field is already designated as Local Green Space and also indicates that more than one site is designated as Local Green Space but no further detail is provided. I was informed that steps had been taken to secure the designation of The Playing Field. Local Green Spaces can, however, only be designated in a Local or neighbourhood plan. The Telford and Wrekin Local Plan states *“The Council is not designating any Local Green Spaces through this Local Plan but supports designations through neighbourhood development plans”*. There are therefore no designated Local Green Spaces in the neighbourhood area and the Tibberton and Cherrington neighbourhood plan is, therefore, the means for securing designation.

109. From my visit I consider there is every reason to believe a proposal to designate The Playing Field as Local Green Space would be successful but this has not been taken forward in the Plan. The space is at the heart of Tibberton’s community and demonstrably special in terms of its formal and informal use and in providing an important green lung. It is a well-defined area of open land now separated from the surrounding countryside. Local Green Space designation could be addressed when the Plan is reviewed based on an assessment of how it meets the criteria which would justify designation as provided for in national planning policy (NPPF, paragraph 100). Any proposal would need to be accompanied by a higher quality map of the area to be protected and this should be for the whole area and not just that protected under the Green Guarantee scheme. The precise boundaries of the Local Green Space will need to be clear, including in relation to the school buildings and the

rear boundary of residential properties along Maslan Crescent. The Policy approach would need to be consistent with national planning policy that inappropriate development will not be approved except in very special circumstances.

110. In response to my initial consideration of the Policy I was provided with a proposal agreed by the Parish Council and local planning authority for a new Policy EOR1 and supporting text seeking to protect the whole area of The Playing Field. This was supported by a large scale map defining the boundary of the area addressed by Policy EOR1.

111. This proposal provides a much clearer approach. It recognises that The Playing Field is not designated as Local Green Space (and that there is currently no intention to seek such a designation) while recognising its significance as a whole and providing future protection. It recognises that some development with direct community benefits that causes harm may be appropriate. It is appropriate for the revised Policy to include the area of open space between the two areas protected under the Green Guarantee scheme given this was identified in the draft Plan and has been consulted on.

112. It is appropriate for the policy approach to be restrictive when considering development (other than that bringing direct community benefit) that would cause loss or significant harm given the nature of the land in question and the protection afforded by the Green Guarantee scheme.

113. Policy EOR1 does not meet the Basic Conditions.

- **M10 - Replace Policy EOR1 with “Development proposals that would cause loss of or significant harm to The Playing Fields, including the children’s play area, (see Table 1 and Figure 5) will not be supported, with the exception of those associated with community facilities (including the expansion of the school and the enhancement of facilities supporting the playing fields).”**
- M11 – Clarify the boundary of the open space protected under the Green Guarantee scheme in relation to the school buildings and include the area of open space

between the two areas protected under the Green Guarantee Scheme in a revised Figure 5 as provided during the examination

- M12 – Replace the supporting text with that provided during the examination.

114. **Policy EOR2** – This requires all development to protect and enhance features of nature conservation or landscape significance.

115. The Policy is supported by evidence of support through public consultation. There is some evidence of important wildlife and landscape features and designations in the Parish Profile.

116. The Policy would apply to any planning application for development regardless of its size or likely impact on wildlife or the landscape. It is unduly prescriptive in stating what *“will be expected”*.

117. Policy EOR2 does not meet the Basic Conditions.

- **M13 – Amend to Policy EOR2 to:**
 - Replace *“All development will be expected”* with **“Development proposals should”**
 - Insert **“where appropriate”** after *“woodland”*

Highways and Byways

118. **Policy HB1** – This addresses the impact of development on rights of way and other routes and seeks pavements to be in keeping with the area’s rural character.

119. The Policy is supported by evidence of support through public consultation. It recognises that the Plan cannot directly address matters subject to highways legislation. Figure 14 provides a map of the area’s public footpaths and bridleways. The supporting text describes the distinctive grass verges and banks along roads in the area which make an important contribution to its character and this was very evident during my visit.

120. The Policy would apply to any planning application for development regardless of its size or likely impact on wildlife or the landscape. It is unduly prescriptive in stating what *“will be expected”* and what *“must”* happen. It is unclear where the particular considerations relating to new pavements would apply as neither *“village”* nor *“specific neighbourhood”* have a clear definition and the supporting text indicates an intention for it to apply in both Tibberton and Cherrington. The definition of *“any other measures”* in addition to pavements is unclear.

121. Policy HB1 does not meet the Basic Conditions.

- **M14 – Amend Policy HB1 to:**
 - **Insert *“where appropriate”* after *“supported”***
 - **Replace *“will be expected to”* with *“should”***
 - **Insert *“serving the same function”* after *“measures”***
 - **Replace *“must”* with *“should”***
 - **Replace *“village”* with *“Parish”***
 - **Replace *“the character of the specific neighbourhood involved”* with *“local character”***

8. Recommendation and Referendum Area

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