

DONNINGTON AND MUXTON NEIGHBOURHOOD PLAN

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

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1. Executive Summary

1. I was appointed by Telford & Wrekin Council with the support of Donnington and Muxton Parish Council to carry out the independent examination of the Donnington and Muxton 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 Donnington and Muxton. It is based on an effective programme of public consultation which has informed a Community Vision to 2031 supported by policy objectives. This is to be achieved through nine policy themes and a set of objectives. Objectives to be achieved through six Key Themes and 15 planning policies dealing with issues distinct to the locality. There is a commitment to supporting implementation of the Plan. 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 evidence of community support and the involvement of the local planning authority.

4. I have considered the 15 separate representations made on the submitted Plan. These are addressed in this report as appropriate.

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

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

2. Introduction

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

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

9. I am independent of both Donnington and Muxton Parish Council and Telford & 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 Donnington and Muxton Neighbourhood Plan
- the Basic Conditions Statement
- the Consultation Statement
- Strategic Environmental Assessment and Habitats Regulations Assessment screening statements
- 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 Donnington and Muxton Parish Council and Telford & Wrekin Council websites
- National Planning Policy Framework (2021)
- Planning Practice Guidance
- relevant Ministerial Statements

14. Consultation on the Donnington and Muxton Neighbourhood Plan began in February 2021 and while the Plan was prepared under an earlier version the National Planning Policy Framework (2021) applies for my examination. I have considered the revisions to the National Planning Policy Framework and they have had no material impact on my examination of the Plan.

15. No representations were received requesting a public hearing and having considered the documents provided and the representations on the submitted Plan I was satisfied that the examination could be undertaken by written representations without the need for a hearing.

16. I carried out an unaccompanied visit to the Neighbourhood Area on a weekday during August. I visited the main locations addressed in the Plan, including Granville Country Park, the main employment and shopping areas and local centre and the residential areas. I also visited parts of the Green Network.

17. Throughout this report my recommended modifications are bulleted. Where modifications to policies are recommended they are highlighted in **bold** print with new wording in “speech marks”. Existing wording is in *italics*. 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 Donnington and Muxton Neighbourhood Plan has clearly involved significant effort over many years led by the Steering Group. The process began in 2017 and is informed by significant community involvement. There is evidence of collaboration with Telford & Wrekin Council and continuing this will be important in ensuring implementation of the Plan. The commitment of all those who have worked so hard over such a long period of time to prepare the Plan is to be commended and I would like to thank all those at Telford & Wrekin Council and Donnington and Muxton 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 – Donnington and Muxton 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 Donnington and Muxton Parish Council and was agreed by Telford & Wrekin Council on 15 June 2017.

22. The boundary of the neighbourhood area can be discerned from the Policies Map included with the Plan and it is available online. The Policies Map legend does not include the neighbourhood area boundary which is a potential source of confusion.

- M1 – Include the neighbourhood area boundary in the Policies Map legend and provide a link to the boundary map provided on Telford & Wrekin's website

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 Telford & Wrekin Local Plan. The Plan's cover shows a start date of 2017 although the Foreword is dated November 2019, the Plan is dated March 2020 and it was submitted for consultation in 2021. I raised this issue with the Parish Council which indicated that it was content for the start date to be when the Plan is agreed by Telford & Wrekin Council. It is not unusual for a Plan to have a start date before its publications date and I am content that

the start date of the Plan is 2017. This should be consistent throughout the Plan and its supporting documents and be distinguished from the date of publication.

- M2 – Show the period of the Plan as 2017-2033 throughout the document

Excluded development

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

4. Consultation

26. I have reviewed the Consultation Statement and relevant information provided on the Donnington and Muxton Neighbourhood Plan website. This provides a clear record of the consultation process that has been undertaken since 2017 and how the information gathered has been used. The public consultation process has been adequately open and transparent.

27. A number of different engagement methods have been used, including a website, exhibitions and events, group discussions, questionnaires, social media, use of shopping areas and supermarkets for publicity, advertisements in local media and direct mail to all local households. Local businesses have been specifically addressed through use of a targeted questionnaire. Three public consultation events were held and these were designed to ensure active participation from those attending. The approach has been managed by a Steering Group comprising both parish councillors and local residents. Participation levels have been good with more than 400 questionnaires returned from residents and eleven from local businesses. There is evidence that the results of this consultation informed the content of the Plan.

28. The Plan was subject to Regulation 14 consultation between December 2019 and January 2020. This included notification being sent to every household and the draft Plan and supporting documents were made available online. Printed copies of the draft plan were made available at various locations. Key stakeholders were contacted directly by email or post. There is evidence of the consultation including the required statutory and other consultees. While only 10 responses were received I consider an adequate process has been followed. There is evidence that the Plan has been amended as a result of the consultation.

29. 15 separate representations have been made on the submitted Plan including from individuals, statutory bodies, developer representatives, and major employers. All the representations have been considered and are addressed as appropriate in this report.

30. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan over a long period of time. The Plan has been subject to wide public consultation at different stages in its development. While the number of responses to the Regulation 14 consultation is low the participation rates have generally been good. The process has allowed community input to shape the Plan as it has developed and as proposals have been firmed up. The development industry and the local planning authority have been engaged through the process.

5. General comments on the Plan's presentation

Community Vision and Objectives

31. The Plan includes a short Community Vision. This reflects the feedback received through consultation and is carried through into the objectives provided for six of the nine policy themes. The overall approach is focuses on conservation and community well-being while being consistent with sustainable development.

32. The policies are distinguished from the rest of the Plan by the use of tinted boxes and unique identifying codes. I am satisfied they are clearly differentiated from other aspects of the Plan.

Other issues

33. The Plan includes references to a number of documents which comprise the evidence base. It does not provide details or links to many of these documents and there is no single source for the Plan's evidence base provided online. The link (<https://www.donningtonmuxtonpc.org/latest-news/neighbourhood-plan/>) I was provided with by Donnington and Muxton Parish Council does not provide access to the necessary documents. Some of the documents have been prepared specifically for the Plan, including the *Evidence Review and Early Consultation and Engagement Report* (paragraph 1.8), but copies are not publicly available and the majority of the evidence base documents are not made available on the Parish Council's website.

- OM1 – [List all the evidence base documents used in the Plan in an Appendix along with links to those prepared specifically for the Plan and consider providing a section of the Parish Council's website which brings together all the documents in the Plan's evidence base into a single location.]

34. The Plan includes a Policies Map which relates to the Telford & Wrekin Local Plan and not to the neighbourhood plan. This is a potential source of confusion which should be clarified. I have also proposed that the legend for this Map specifically addresses the neighbourhood area boundary.

- M3 – Replace title of *“Policies Map”* with *“Local Plan Policies Map for Donnington & Muxton”*

35. The Plan is clearly set out and presented with a Contents and an appropriate hierarchy of headings. There are some errors in the page numbering and there are no Plans in the *“Tables and Plans”* section, only a Table and a Map.

- OM2 - [In the Contents:
 - Correct the page numbers for Sections 3.5, 3.8 and 4
 - Amend *“Tables and Plans”* heading to *“Table and Map”*]

36. The Plan’s Foreword indicates that it makes *“allocation of key sites for specific kinds of development”*. This is not the case and the only site allocations referenced are those in the Telford & Wrekin Local Plan.

- OM3 – [Delete *“and allocation of key sites for specific kinds of development”* from the second paragraph of the Foreword]

37. The Plan includes a number of references to *“The Council”*, such as in paragraphs 3.3.4 to 3.3.6. It is understood these refer to Telford & Wrekin Council but it may be understood as referring to Donnington and Muxton Parish Council. This is a potential source of confusion.

- OM4 – [Clarify whether references to *“The Council”* relate to Telford & Wrekin Council or Donnington and Muxton Parish Council throughout the Plan]

38. The Plan is supported by a *“Biodiversity Policy Statement”* as an Appendix. This document has been separately prepared and is not referenced in any of the Plan’s policies. It is unclear why it is included as an Appendix rather than being a supporting document. The

Appendix does not comprise planning policy and needs to be amended to avoid giving this impression.

- M4 – Amend the Biodiversity Appendix to omit any references to it being a policy.

This could be achieved by:

- Deleting “*Policy*” in the title
- Renaming the “*Policies*” section as “*Statement*”
- Removing reference to the “*policy*” in paragraph 3.3.7

39. The Plan includes a number of grammatical and syntax errors. Those relating to its policies are addressed in my examination below. Others, such as the drafting of paragraph 3.1.3 identified in representations from Roger France, do not raise matters relevant to the Basic Conditions and should be addressed through a light edit of the Plan following consideration of my report.

- OM5 – [Undertake a light edit of the Plan to address grammatical and syntax errors]

40. A number of representations propose the Plan addresses additional issues. Gladman support Policy H1 also addressing new housing adjacent to the existing built-up area. Montague Evans’s representations on behalf of the Defence Infrastructure Organisation support inclusion of Venning Barracks as a site allocation in the Plan. Place Partnership on behalf of West Mercia Police proposes amendments to the Community Vision, policy objectives and Policy H2 to address the scope for the Plan to provide a safe, secure and low crime environment and to address the Secured by Design initiative.

41. The scope of a neighbourhood plan is at the discretion of the Qualifying Body and so these are matters for Donnington and Muxton Parish Council. The decision over their inclusion has no material bearing on whether the Plan meets the Basic Conditions. They are matters which would need to be raised at an earlier stage in the Plan’s preparation for them to be include and might be considered if there were to be a review of the Plan at a future date.

6. Compliance with the Basic Conditions

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). A new National Planning Policy Framework was published after the Basic Conditions Statement was prepared and before the Examination. I do not consider the changes to national planning policy to be material in terms of the Plan’s ability to meet this Basic Condition.

43. The Basic Conditions statement provides a table that tests compatibility of each of the Plan’s objectives with relevant sections of the National Planning Policy Framework and a further table that compares the Plan’s policies with the relevant sections of the National Planning Policy Framework, supported by a brief commentary. This analysis identifies no conflicts and concludes that the Plan “*has regard to the relevant policies within the NPPF*”.

44. The assessment provided is relatively limited and generally comprises a description of the purpose of the Plan policy. The Objectives for each of the main policy themes is also not reproduced in the Plan where some policy themes have no objectives and others are more detailed than those presented in the Basic Conditions Statement. Nevertheless the analysis 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 a brief assessment of how relevant Plan policies contribute to each of the economic, social and environmental dimensions of sustainable development. It concludes that the assessment *“demonstrates the NDP provides a balance of economic, social and environmental policies that conform to the requirements of the NPPF”*.

49. The assessment is broad brush and succinct in its approach. 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”*. The Basic Conditions Statement addresses this by relating the most relevant Local Plan and neighbourhood plan policies to each other and asserting that this will *“confirm conformity”*. No differences are identified.

51. The approach is very limited and provides a bare minimum of information needed to address this Basic Condition. Telford & Wrekin Council made representations on the consultation draft Plan and some more limited representations on the submitted Plan. These did not raise general conformity issues and when requested it informed me that it is *“content that the submitted plan is in general conformity with the strategic policies”* of the development plan.

52. In the absence of strong evidence in the Basic Condition Statement I have considered general conformity in my own assessment of each of the Plan’s policies. 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. Donnington and Muxton Parish Council published a Screening Statement that concluded the Plan *“is unlikely to have a significant environmental effect. Therefore, the Donnington and Muxton Neighbourhood Development Plan is screened-out of the Strategic Environmental Assessment process and no further assessment under the SEA Regulations are deemed to be necessary.”* I am satisfied by the robustness of the approach taken by the Screening Statement.

54. The Screening Statement states that Natural England, Environment Agency and Historic England *“will be given an opportunity to comment on this screening statement”* and I was informed that this opportunity was as part of the wider Regulation 16 consultation. It is normal for the statutory consultees to be consulted separately on a Screening Statement but I note that all three organisations made representations on the submitted Plan and did not raise any issues relating to the Strategic Environmental Assessment Screening Statement. Given the evidence that the Plan will not have significant environmental effects I am satisfied with this approach.

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. Donnington and Muxton Parish Council published a Screening Statement that concluded *“that there is no significant effect on any European Site as a result of the Policies contained within the Donnington and Muxton Neighbourhood Plan and as a result the Neighbourhood Development Plan is screened-out of the HRA process and no further HRA assessments (including Appropriate Assessments) are deemed necessary”*. I am satisfied by the robustness of the approach taken by the Screening Statement.

57. The Screening Statement states that Natural England *“will be given an opportunity to comment on this screening statement”* and I was informed that this opportunity was as part of the wider Regulation 16 consultation. It is normal for Natural England to be consulted separately on a Habitats Regulations Assessment Screening Statement but I note that it made representations on the submitted Plan and did not raise any issues relating to the Screening Statement. Given the evidence that the Plan is not likely to lead to significant negative effects on protected European sites I am satisfied with this approach.

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

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 and cites the transparent manner in which the Plan has been prepared. 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 significant contrary evidence has been presented. I reviewed the representations from Breton Park Action Group that *“We were asked our views, we put them to the local council and they never responded at all. It seems to me Muxton Councillors do not care about the views of Breton Park”* and Donnington and Muxton Parish Council confirmed to me that it *“considered all the comments and representations received and where possible included a response in the”* Plan. I conclude

that there has been adequate opportunity for those with an interest in the Plan to make their views known and representations have been handled in an appropriate manner with changes made to the Plan.

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, policy numbering and Contents will need to be amended to take account of the recommended modifications.

Housing

62. **Policy H1** – This supports development on sites within the built up area, sites allocated in the Local Plan, sites with extant permissions or other commitments and windfall sites.

63. The Policy is positively worded and is consistent with national planning policy and the general approach of the Local Plan.

64. The support offered by the Policy relates to a number of different types of site. It includes those with "*extant permissions*" but these are not included in the "*sites identified in the Local Plan*" as inferred by the drafting. It is unnecessary and distracting to reference examples of where extant permissions exist. This drafting will become rapidly out of date and any examples should be included in the supporting text.

65. The Policy also provides general support for the development of "*windfall sites*". These are defined in paragraph 3.1.3 in the same terms as the Local Plan which states they are "*Sites that have not yet been identified, either through a planning application or development plan allocation*" (Appendix I). As a result the Policy would support housing development of any scale and in any location which is not the intention. The Policy already provides general support for new housing within the built up area which will cover the large majority of windfall sites likely to come forward and all windfall sites need to be appropriate to the Plan's objectives.

66. The last sentence of the Policy is ambiguous as it offers support to sites rather than their development.

67. Policy H1 does not meet the Basic Conditions

- **M5 – Replace Policy H1 with “Development of new housing will be supported within the built up area, on sites identified within the Local Plan, on other sites with extant permission or committed development, and on appropriate windfall sites.”**

68. **Policy H2** – This establishes policy criteria to ensure a high quality of design in new housing.

69. The Policy is positively worded in its support for high quality housing development. The opening sentence is ambiguous in supporting a “*need*”. Planning policy informs decisions over future development and this is addressed in the second part of the opening sentence. The drafting can be clarified in terms of the application of the different policy criteria and that they all apply. The criterion that development “*will not have an adverse environmental impact on neighbouring properties*” is unduly restrictive and could obstruct development which brings significant other benefits. The supporting text infers that the intention for development to be provided with “*adequate parking*” is not met by meeting Telford & Wrekin’s parking standards. The Plan is not supported by any evidence justifying a local departure from these standards. It is unclear whether all the policy criteria are applicable to development proposals.

70. Policy H2 does not meet the Basic Conditions.

- **M6 – Amend Policy H2 to:**
 - **Replace the opening two lines with “New housing development that achieves high standards of place-led design will be supported and it should:”**
 - **Replace “*Will not have*” with “*Avoid*” in the fourth criterion**

- **Add a comma to the end of each of the first seven policy criteria and add “and” to the end of the penultimate criterion**
- M7 – Insert “consistent with the residential parking standards in the Local Plan” at the end of paragraph 3.1.12

Economy and Jobs

71. **Policy B1** – This establishes a series of design and related criteria for industrial, business and commercial development.

72. The Policy is positively worded. It was prepared prior to the change to the Use Classes Order in September 2020 which revoked the B1 use class and created a new E use class covering the uses identified in paragraph 3.2.8 in use class E(g). This addresses the intended scope of the Policy. Other uses in the B use class will be considered in relation to the Local Plan.

73. The criterion that development should “*not adversely affect the character of the area*” is unduly restrictive and could obstruct development which brings significant other benefits. The preceding criterion provides an appropriate alternative in addressing “*significant*” adverse impacts. It is unclear whether all the policy criteria are applicable to all development proposals and the drafting of the last three does not relate the criteria to development proposals.

74. I have considered representation from the Defence Infrastructure Organisation that MOD Donnington has specific operational requirements which means it may be considered a *sui generis* use. Both the submitted and modified policies relate only to developments which fall within the Use Class specified and so any development outside this Use Class will not be considered against the Policy. Separate recognition for MOD Donnington is not necessary for the Plan to meet the Basic Conditions.

75. Policy B1 does not meet the Basic Conditions.

- **M8 - Amend Policy B1 to:**
 - **Replace the opening two lines with “Industrial, business and commercial development within Use Class E(g) will be supported subject to the following criteria:”**
 - **Insert “The proposal” at the beginning of the fourth and fifth criterion**
 - **Replace “Does not adversely affect” with “The proposal does not have a significant adverse impact on”**
 - **Replace the full stops with commas at the end of each of the first five policy criteria and add “and” to the end of the penultimate criterion**

76. **Policy B2** – This supports changes in the use of employment land to other uses subject to viability and marketing criteria.

77. The neighbourhood area includes Strategic Employment Areas identified and protected in the Local Plan as well as other employment areas. The Policy should be consistent with Local Plan Policy TC1. It should also recognise the need identified in the Local Plan for applications to *“demonstrate that other sites have been assessed, and provide evidence as to why these sites are not appropriate or available”* (paragraph 4.1.1.5). The Policy is not consistent with Policy B1 which identifies the relevant Use Class to which it applies. I share Montague Evans’s representations on behalf of the Defence Infrastructure Organisation that further clarity is needed. The Policy is unduly restrictive in stating that proposals will *“only”* be supported where they meet the criteria identified.

78. Policy B2 does not meet the Basic Conditions.

- **M9 - Amend Policy B2 to:**
 - **Insert “Outside existing Strategic Employment Areas” at beginning**
 - **Insert “in Use Class E” after “land” in the first line**
 - **delete “only” in the second line**
 - **Create a bullet point after “that” in the second line:**
 - **“other sites have been assessed and evidence provided as to why these sites are not appropriate or available”**

- **Create a second bullet point for the remainder of the Policy from “*the site is no longer viable*”**

Environment and Green Spaces

79. **Policy GS1** – This seeks to protect public open space and introduces policy criteria to be met by development proposals.

80. The Policy is negatively worded in identifying development which will “*not be supported*” rather than establishing policy criteria to be met by development proposals on open space.

81. There is a lack of clarity as to the location of the “*public open space*”. The supporting text goes wider than the use of the term in the Telford & Wrekin Local Plan and identifies variously some locally important green spaces, areas afforded designations in the Local Plan (including the Green Network), Green Guarantee sites designated by Telford and Wrekin Council and an area of open countryside – the Lilleshall Gap – to be protected. An Appendix also identifies some sites owned by the Parish Council and there is mention of an unreferenced 2013 study into the quality and distribution of green space. I was provided with this – a *Local Green Infrastructure Needs Study* prepared by Telford & Wrekin Council and updated in 2016. From my own visit it is apparent that some valuable green or open space is neither publicly accessible nor publicly owned. Representations from Roger France also highlight the lack of clarity about the boundary of the “Lilleshall Gap”.

82. The Policy drafting leaves it unclear whether development proposals that provide alternative areas of public open space of an inferior standard to that which is lost are acceptable.

83. Policy GS1 does not meet the Basic Conditions.

- **M10 – Amend Policy GS1 to**
 - **Replace “*Protection Public Open Spaces*” with “*Protecting Open Spaces*” in the title**

- Replace “*will not be supported*” with “**should demonstrate**” in the first two lines
 - Delete “Where it can be demonstrated” in the first criterion
 - Delete “*Where it can be demonstrated*” and Insert “to an equal or improved standard” after “*space*” in the second criterion
 - Delete “*Where*” in the third criterion
 - Delete “*Where*” in the fourth criterion
- M11 – Provide details of the boundaries of all the different “*open spaces*” as referenced in the supporting text (including a link to a map of suitable scale)

84. **Policy GS2** – This supports the provision of new public open space and footpath links.

85. The Policy is positively worded. It will benefit from the greater clarity about Public Open Space associated with the proposed modification for Policy GS1. The drafting should be consistent with Policy TR1 which addresses both cycle and pedestrian links.

86. While Policy GS2 meets the Basic Conditions my examination of Policy RPF1 concludes that there is a significant and unnecessary overlap and I propose a modification which combines both policies.

- **M12 - Combine and amend Policy GS2 and Policy RPF1 to read:**
“Policy GS2 – Provision of open space and pedestrian and cycle links
The provision of new open spaces and accessible pedestrian and cycle links and bridleways to and between open spaces, recreation areas and the Green Network will be supported”
- M13 - Provide details of the boundary of the Open Spaces, recreation areas and the Green Network (including a link to a map of suitable scale)

87. **Policy GS3** – This supports development intended to enhance biodiversity and offers no support for development causing it significant harm.

88. I have considered whether the negative wording relating to development causing significant harm to biodiversity *“will not be supported”* is consistent with national planning policy that *“Plans should.....be prepared positively”* (NPPF, paragraph 16.b)). National planning policy on biodiversity is also similarly strongly worded in that *“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”* (NPPF, paragraph 180.a)) and I propose a wording consistent with this approach.

89. The Policy is loosely drafted in stating what will *“generally”* be supported.

90. Policy GS3 does not meet the Basic Conditions.

- **M14 – Amend Policy GS3 to:**

- **Replace *“will not be supported”* with *“should be avoided”***
- **Delete *“generally”***

Granville Country Park and Local Nature Reserve

91. **Policy GCP1** – This takes a restrictive approach to development adversely affecting this asset and a supportive one to development that enhances it.

92. Granville Country Park and Local Nature Reserve is a very significant asset to the neighbourhood area and performs an important role for the wider Telford and Wrekin area. It has heritage, landscape, wildlife, recreational and cultural significance and was being well used at the time of my visit.

93. The Policy is negatively worded even in relation to development with only minor adverse impacts.

94. The Policy is not supported by evidence of the boundary of Granville Country Park and Local Nature Reserve and its geographical application is ambiguous as a result. The Telford & Wrekin Local Plan Policies Map provides detail of its boundary as part of the Green Network. This is included with the Plan but it is not clear where the boundary of Granville Country Park and Local Nature Reserve is located.

95. Policy GCP1 does not meet the Basic Conditions.

- **M15 - Amend Policy GCP1 to insert “significantly” before “adversely”**
- M16 - Provide details of the boundary of Granville Country Park and Local Nature Reserve (including a link to a map of suitable scale)

Transport and Roads

96. **Policy TR1** – This supports improvements to Public Rights Of Way, including cycle ways.

97. The Policy is positively worded. There is ambiguity over the intended scope as it references both “*public rights of way*” and “*cycle ways*” in the title while defining “*cycle links*” as one type of public right of way in the policy. Public rights of way are a defined category of routes which can be used by pedestrians and some of which can also be used by cyclists and horse riders. On request I was informed by Donnington and Muxton Parish Council that the intention of the Policy is that it relates only to Public Rights of Way and that references to links also include bridleways.

98. Policy TR1 does not meet the Basic Conditions.

- **M17 - Amend Policy TR1 to:**
 - **Delete “and Cycle ways” in the title**
 - **Add “and bridleways” after “links”**

99. **Policy TR2** – This seeks to prevent the loss of public off-street parking without provision being made elsewhere.

100. The Policy is specific in applying to *“public off-street parking”* and this is not clear from its title. The policy approach is negatively worded instead of identifying what development proposals are required to achieve. There is some tension between the Policy and Local Plan parking standards that support *“limiting parking in areas with good sustainable travel alternatives”* but Telford & Wrekin Council has not raised it as an issue. I am satisfied the tension is not inconsistent with the Policy meeting the Basic Conditions.

101. Policy TR2 does not meet the Basic Conditions.

- **M18 – Amend Policy TR2 to:**
 - **Insert “Public” before “off-street” in the title**
 - **Replace “will not be supported unless” with “should demonstrate that”**
 - **Replace “is provide” with “will be provided”**

Recreation and Play Facilities

102. **Policy RPF1** – This supports links to open spaces, recreation areas and the Green Network.

103. The Policy is positively worded. There is a lack of clarity as to the location of the *“open spaces and recreation areas and the Green Network”* and only the Green Network is geographically defined in the Local Plan. There is some ambiguity about the nature of the *“links”* supported and on request I was informed by Donnington and Muxton Parish Council that they relate to pedestrian and cycling links and bridleways.

104. The Policy is not well related to either the *“Recreation and Play Facilities”* theme or the supporting text. This emphasises the feedback during public consultation for more recreation and play facilities in new development. Instead the Policy supports links to open spaces, recreation areas and the Green Network. As a result here is significant overlap with Policy GS2 and Policy TR1 and in order to avoid unnecessary duplication I propose merging

Policy RPF1 with Policy GS2. It is an optional modification to delete Section 3.6 as a consequence or retain it without specific reference to a Plan policy.

105. Policy RPF1 does not meet the Basic Conditions.

- **M19 – Delete Policy RPF1 (and combine it with Policy GS2)**
- OM6 – [Make amendments to Section 3.6 “*Recreation and Play Facilities*” to delete it or retain it without specific reference to a Plan policy]

Community Facilities

106. **Policy CF1** – This protects community facilities and establishes policy criteria for development that would result in their loss.

107. While there is evidence of community support for protecting community facilities in the results of public consultation the approach is similar to that already provided by Policy COM1 in the Telford & Wrekin Local Plan. National planning policy is clear that “*Plans should.....f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area*” (NPPF, paragraph 16). Policy CF1 does not take the opportunity of a neighbourhood plan’s non-strategic policies “*to set out more detailed policies for specific areas*” (NPPF, paragraph 28) such as by identifying the valued local community facilities to be protected. When requested Donnington and Muxton Parish Council indicated that the only additional benefit of Policy CF1 over Local Plan Policy COM1 is that “*the Policy makes specific reference to facilities in Donnington and Muxton*” by referring to the neighbourhood area. Local Plan Policy COM1 is, however, already material to all the community facilities in Donnington and Muxton and so the Policy comprises unnecessary duplication. The time period of the neighbourhood plan is also coincident with the Local Plan meaning the Policy has no additional role beyond 2031.

108. As a consequence I conclude that Policy CF1 does not pay sufficient regard to national planning policy and does not meet the Basic Conditions.

- **M20 – Delete Policy CF1**

109. **Policy CF2 - This** supports new or improved local community facilities subject to their meeting relevant policy criteria.

110. The Policy is positively worded. As drafted the policy wording is grammatically flawed and does not meet the expectation in national planning policy for “*policies that are clearly written*” (NPPF, paragraph 16. d)).

111. Policy CF2 does not meet the Basic Conditions.

- **M21 – Amend Policy CF2 to read:**

“Proposals for new and/or improved local community facilities in Donnington and Muxton will be supported subject to the proposal not having a significant and harmful impact on the amenity of surrounding residential areas or the local environment.”

Local Renewable Energy

112. **Policy LRE1** – This supports energy efficient and sustainable developments and introduces a requirement for evidence to be provided as to how this will be secured.

113. The structure of the Policy is unclear. It falls into two sections – the first establishes what should be included in a statement accompanying planning applications and the second establishes specific expectations from development proposals.

114. The Policy lacks clarity as to what constitutes “*a high standard*” of energy efficiency and what is meant by “*a high and sustainable level of design and construction*”. It is unduly onerous in requiring every planning application to be accompanied by a statement as to how it will set high standards of energy efficiency and sustainability regardless of the scale of development or its significance. It should be clear that all the issues identified for being included in the accompanying statement should be provided only where appropriate. It is also unduly restrictive in stating how buildings “*must*” be designed.

115. The scope of the Policy overlaps with other provisions, including Building Regulations. These address the thermal efficiency of building materials and compliance with construction and other standards. I share concerns expressed by Montagu Evans on behalf of Defence Infrastructure Organisations and by Gladman about this aspect of the Policy.

116. The Policy's references to "*heritage properties (listed buildings and buildings of local interest)*" is ambiguous especially in the absence of a defined list of buildings of local interest and it is inconsistent with the approach in national planning policy to recognising the importance of "*non-designated heritage assets*" (NPPF, section 16). The need for development to be "*carried out with the active engagement with and permission of the relevant organisations*" is unclearly drafted, ambiguous as to which organisations are relevant and not an appropriate planning consideration.

117. There is a specific expectation that non-residential development should aim to meet the BREEAM excellent standard. National planning policy is that "*any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards*" (NPPF, paragraph 154) and the Plan can support but not require development to deliver higher voluntary standards. This also addresses representations from Telford & Wrekin Council that the expectation for meeting BREEAM excellent standard was disproportionate for small scale developments.

118. The Policy drafting includes unnecessary references to "*new build*" and development "*permitted in Donnington and Muxton*" which is also inconsistent with the approach taken in the Plan's other policies. Planning policies are used in the determination of planning applications for development.

119. Policy LRE1 does not meet the Basic Conditions.

- **M22 - Replace Policy LRE1 with:**
“New development proposals in Donnington and Muxton should be designed to be energy efficient. Relevant planning applications should include a statement setting out how the development will achieve this, including as appropriate:
 - **Siting and orientation to optimise passive solar gain, and**
 - **The use of energy efficient measures such as loft and wall insulation and double glazing.**

The retrofitting of heritage buildings (listed buildings and non-designated heritage assets) is encouraged to reduce energy consumption where appropriate, providing it safeguards the historic characteristics of the building.

Non-residential development meeting the Building Research Establishment (BREEAM) “excellent” standard will be supported.”

Traffic, Road Safety, Walking and Cycling

120. **Policy RWC1** – This supports consideration of traffic calming and management of traffic volumes in major residential development.

121. The Policy is not restrictive in its approach. The drafting relates to permissions rather than planning applications and there is a lack of clarity over the definition of *“major residential development”*. Both the Telford and Wrekin Local Plan and national planning policy define this in terms of development of 10 or more homes or a site of 0.5 hectares or more.

122. This section of the Plan addresses issues also covered by the *“Transport and Roads”* section and it would be more logical to combine the two and renumber the Policy. This is an optional recommendation.

123. Policy RWC1 does not meet the Basic Conditions.

- **M23 - Replace Policy RWC1 with:**
“Proposals for major new residential development should consider opportunities to calm traffic speeds and manage traffic volumes.”
- M24 – Provide a definition of “major residential development” in the supporting text consistent with the Telford and Wrekin Local Plan and national planning policy
- OM7 – [Combine sections 3.5 and 3.6 and renumber Policy RWC1 as Policy TR3]

8. Recommendation and Referendum Area

124. I am satisfied the Donnington and Muxton 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.