

Checkley Parish Neighbourhood Development Plan

A report to Staffordshire Moorlands District Council of the
Independent Examination of the Checkley Parish
Neighbourhood Development Plan

Copy to Checkley Parish Council

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Summary of Main Findings

This is the report of the Independent Examination of the Checkley Parish Neighbourhood Development Plan. The plan has been prepared by Checkley Parish Council. The plan relates to the whole parish of Checkley which was designated as a Neighbourhood Area on 16 February 2016. The plan area lies within the Staffordshire Moorlands District Council area. The plan period runs until 2035. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan seeks to allocate land for development.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. Paragraph 29 of the National Planning Policy Framework (the Framework) states that “neighbourhood planning gives communities the power to develop a shared vision for their area”.
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan and wider development plan, unless material considerations indicate otherwise.
3. The Checkley Parish Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Checkley Parish Council (the Parish Council). The whole parish of Checkley was designated by Staffordshire Moorlands District Council (the District Council) as a Neighbourhood Area on 16 February 2016. The draft plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Checkley Neighbourhood Area (the Neighbourhood Area). The Neighbourhood Plan preparation process was led by a Steering Group comprised of Parish Councillors and other community volunteers who are residents or other stakeholders. The Steering Group has been supported by appointed consultant Urban Vision Enterprise, a Community Interest Company.
4. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Parish Council for submission to the District Council. The District Council arranged a six-week period of publication between 2 March 2023 and 13 April 2023 (Regulation 16 publicising a plan proposal) and subsequently submitted the Neighbourhood Plan to me for independent examination which commenced on 29 June 2023.

Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan. The report makes recommendations to the District Council including a recommendation as to whether the Neighbourhood Plan should

proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.

6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be considered and can be given significant weight when determining a planning application, in so far as the plan is material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area unless the District Council subsequently decide the Neighbourhood Plan should not be made. Section 156 of the Housing and Planning Act 2016 requires a Council report recommending a grant of planning permission, or permission in principle, to identify any conflict with a made neighbourhood plan. Paragraph 12 of the Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted. Paragraph 30 of the Framework states “once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-statutory policies in a local plan covering the neighbourhood area, where there is a conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.
8. I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan.
9. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. As a Chartered Town Planner, I have held national positions and have 35 years’ experience at Director or Head of Service level in several local planning authorities. I have been a panel member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) since its inception, and have undertaken the independent examination of neighbourhood plans in every region of England, and in the full range of types of urban and rural areas.

10. As independent examiner, I am required to produce this report and must recommend either:
- that the Neighbourhood Plan is submitted to a referendum, or
 - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
 - that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.
11. I make my recommendation in this respect and in respect to any extension to the referendum area, in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.
12. The Planning Practice Guidance (the Guidance) states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing” (paragraph 56 reference ID 41-056-20180222). The examiner can call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. This requires an exercise of judgement on my part. All parties have had the opportunity to state their case and no party has indicated that they have been disadvantaged by a written procedure. Regulation 16 responses clearly set out any representations relevant to my consideration whether the Neighbourhood Plan meets the Basic Conditions and other requirements. Those representations and the level of detail contained within the submitted Neighbourhood Plan and supporting documents have provided me with the necessary information required for me to conclude the Independent Examination. As I did not consider a hearing necessary, I proceeded based on examination of the submission and supporting documents; consideration of the written representations; and an unaccompanied visit to the Neighbourhood Area.
13. This report should be read as a whole, and has been produced in an accessible format.

Basic Conditions and other Statutory Requirements

14. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions.” A neighbourhood plan meets the Basic Conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;

- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

15. With respect to the penultimate Basic Condition the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights, which has the same meaning as in the Human Rights Act 1998. All these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan Policies.' Where I am required to consider the whole Neighbourhood Plan, I have borne it all in mind.

16. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (in sections 38A and 38B themselves; in Schedule 4B to the 1990 Act introduced by section 38A (3); and in the 2012 Regulations made under sections 38A (7) and 38B (4)). I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, including in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.

17. The Neighbourhood Plan relates to the area that was designated by the District Council on 16 February 2016. The 'Introduction' section of the Neighbourhood Plan includes a written description of the extent of the Neighbourhood Area which includes the whole of Checkley Parish. Whilst several maps in the Neighbourhood Plan show the Parish boundary, I have recommended a map of the Neighbourhood Area is included in the Neighbourhood Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area, and no other neighbourhood development plan has been made for the neighbourhood area. All requirements relating to the plan area have been met.

Recommended Modification 1:

Include a map of the Neighbourhood Area in Section 1.0 of the Neighbourhood Plan

18. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area; and the Neighbourhood Plan does not include provision about excluded development (principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment, and nationally significant infrastructure projects). Subject to a modification I have recommended in respect of Policy HSG1 I can confirm that I am satisfied that each of these requirements has been met.
19. A neighbourhood plan must also meet the requirement to specify the period to which it has effect. The front cover of the Neighbourhood Plan states the plan period runs from 2021 until 2035. The plan period is confirmed in the 'Introduction' section of the Neighbourhood Plan.
20. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
21. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
22. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have meaning and significance to people living and working in the area.
23. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. I refer to the matter

of minor corrections and other adjustments of general text in the Annex to my report.

Documents

24. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Checkley Parish Neighbourhood Development Plan 2021 - 2035 Submission Draft
- Checkley Neighbourhood Plan Basic Conditions Statement October 2022 [In this report referred to as the Basic Conditions Statement]
- Checkley Parish Neighbourhood Development Plan Consultation Statement 26 September 2022 [In this report referred to as the Consultation Statement]
- Screening Assessment Checkley Neighbourhood Plan - Strategic Environmental Assessment
- Screening Assessment of draft Checkley Neighbourhood Plan - Habitats Regulations Assessment
- Information available on the Parish Council website including the Residential Development Options for Growth Final Draft January 2021 and the Local Green Space report July 2018
- Information available on the District Council website
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and the District Council and the Parish Council including the initial letter of the Independent Examiner dated 29 June 2023; the comments of the Parish Council on the Regulation 16 representations made on 21 September 2023; the letter of the Independent Examiner seeking clarification of matters dated 26 September 2023; and the response of the Parish Council and District Council dated 2 October 2023 and 4 October 2023 respectively
- National Planning Policy Framework (2023) [In this report referred to as the Framework]
- Staffordshire Moorlands Local Plan 2014 -2033 adopted 9 September 2020
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019)
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [In this report referred to as the Guidance]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014

- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- European Union (Withdrawal) Act 2018
- Neighbourhood Planning Act 2017 and Neighbourhood Planning Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations]
- Neighbourhood Planning (General) (Amendment) Regulations 2015
- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species Regulations 2017
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

Consultation

25. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here several key stages of consultation undertaken in order to illustrate the approach adopted.

26. In February 2016 a Steering Group comprising Parish Councillors and other volunteers was established to oversee the development of the Neighbourhood Plan. A community questionnaire was developed and publicised in the second half of 2016 and early 2017 to gain information from the community and other stakeholders to help shape priorities, policies, and a vision of the future. Publicity was achieved through a variety of means including: attendance at significant community events; through residents' associations and other groups; through leaflets delivered to all residences; and through newspapers, posters, social media, and a dedicated webpage. The 384 completed questionnaires informed the preparation of the Neighbourhood Plan.

27. A publicised meeting with stakeholders was held in March 2017, and three drop-

in sessions were held between April and July 2017 where residents and other stakeholders could input to policy development. In October/November 2017 landowners were contacted and invited to identify potential housing sites through completion of a downloadable form or at two drop-in sessions. A drop-in session for local farmers was held in February 2018 to help develop a farm diversification policy. In August 2018 an extensive and well-publicised consultation was held to consider criteria and sites in respect of potential designations of Local Green Space. A growth strategy consultation was undertaken in January/February 2021 to invite comment from stakeholders including landowners, occupiers, and other community members.

28. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan between 11 February 2022 and 25 March 2022. This consultation was publicised at a series of six staffed pop-up sessions; through posters and local media press releases; and on a dedicated Parish Council consultation webpage. Hard copy documents were made available at four locations, and statutory consultees were contacted directly. The Consultation Statement includes a weblink to the Parish Council website where comments received and a response is presented. Suggestions have, where considered appropriate, been reflected in changes to the Plan.
29. Comments of the District Council regarding Local Green Spaces led to a decision of the Parish Council to amend the plan and undertake a second period of Regulation 14 consultation between 3 June 2022 and 15 July 2022. The consultation was undertaken using the same methods adopted in the first period of Regulation 14 consultation and included a further series of six staffed pop-up events. The second period of Regulation 14 consultation resulted in representations from eight organisations which are presented with a response on pages 16 to 18 of the Consultation Statement. Following consideration of responses, the Neighbourhood Plan was submitted by the Parish Council to the District Council.
30. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 2 March 2023 and 13 April 2023. Publicity was achieved through the District Council website and by making hard copies of the submission documents available for inspection. Representations were submitted during the Regulation 16 period of publication from a total of twelve different parties.
31. The District Council has submitted a substantial representation in respect of aspects of the general text and maps of the Neighbourhood Plan. I refer to a number of those points in the Annex to my report. The District Council has also

submitted representations regarding Policies HSG1; HSG2; EMP1; EMP2; EMP3; COM1; LGS1; DES1; DES2; DES3; DES4; and TRA1.

32. Staffordshire County Council has raised objection to the designation of three sites as Local Green Space under Policy LGS1, and in its capacity as Mineral and Waste Planning Authority, has submitted a holding objection with respect to one of the sites allocated for residential development under Policy HSG1.
33. National Highways confirm their principal interest is safeguarding the operation of the A50, which is located within the south section of the Plan area, with the closest junctions being the A50/A521 junction and A50/A522 junction. The representation suggests that the Plan refers to the A50 being managed by National Highways and notes reference in the Plan to re-surfacing or screening of the A50 to reduce noise impacts. As the A50 forms part of the Strategic Road Network, it is suggested that National Highways is consulted on any improvements to the network, including noise mitigation.
34. The Coal Authority, the Peak District National Park Authority, and Natural England have confirmed they have no specific comments on the Neighbourhood Plan. A representation on behalf of National Gas Transmission offers general advice, and confirms there are no National Gas Transmission assets within the Plan area. A representation on behalf of National Grid offers general advice, including guidance on development close to National Grid Electricity Transmission infrastructure, and provides an illustrative plan identifying the 400Kv Cellarhead – Drakelow 1 overhead transmission line. Severn Trent has set out general guidelines and relevant policy wording that it considers may be useful. Network Rail has set out general advice.
35. Historic England has repeated previous comments made which stated “Historic England is supportive of both the content of the document and the vision, aims and objectives set out in it. We particularly commend the thorough approach taken to identifying the distinctive local characteristics of the varying settlements of the Parish and the emphasis placed upon the conservation of their local distinctiveness through good building design that is sustainable. The protection afforded to locally significant buildings, farmsteads and landscape character including archaeological remains, green space and important views is equally to be applauded. The plan has an extremely sound evidence base that includes reference to the Green Infrastructure Strategic Network for Staffordshire Moorlands 2018, and it reads as a well-considered, concise, and fit for purpose document which we consider takes a suitably proportionate but thorough approach to the historic environment of the Parish. Beyond those observations we have no further substantive comments to make on what Historic England considers is a good example of a community led plan.”

36. I have read each of the Regulation 16 representations. In preparing this report I have taken into consideration all the representations submitted, in so far as they are relevant to my role, even though they may not be referred to in whole in my report. Having regard to *Bewley Homes Plc v Waverley Borough Council* [2017] EWHC 1776 (Admin) Lang J, 18 July 2017 and Town and Country Planning Act Schedule 4B paragraph 10(6) where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations. Alternative policy approaches and additional policy and other content were relevant considerations in earlier stages of the Neighbourhood Plan preparation process. These matters are only relevant to my role if they are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified.
37. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. I paused progress of the Independent Examination for a period of two months between late July 2023 and late September 2023 to give the Parish Council an adequate opportunity to consider and comment on the Regulation 16 representations as these had included an extensive representation from the District Council. The Parish Council submitted comments on the Regulation 16 representations on 21 September 2023. I have taken those comments into consideration in preparing my report.
38. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
 - b) explains how they were consulted;
 - c) summarises the main issues and concerns raised by the persons consulted; and
 - d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.
39. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding engagement in plan preparation contained within the Guidance. It is evident the

Neighbourhood Plan Steering Group have ensured stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

40. This section of my report considers whether the Neighbourhood Plan, taken as a whole, meets EU obligations, habitats, and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

41. Section 6.4 of the Basic Conditions Statement states the Neighbourhood Plan “meets human rights requirements.” I have considered the European Convention on Human Rights and in particular Article 6 (fair hearing); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law. Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. An Equalities Assessment has been prepared which concludes the Neighbourhood Plan will result in positive benefits for the community, including

those with protected characteristics. From my own examination, the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.

42. The objective of EU Directive 2001/42 (transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004) is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’ (Defined in Article 2(a) of Directive 2001/42) as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result (Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012).
43. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to the District Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
44. Section 6.1 and 6.2 of the Basic Conditions Statement confirm SEA and HRA Screening Assessments were undertaken and that both reports concluded that the Neighbourhood Plan is unlikely to have significant environmental effects therefore neither a full SEA or HRA would be required.
45. I have examined the Strategic Environmental Assessment Screening Report submitted with the Neighbourhood Plan and have no reason to disagree with its conclusion. The SEA Screening Report includes consultation responses received from the statutory consultees Historic England, Natural England, and the Environment Agency that agree with the conclusions reached. I am satisfied the requirements regarding Strategic Environmental Assessment have been met.
46. I have also examined the Habitat Regulations Assessment Screening Report and have no reason to disagree with its conclusion. The report includes a consultation response from the statutory consultee, Natural England confirming agreement that the Neighbourhood Plan is not likely to cause a significant effect on any European (now Habitats) site and therefore no further assessment work would be required. I am satisfied that the Neighbourhood Plan meets the requirements of the Basic Condition relating to Habitats Regulations.

47. There are several other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.
48. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
49. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met for the draft neighbourhood plan to progress. The District Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU environmental law obligations (directives and regulations) incorporated into UK domestic law by the European Withdrawal Act 2018 (EUWA):
- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
 - when it takes the decision on whether to make the neighbourhood plan (which brings it into legal force).

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

50. I refer initially to the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.” The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to.” This is not the same as compliance, nor is it the same as part of the tests of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy.”
51. Lord Goldsmith has provided guidance (Column GC272 of Lords Hansard, 6 February 2006) that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate.” In answer to the question “What does having regard to national policy mean?” the Guidance states a

neighbourhood plan “must not constrain the delivery of important national policy objectives.”

52. The most recent National Planning Policy Framework published on 5 September 2023 sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance was most recently updated, in part, on 25 August 2022. As a point of clarification, I confirm I have undertaken the Independent Examination in the context of the most recent National Planning Policy Framework and Planning Practice Guidance. The Government consultation on possible changes to the Framework published in December 2022 has not formed part of my consideration.
53. Section 4 of the Basic Conditions Statement including the Table presented at paragraph 4.2 sets out an explanation how each of the policies of the Neighbourhood Plan has regard to the Framework and the Guidance. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
54. The Neighbourhood Plan includes in Section 2 a positive vision statement for Checkley Parish. Six aims addressing specific themes relating to housing; transport; business; leisure and recreation; environment; and design and heritage are also set out. It is evident it is intended achievement of those aims will support delivery of the vision. The District Council has suggested adjustment of the wording of several aims. I have recommended modification of specific aims so that they have sufficient regard for national policy. In the interests of consistency, I have also recommended a modification of the housing purpose stated on page 34 of the Neighbourhood Plan, which the District Council has suggested requires amendment.

Recommended Modification 2:

In the aims in section 2.0 of the Neighbourhood Plan

- **housing - delete “the local” and “a mixture of” and “with a primary focus on brownfield sites”**
- **transport – after “Promote” insert “active travel and”**
- **environment – delete “and wildlife” and after “feel” continue “and enhance biodiversity”**

In the purpose stated on page 34 replace “local” with “identified”

55. Section 6 of the Neighbourhood Plan sets out priorities for spending infrastructure monies and Section 7 of the Neighbourhood Plan sets out a Green Development Guidance Note. The District Council has stated: “Note that the scope for developer contributions associated with new developments is set out in Local Plan policy SS12 Planning Obligations and Community Infrastructure Levy. In

May 2023 the District Council conducted a public consultation upon a draft Developer Contributions SPD that, when finalised will accompany this policy. The priorities for local highways measures to be conducted by Staffordshire County Council Highways, are set out in the Staffordshire Moorlands District Integrated Transport Strategy 2018 – 2031” and “Under ‘Green Building Design’, bullet points list carbon neutral methods of construction. It is questioned to what extent all of these would be policy compliant (including draft NP policies). For example, green roofs. The section on ‘Green Energy’ could also explain about how many forms of micro-renewables are now permitted development (for dwellings, flats etc) under the permitted development regime.”

56. Paragraph 154 of the Framework states new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change, and can help reduce greenhouse gas emissions, such as through its location, orientation, and design. Whilst orientation of buildings is referred to, the matters set out in the Green Development Guidance Note are largely outside the remit of planning policy in a neighbourhood plan. The plan preparation process is a convenient mechanism to surface and test local opinion on ways to improve a neighbourhood other than through the development and use of land. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight of. The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning policy represents good practice. The Guidance states, “Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan. The approach adopted to set out the infrastructure priorities and green guidance is entirely satisfactory. I am satisfied the inclusion of the infrastructure priorities and the green guidance note in separate and final parts of the plan document sufficiently differentiates these community priorities and intentions from the policies of the Neighbourhood Plan.

57. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to ‘have regard to’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that, except for those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition “having regard to national policies

and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”

58. At the heart of the Framework is a presumption in favour of sustainable development which should be applied in both plan-making and decision-taking. The Guidance states, “This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic, and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced, or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions” (paragraph 072 reference ID 41-072-20190509).
59. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.
60. The Framework states there are three dimensions to sustainable development: economic, social, and environmental. Section 3 of the Basic Conditions Statement set out a statement how the policies of the Neighbourhood Plan contribute to the achievement of sustainable development. The statement does not highlight any negative impacts of the Neighbourhood Plan policies.
61. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental features of the Neighbourhood Area. I consider the Neighbourhood Plan as recommended to be modified seeks to:
- Allocate land for residential development and establish other locations where residential development will be supported;
 - Establish housing mix requirements for new development;

- Maintain the vitality of Upper Tean High Street;
- Avoid loss of community facilities and encourage new provision;
- Designate Local Green Spaces;
- Establish design principles for new development;
- Establish criteria for support of infill residential development;
- Protect landscape and rural character;
- Establish criteria for development in the Checkley and Upper Tean Conservation Areas; and
- Promote sustainable and active travel options and address traffic safety and congestion issues.

62. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

63. The Framework states:

- “Plans should make explicit which policies are strategic policies” (Paragraph 21);
- “Neighbourhood Plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan” (Paragraph 29);
- “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area” (Footnote 18);
- “Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies” (Paragraph 29).

64. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The District Council has confirmed the Development Plan applying in the Checkley Neighbourhood Area and relevant to the Neighbourhood Plan comprises the Staffordshire Moorlands Local Plan 2014 - 2033 adopted on 9 September 2020 and the Minerals Local Plan for Staffordshire 2015-2030. The

Staffordshire and Stoke-on-Trent Joint Waste Local Plan and its Review also form part of the Development Plan.

65. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.” (Paragraph 077 Reference ID 41-077-20190509). The District Council has advised me what are regarded by the Local Planning Authority as the strategic policies of the Development Plan. Those are the Spatial Strategy policies SS1 - SS12. Whilst several of the site allocation policies are described as strategic none of those relate to land in the Neighbourhood Area. The District Council has also expressed an Officer opinion whether certain policies of the Minerals Local Plan can be considered strategic.

66. In considering a then current provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility” (Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31). The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan, rather than the entire development plan.

67. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach” (Paragraph 074 Reference ID 41-074-20140306).

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

68. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the

area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration the policy comparison including a Table presented at section 5.3 of the Basic Conditions Statement that assists in demonstrating how each of the policies of the Neighbourhood Plan is in general conformity with relevant strategic policies. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan Policies

69. The Neighbourhood Plan includes twelve policies as follows:

Policy HSG1: Housing and Site Allocations

Policy HSG2: Housing Mix

Policy EMP1: Upper Tean High Street

Policy EMP2: Heritage-Led Regeneration

Policy EMP3: Rural Business Diversity and Growth

Policy COM1: Community, Sport, and Recreational Facilities

Policy LGS1: Local Green Space

Policy DES1: Design

Policy DES2: Infill

Policy DES3: Landscape and Rural Character

Policy DES4: Conservation Areas

Policy TRA1: Transport

70. Paragraph 29 of the Framework states “Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct, and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.” Footnote 18 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”

71. Paragraph 15 of the Framework states “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other

economic, social, and environmental priorities; and a platform for local people to shape their surroundings.”

72. Paragraph 16 of the Framework states “Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”
73. The Guidance states “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” (Paragraph 041 Reference ID 41-041-2-140306).
74. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan” (Paragraph 040 Reference ID41-040-20160211).
75. A neighbourhood plan should contain policies for the development and use of land. “This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004)” (Paragraph 004 Reference ID 41-004-20190509).
76. “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing

supply, these policies should take account of latest and up-to-date evidence of housing need” (Paragraph 040 Reference ID 41-040-20160211).

77. “A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available” (Paragraph 042 Reference ID 41-042-20170728).

78. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the determination of planning applications and appeals, I have examined each policy in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

Policy HSG1: Housing and Site Allocations

79. This policy seeks to define settlement boundaries, allocate two sites for residential development, and establish other locations where proposals for residential development will and will not be supported.

80. Staffordshire County Council acting as Mineral and Waste Planning Authority has submitted a holding objection with respect to the Tearne House site allocation for residential development. Staffordshire County Council state it will be necessary to assess whether the proposal accords with Policy 3 of the Minerals Local Plan. When commenting on the County Council representation the District Council has stated an objection to Policy HSG1 on the basis “the Parish Council need to demonstrate that they have evidence of having conducted an assessment to demonstrate: a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations”.

81. I have earlier in my report explained I am required to check the Neighbourhood Plan does not include provision about excluded development including minerals. A neighbourhood development order may not provide for the granting of planning permission for any development that is excluded development (Section 61J (2) of the Town and Country Planning Act 1990 as amended by the Localism Act 2011). For these purposes excluded development includes development that consists of a county matter (Within paragraph 1(1)(a) to (h) of Schedule 1 of the Town and Country Planning Act 1990 as amended by the Localism Act 2011). County matters include the winning and working of minerals. Part 2 of Schedule 9 to the

Localism Act 2011 applies the excluded development provision to neighbourhood development plans. Neighbourhood development plans do not grant planning permission but set out policies in relation to the development and use of land. On this basis I understand neighbourhood development plan policies may not relate to excluded development including the winning and working of minerals. Development of land can have the effect of sterilising mineral resources. Minerals can only be worked where they exist. The existence of mineral deposits does not necessarily mean they can be worked. That decision will be based on a wide range of complex considerations that could not appropriately be considered by a community led neighbourhood planning process. These issues can only be considered through exploration of mineral development matters that are excluded for the purposes of neighbourhood plan preparation. Additionally, issues relating to mineral sterilisation are strategic in nature. It is not the function of a neighbourhood plan to prepare strategic planning policies to meet assessed needs over a Local Plan area (*Gladman Developments v Aylesbury Vale District Council* 2014 EWHC 4323 (Admin)). It is not realistic to expect the Parish Council to have the capacity to resolve issues of minerals supply and demand which is a strategic issue requiring assessment over a wide area. This would lead me to conclude I should recommend a modification of the Neighbourhood Plan to delete the proposed allocation of land at Tearne House Quarry Bank for residential development on this basis.

82. The Parish Council state “The NDP does not identify any proposed housing development site in the Tearne Quarry area outside of the boundary of the new housing development now currently close to completion. Since identified in the early stages of producing the draft the proposed site received full planning permission. Planning permission SMD/2018/0045 refers. Staffordshire County Council’s consultation response to the application also refers SCC reference SMD/2018/0045 MSA dated 20th March 2018 – No Objection.” I have examined the District Council online file relating to the planning application referred to, including the consultation responses of the County Council relating to minerals and regeneration matters. It is evident to me that a planning permission has been granted in September 2018 for nine dwellings and I have noted the construction of those dwellings is substantially completed. I recognise the Parish Council has worked for many years to achieve a made Neighbourhood Plan and that inevitably it has been overtaken by events in some respects. Under these circumstances I consider the development at the Tearne House site, Quarry Bank should be regarded as a commitment/completion and that a site allocation in the Neighbourhood Plan is not appropriate.
83. There are other considerations that support the conclusion I have reached. The allocation site is not clearly defined in the Neighbourhood Plan. The distinction

between red edged land and blue edged land on the map presented on page 42 of the Neighbourhood Plan is barely discernible without expansion. The red edged land on that map erroneously includes the curtilage of Hollington Village Hall in the allocation. The aerial photograph that accompanies the map erroneously includes the adjacent quarry in the red edged site. It is highly likely that this lack of clarity has resulted in the County Council and District Council basing their representations on a false premise. The lack of clarity of which land is proposed for allocation is a sufficiently important matter such that the allocation cannot proceed at this time. For all the above reasons I have recommended the land allocation for housing development at Tearne House, Quarry Bank is deleted from Policy HSG1.

84. The District Council at regulation 14 stage identified: conflict between parts 3 and 4 of the policy; ambiguity; lack of recognition that the Local Plan supports residential development in the countryside in stated circumstances; and lack of accord with the spatial strategy of the Local Plan. The Regulation 16 representation of the District Council refers to: the inconsistency between parts 3 and 4 of the policy; non-conformity with strategic policies despite an addition to the interpretation; failure to recognise residential development may be acceptable beyond development boundaries; and a misleading statement in the interpretation suggesting limitation of rural exception sites to brownfield locations. The District Council also state agricultural buildings are notionally greenfield, and reference to homesteads is not essential and could be made in the interpretation. The District Council state the site allocations do not contain any development criteria to augment other Neighbourhood Plan and Local Plan policies, and identify deficiencies and queries relating to the allocation maps. The representation of the District Council also refers to paragraph 62 of the Framework and suggests the policy should refer to housing needs of travellers.
85. Part 1 of Policy HSG1 seeks to define settlement boundaries for Checkley, Lower Tean, and Upper Tean. I have noted the District Council states “The policy provides new development boundaries for Checkley and Lower Tean, but not Hollington. The interpretation section should explain that, despite this difference, all three villages remain identified as ‘smaller villages’ under Policy SS9 of the SM Local Plan, and therefore serve the same strategic function.” I have adopted this proposal in my recommended modification.
86. Part 2 of Policy HSG1 seeks to allocate two sites for residential development although I have, above, recommended a modification so that only the Fole Dairy site is progressed as an allocation. I have noted the Residential Development Options for Growth report Final Draft January 2021 explains that the call for sites in November/December 2017 resulted in 14 sites being nominated and explains the development of criteria for assessment of sites and the outcome of that

assessment. I am satisfied the process leading to the site allocations has been proportionate and appropriate. The District Council state there are discrepancies between the two plans for Fole Dairy (i.e., question whether the triangle of land at SE corner grid ref 404450 / 337260 is part of the allocation, and question whether the allocation includes or excludes the Fole Reformed Evangelical Chapel at NE corner. I have sought clarification from the Parish and District Councils in these respects. The Parish Council has stated “The area of land to the east of and separated from the main body of the site by a highway, shown with a red line boundary on the allocation plan, is part of the allocation and should be on the aerial photograph. We will remove the aerial photograph as we consider this to be non-essential and less detailed. The building in the southeast corner is a listed building and conversion of this does not form part of our NDP site allocation. We will add a note to clarify. We will seek assistance to calculate the hectares of the site and include the figure in the NDP as a note.” I am satisfied with this response and have included reference to the site allocation plan for the Fole Dairy site in my recommended modifications. With respect to the representation of the District Council questioning whether Policy HSG1 should contain detailed policies for the development of both sites this is not a requirement to meet the Basic Conditions, however, I have noted Policy DES1 establishes design principles for development. I am satisfied the approach adopted in Policy HSG1 to rely on other policies of the Neighbourhood Plan to shape the nature of development that may occur on allocated land is appropriate. I have recommended Policy DES1 is referred to in the Interpretation section of Policy HSG1.

87. Part 3 of Policy HSG1 is imprecise and does not provide a basis for the determination of development proposals as part a is stated to include infill sites within the settlement boundaries and part b refers to infill sites in accordance with Policy DES2, although that latter policy does not provide any locational definition other than to specify that development involving the loss of public open space is not infill. The reference to homesteads as being brownfield is challenged by the District Council and has not been sufficiently evidenced to be included in the policy.

88. Part 4 of Policy HSG1 seeks to prevent residential development outside the defined settlement boundaries, however this is inconsistent with part 3 of the policy which supports residential development on brownfield sites generally. There may also be an inconsistency between part 4 and part 3b of the policy if Policy DES2 was read to include infill outside settlement boundaries. Part 4 of Policy HSG1 is also not in general conformity with the spatial policies of the Local Plan which support development in Hollington where it accords with Policy SS9. I have noted the representation of the District Council which states Local Plan Policy H1 supports limited residential development of an appropriate scale and

character for the Spatial Strategy outside the development boundaries identified in the Local Plan provided the specified criteria detailed in the policy are met. Part 4 of Policy HSG1 does not have sufficient regard for national policy with respect to rural exception sites referred to in paragraph 78 of the Framework, and entry-level exception sites referred to in paragraph 72 of the Framework.

89. The reference to brownfield locations in the third paragraph of the Interpretation is misleading as exception sites are not limited to brownfield locations.
90. I have recommended a modification in all these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan.
91. The District Council has stated the settlement boundary for Upper Tean on the map on page 36 of the Neighbourhood Plan deviates from the proposed settlement boundary on the map on page 41 of the Neighbourhood Plan. The Parish Council has stated no deviation is intended and asked the District Council to provide replacement maps that are consistent. I am satisfied the variation is minor in nature and have recommended the maps should be modified to be consistent. I have also followed a District Council recommendation that all maps within the Neighbourhood plan should state their scale. I have recommended a modification in these respects so that the policy is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
92. The District Council has also stated the map on page 36 of the Neighbourhood Plan includes in the Key an explanation that the land enclosed with a dotted line is “Proposed Settlement Boundary Checkley Parish Neighbourhood Plan”. The District Council state “The terminology should be amended to explain that it refers to the site of a planning permission in an adjacent Parish.” The Parish Council state “CPC would seek a robust suggested and positive way forward on this issue. There is a significant, fundamental, and worrying aspects relating to the Tenford Lane development. Whilst everyone CPC has spoken to, including District Councillors agree that this development will become an integral part of Upper Tean (it fronts Upper Tean’s Tenford Lane), it does not count against our housing numbers. It has become a backdoor route to introducing significant housing numbers without reference to our plan. Worryingly there has recently been an application for a further 87 houses, albeit an invalid application the trend appears to be set. In some respects, if this is allowed to continue without

reference to Upper Tean or Checkley Parish (as CPC would expect for any other major developments which become part of our community) the voluntary work over the last 7+ years to get the NDP to this stage would disappointingly somewhat negated. CPC can find no legal precedent that would preclude our plan from including this integrated development in the NDP. This is the only issue over the plan preparation period where CPC has asked for substantive input from SMDC, it is of great concern that our communities do not understand how such developments can go ahead without reference to the policies and provisions in our NDP including the impact upon local services and infrastructure. CPC accept that this location is on the margins of Upper Tean's Settlement/Development boundary, hence the inclusion in the plan of a slightly extended settlement/development boundary area."

93. The Neighbourhood Plan may not relate to any land outside the Neighbourhood Area. I have recommended the Key to the Map on page 36 of the Neighbourhood Plan should be modified so that the area of land with dotted boundaries is described as "Land outside the Neighbourhood Area where a residential planning permission has been granted." I have recommended this modification so that the Neighbourhood Plan has sufficient regard for national policy.
94. The District Council has stated the Neighbourhood Plan uses the term "settlement boundary" whereas the Local Plan uses the term "development boundary." This variation of designation has potential to cause confusion for users of the Development Plan. I have recommended all references to 'settlement boundary' in the Neighbourhood Plan, including on maps, should be modified to state 'development boundary'. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.
95. The District Council has suggested text is included in the Neighbourhood Plan relating to gypsy and traveller housing needs. The Parish Council state "It is not the intention to address gypsy and traveller issues in the Neighbourhood Plan. This is better dealt with by the Local Plan." With respect to points made by the District Council relating to Gypsy and Traveller Policy, paragraph 62 of the Framework states that it should be read in the context of paragraph 61 of the Framework which relates to strategic policies. The Guidance states "Neighbourhood plans are not obliged to contain policies addressing all types of development." I am satisfied there is no requirement that a Neighbourhood Plan should address matters relating to Gypsy and Traveller policy in order to meet the Basic Conditions or other requirements I have identified.

96. The District Council state it is not clear how the Parish's housing allocation of 50 dwellings (2019-2033) will be met and how the additional two-year period of the Neighbourhood Plan 2033-2035 has been considered. The District Council also refer to tilted balance assessments under paragraph 14 of the Framework. The Parish Council state "The paragraph at the bottom of page 35 of the Neighbourhood Plan deals with housing numbers. This makes clear that 15 are provided by the strategic site allocation UT019. For clarity CPC will add a sentence confirming that the two sites allocated in the Neighbourhood Plan would provide 57 additional houses. Also, a note highlighting the several additional planning application approvals for new housing have been passed during the 7+ years it has taken to get to this stage in the plan. Of significant note, the site at Daisy Bank Farm, Lower Tean, a development of 55 houses. This means that the housing need figure has been exceeded by a considerable margin. These numbers do not include of course the development of 40 houses in Tenford Lane. If the significant over supply of housing in the Blythe Bridge area is being counted against the overall housing needs of the administrative area of SMDC, it is incongruous that a development that will form part of our village (there does not appear to be any argument against that conclusion) would not count against our number due to the site being just across a neighbouring border (Cheadle Town). CPC cannot identify any legal reason why a development/settlement area cannot marginally straddle two areas within the same overall administrative area. (See also later comments end column row 30). Current housing need is exceeded in our parish by a considerable margin. CPC does not consider therefore that factoring in is required. Additionally, we will be taking a lead from SMDC on monitoring and review, CPC has confidence that SMDC's robust monitoring and review systems would factor in by due process any change to housing needs that requires accommodating up to 2035. See above + CPC consider the information to be clear and tilted balance decisions a matter for the strategic planning authority throughout the Staffordshire Moorlands administrative district area."

97. Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies, as required by paragraph 29 of the Framework; and has regard for the Guidance. The Guidance states "The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area. Housing requirement figures for

neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing.” (Paragraph 104 Reference ID 41-104 - 20190509).

98. Local Plan Policy SS4 states “In order to assist in meeting the development requirements for the Local Plan, Neighbourhood Plans should maximise opportunities for housing growth in sustainable locations. The following table sets out the housing requirements for parishes preparing a Neighbourhood Plan. These requirements are a minimum and may be subject to review as part of the District's overall review of plan delivery against its housing requirement. Neighbourhood Plans should also seek to provide as a minimum the residual employment land requirement for their area. Neighbourhood Plans should demonstrate that they can support the housing requirement through the provision of allocations and/or policies which support the development of windfall sites. The methodology used to calculate the housing requirement is set out in Appendix 5 and will be used to calculate requirements for new Neighbourhood Plans.”
99. The Local Plan establishes at Table 6.9 a minimum net housing requirement 2019-2033 of 50 dwellings for Checkley Parish. The Local Plan allocation for Checkley Parish is 50 dwellings for the period to 2033. The Neighbourhood Plan has a plan period running to 2035. I have not seen any evidence to suggest this difference in plan timescales will have any significant effect of net housing requirements in the Neighbourhood Area. The Neighbourhood Plan, as recommended to be modified, includes a significant residential development allocation that would appear to have capacity to alone deliver almost the net housing requirement for the Neighbourhood Area. No policy of the Neighbourhood Plan specifically seeks to limit the number of dwellings that can be developed within the built framework of the principal settlements of Upper Tean; Lower Tean; and Checkley within the Neighbourhood Area and Development Plan policies support residential development in other locations. On the basis that the transfer of the Tearne House, Quarry Bank site from being an allocation to being a commitment/completion does not impact on the total potential delivery of homes in the Neighbourhood Area over the Plan period I am satisfied Policy HSG1, in the context of the Neighbourhood Plan as a whole, has sufficient regard for paragraph 29 of the Framework which states “Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.”
100. Policy HSG1 is relevant to housing supply. The Guidance states that where neighbourhood plans contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need. The Residential Development Options for Growth report Final Draft January 2021

confirms the Parish Council has considered housing needs and sets out details of a housing site assessment process. I am satisfied that in preparing the Neighbourhood Plan particular consideration has been given to the opportunities for allocating small and medium-sized sites suitable for housing in the Neighbourhood Area as required by paragraph 70 of the Framework.

101. Annex 2 Glossary of the Framework sets out the definition of rural exception sites as “Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.” Paragraph 72 of the Framework provides for entry-level exception sites adjacent to, and proportionate in size to, existing settlements on land not already allocated for development. I am satisfied Policy HSG1 as recommended to be modified has sufficient regard for national policy relating to rural and entry-level exception sites, and meets the Basic Conditions.
102. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
103. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 2:

Replace Policy HSG1 with:

“1. The 2.02-hectare site at Fole Dairy, Uttoxeter Road, Fole identified on the map on page 42 below is allocated for residential development.

2. In addition to the above allocated site, and sites allocated in the Local Plan, residential development, appropriate to the Settlement Hierarchy established by Policy SS2 of the Local Plan, will be supported:

- **within the development boundaries of the smaller villages of Checkley and Lower Tean, and the larger village of Upper Tean, defined on the maps on pages 39-41 below; and**

- in other locations in accordance with Policies SS8 and SS9 of the Local Plan.

3. Proposals for residential development elsewhere will be assessed in accordance with strategic and national policy.”

Note: The page numbers referred to in the policy may need to be adjusted.

On page 42 of the Neighbourhood Plan

- delete the heading, map and aerial photograph relating to the Tearne House, Quarry Bank site
- in respect of the Fole Dairy allocation site delete the aerial photograph and amend the site allocation plan to show more clearly the site boundaries do not include the former Fole Reformed Evangelical Chapel site. On the site allocation plan state the site area.

Modify all references to “settlement boundary” and “settlement boundaries” in the Neighbourhood Plan, including on Maps, to state “development boundary and “development boundaries.”

In the Interpretation set out the provisions of Local Plan Policies SS2, SS8 and SS9 and explain that whilst it has not been considered appropriate to define a development boundary for Hollington due to its spatial form the three villages of Checkley, Lower Tean and Hollington remain identified as ‘smaller villages’ under Policy SS9 of the Local Plan, and therefore serve the same strategic function.

In the Interpretation include reference to Policy DES1 which establishes design principles for development.

In the Interpretation third paragraph delete “in brownfield locations”

The Upper Tean Development Boundary (currently referred to as Settlement Boundary) identified on the Maps on pages 36 and 41 of the Neighbourhood Plan should be adjusted to be consistent.

The Key to the Map on page 36 of the Neighbourhood Plan should be modified so that the area of land with dotted boundaries is described as “Land outside the Neighbourhood Area where a residential planning permission has been granted.”

All maps in the Neighbourhood Plan should state their scale.

Policy HSG2: Housing Mix

104. This policy seeks to establish that residential development should include a balanced mix of house types, including specified types based on evidence of local need.
105. The District Council has re-stated its objection at regulation 14 stage and commented “It is noted some amendments have been made in response to SMDC comments in the latest version: the 10-dwelling threshold has been removed, and the word ‘must’ change to ‘should’. However, the policy still does not (in the interpretation) elaborate on the forms of evidence an applicant would require. Neither does it refer to the 0.5ha threshold from the Local Plan. SMDC maintains objection. Clause (2) and its interpretation is still contrary to the Local Plan and NPPF as explained above, in that the policy expects affordable housing (where required) to be always provided on-site. Also, it expects that first homes ‘must’ be always provided. SMDC maintains objection.” The Parish Council state “The interpretation makes clear that the policy does not seek to modify affordable housing requirements in terms of numbers. This also applies to thresholds. The policy does not state that first homes must be provided at all times.”
106. Paragraph 62 of the Framework, within the context of paragraph 61, states the size, type and tenure of homes needed for different groups in the community should be assessed and reflected in planning policies. Paragraph 63 of the Framework does include provision for off-site affordable housing or an appropriate financial contribution in lieu where that can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. Paragraph 72 of the Framework states Local Planning Authorities should support the development of entry-level exception sites, suitable for first time buyers unless the need for such homes is already being met within the authority’s area. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
107. Local Plan Policy H3 includes “4) Affordable housing should be designed as an integral part of developments and be ‘tenure blind’ in relation to other properties within the site.” I have recommended a modification of Policy HSG2 so that the policy serves a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area in accordance with paragraph 16 of the Framework. I have also recommended adjustment of the Interpretation to relate to the modified policy wording and draw attention to Local Plan Policy H3.

108. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Policy SS1. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
109. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 3:

In Policy HSG2

- in part 1 after “based on” insert “the latest”
- in part 1 after “including” insert “consideration of the need for”
- replace part 2 with “Where on-site affordable housing, including First Homes, is provided within a development it should be distributed throughout the site and be of similar specification to the market housing.”

Replace the text of the Interpretation with “This policy should be read alongside Policy H3 of the Local Plan.”

Policy EMP1: Upper Tean High Street

110. This policy seeks to establish that ground floor frontage units in the Upper Tean High Street settlement should remain in commercial and community uses open to the public and that shopfronts should be retained for ground floor frontage units in the same area.
111. The District Council restated comments made at Regulation 14 stage and state “Noted that in the latest version ‘settlement’ changed to ‘street’ and the first word ‘commercial’ deleted. New Clause (2) added stating “Shopfronts should be retained for ground floor frontage units in the Upper Tean High Street settlement” in response to Council’s earlier comments. As individual premises may currently, or in future, benefit from permitted development rights, it is recommended that amendments are made to the policy text as follows: “(1) Where changes of use require planning permission, ground floor frontage units in the Upper Tean High Street...” Clause (1) states “Ground floor frontage units in the Upper Tean High Street settlement should remain in commercial or community uses open to the public...”. Because of punctuation, It is not clear if “commercial” must be ‘open to

the public' – recommend amending to "...should remain in commercial uses open to the public, or community uses open to the public." The interpretation section should similarly explain that changes of use (for example those covered by Class E) may not always require planning permission and therefore would not be controlled by the policy. It is noted that the extent of the High St frontage that this policy relates to, is not defined. SMDC would recommend the draft plan incorporates a plan of the High Street defining the extent of the policy. (For example, the village conservation area covers the High St across and slightly to the west of the River Tean where it becomes Draycott Road, and to the east beyond the Hollington Road junction and south onto Uttoxeter Road – question whether the extent of the policy is intended to be coterminous with 'High St' covered by conservation area)." The Parish Council has stated the suggested changes are accepted.

112. Paragraph 86 of the Framework states planning policies should support the role that town centres play at the heart of communities, by taking a positive approach to their growth management and adaptation, and planning policies should define the extent of town centres and primary shopping frontages. The term "Upper Tean High Street settlement" is imprecise. I have recommended the policy should refer to a map that defines the area concerned. It is not usually necessary to state "where changes of use require planning permission" as all the policies of the Neighbourhood Plan only apply where planning permission is required however I have adopted in my recommendation the suggestion of the District Council in this respect as this will assist general understanding of the application of the policy. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.
113. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
114. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 4:
In Policy EMP1**

- in part 1 replace the text before “to complement” with “Where changes of use require planning permission, ground floor frontage units in the Upper Tean High Street area identified on the map below should remain in commercial uses open to the public, or in community uses open to the public”
- in part 2 replace “settlement” with “area identified on the map below”

Insert below the policy a map identifying the area to which the policy applies.

In the interpretation add an explanation that “some changes of use do not require planning permission”.

Policy EMP2: Heritage-Led Regeneration

115. This policy seeks to establish conditional support for development that proposes reuse and creative adaptation of heritage assets for a range of stated uses.
116. The District Council state “No substantive changes made to policy or interpretation in latest version following SMDC regulation 14 comments. Additionally, SMDC questions whether Clause (1) of the policy is clear that it applies to heritage assets both inside, and outside of development boundaries. SMDC also questions whether there is scope for conflict with for example, Policy EMP1 (where a heritage ‘enabler’ scheme would involve a change of use of a heritage asset on Upper Tean High St to a use(s) not supported by that policy). Question if the policy is sufficiently clear for use by a decision maker in these circumstances. SMDC maintains objection.”
117. The Parish Council state “Government policy and guidance makes clear that Neighbourhood Plans should not repeat national policy and guidance. These apply anyway. The policy has been drafted to be consistent with the special statutory duties relating to heritage and national policy and guidance. As always, there may be tensions between different policy requirements. This applies to policy at all levels.”
118. Paragraphs 189 to 208 of the Framework set out national policy in relation to conserving and enhancing the historic environment. The requirement of Policy EMP2 to preserve heritage assets and their setting does not have sufficient regard for national policy. The term “high quality and durable materials” is imprecise. The inclusion of reference to some use types of buildings and not others is not sufficiently justified. Policy EMP2 does not have sufficient regard for

national policy and is not “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. The policy does not serve a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies. This policy does not meet the Basic Conditions. I have recommended Policy EMP2 is deleted.

119. In response to my request for clarification of matters the Parish Council state “We understand that clause 2 adds little to national policy and note the comment on high quality and durable materials. Clause 1 recognises a local issue in re-using certain kinds of building. We would be keen on retaining positive support for diversification for historic farmsteads, in particular.” I have considered this request but concluded a policy has not been sufficiently justified. The Guidance states “Proportionate, robust evidence should support the choices made and the approach taken.” Any future review of the Neighbourhood Plan could be supported by such evidence.

**Recommended modification 5:
Delete Policy EMP2 and the Interpretation below**

Policy EMP3: Rural Business Diversity and Growth

120. This policy seeks to establish conditional support for development that supports rural enterprise and tourism in stated locations

121. The District Council state “No substantive changes made to policy or interpretation in latest version following SMDC regulation 14 comments. Note that the policy itself needs to meet the basic conditions, this cannot be set out in the interpretation alone. The interplay between clauses 1(a) and 1(c) and 1(d) is queried. For example, whether the policy intends for existing businesses and brownfield sites that benefit from the policy, to only be within, or adjacent to villages. This needs to be clarified. Also, grammatical error at 1(c) ‘extension of or enhancement...’” The District Council also state consideration should be given to sustainable travel and Local Plan Policy E4 should be referred to in the Interpretation.

122. The Parish Council agree to a reference to Local Plan Policy E4 and state “The NPPF recognises that tourism in rural locations may have varied access to sustainable transport, owing to the rural location. The local plan policy referred to would still apply.”

123. Paragraph 84 of the Framework states “Planning policies and decisions should enable: (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; (b) the development and diversification of agricultural and other land-based rural businesses; (c) sustainable rural tourism and leisure developments which respect the character of the countryside; and (d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”
124. Paragraph 85 of the Framework states “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”
125. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
126. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Policies SS2, SS8, SS9, and SS10. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
127. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 6:

Replace Policy EMP3 with “Development proposals that will result in a growth of rural enterprise and tourism will be supported where there is no significant adverse impact on the amenities of nearby residential properties or landscape character; where they demonstrate consideration of any

opportunities for sustainable travel; and where the scale of development is appropriate in accordance with Local Plan policies”

Add reference to Local Plan Policy E4 in the third paragraph of the Interpretation.

Policy COM1: Community, Sport, and Recreational Facilities

128. This policy seeks to establish criteria for support of development of new community facilities and for the loss of an existing community facility. The policy also requires residential development to be supported by a range of play, sport and recreational facilities based on existing provision and additional demand created by the development.
129. The District Council restate issues raised at regulation 14 stage and state “In relation to Clause (1), the policy should also consider if the site is in an accessible location with links to sustainable transport, given Local Plan Policy SS10 part (1) last bullet. In relation to Clause (2) it is noted that the suggested change has been made to the latest version. However, it is questioned what form of evidence would be needed to demonstrate that an existing facility is no longer needed or viable – this issue is already covered in Local Plan Policy C1 part (3) – therefore question if the policy expects further evidence to demonstrate this, or does it rely on Policy C1(3). This issue should be covered in the interpretation section. It is also noted that whilst Local Plan Pol C1(3) only requires demonstration of an alternative facility of the same type in the locality in justifying a loss, draft plan policy COM1 expects demonstration of a ‘replacement facility’ also being provided [ie to maintain the quanta of existing community facilities]. It is questioned whether the latter approach is consistent with NPPF para 93(c) which only discusses the range of community facilities in terms of a community’s ability to meet its day to day needs in general. For example, question whether a community facility could be lost where, because of the presence of other similar facilities in the locality, the community could still meet its day-to-day needs. SMDC’s comments with respect to Clause (3) of the policy have not been addressed, therefore still apply.”
130. The Parish Council state “The NPPF recognises that rural locations may have varied access to sustainable transport, owing to the rural location. The interpretation could be amended to cross reference to local plan requirements for testing where a facility is no longer needed or viable. If an alternative facility was already in place, then the policy could recognise that the facility being lost was no

longer needed. Reference to Staffordshire Moorlands District Council's Open Space Study October 2017 could be added to the interpretation."

131. Paragraph 93 of the Framework states planning policies should plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments. Paragraph 93 of the Framework also states planning policies should guard against the unnecessary loss of valued facilities and services. Paragraph 93 of the Framework refers to reduction of a community's ability to meet its day-to-day needs. I agree with the representation of the District Council that part 1 of the policy is not in general conformity with strategic policy and parts 2 and 3 of the policy are imprecise. The final sentence of the interpretation text seeks to introduce policy content which it may not. I have recommended a modification in these respects so that the policy is in general conformity with strategic policy, has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.
132. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
133. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 7:

In Policy COM1

- **in part 1 after "facilities" insert "in accessible locations for users"**
- **replace part 2 with "Development proposals that would involve the loss of an existing community facility will only be supported where a similar existing or replacement facility will be available in a convenient location for users, or it can be demonstrated in accordance with Local Plan Policy C1(3) that the community use is no longer needed or viable."**
- **continue part 3 with "For larger developments of 10 or more dwellings in-development play areas should be included in accordance with the recommendations of Play England."**

Contributions of smaller developments will be assessed in accordance with Local Plan Policy SS12.”

Delete the final sentence of the Interpretation.

Policy LGS1: Local Green Space

134. This policy seeks to designate 14 specified sites as Local Green Space and establish a basis for determination of development proposals affecting them.
135. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on aerial photographs on pages 54-56 of the Neighbourhood Plan. When viewed electronically the photographs can be expanded to better reveal the line of boundaries of the green spaces in question. Even in the absence of such expansion, the scale and discrete nature of the areas of land in question assist in understanding the alignment of boundaries. I am satisfied the areas of land proposed for designation as Local Green Spaces have been adequately identified.
136. Parts 2 and 3 of the policy seek to establish a policy approach to development proposals affecting the proposed Local Green Spaces. Decision makers must rely on paragraph 103 of the Framework that states “Policies for managing development within a Local Green Space should be consistent with those for Green Belts” and the part of the Framework that relates to ‘Protecting Green Belt land’ in paragraphs 147 to 151. That latter part of the Framework sets out statements regarding the types of development that are not inappropriate in Green Belt areas. The policy seeks to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not (R on the Application of Lochailort Investments Limited v Mendip District Council. Case Number: C1/2020/0812). I have recommended a modification so that the policy has sufficient regard for national policy in this respect.
137. Paragraph 101 of the Framework states “The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. Local Green Spaces should only be designated

when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.”

138. In respect of each of the areas proposed for designation as Local Green Space I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The intended Local Green Space designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.
139. Paragraph 102 of the Framework states “The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.” I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably ‘close proximity’ to the community it serves, is local in character, and is not an extensive tract of land.
140. The evidence base supporting the Neighbourhood Plan includes a Local Green Space report dated July 2018 which includes for each site proposed for designation an aerial photograph identifying the land concerned as well as images of the site and the postcode and grid reference. The report provides a justification for each designation. I am satisfied relevant reasons for designation are indicated as applying in respect of all 14 proposed sites including matters referred to in the Framework. As a matter of planning judgement, I consider the attributes identified to be relevant and reasonable. The Neighbourhood Plan and the Background Paper provide sufficient evidence for me to conclude that each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.
141. The District Council has stated “...of the sites remaining, and given SMDC’s comments at regulation 14 above, the majority remaining appear to benefit from either some form of designatory protection already (e.g., open space, LGS), or are parts of biodiversity alert sites, or are part of school playing fields operated by SCC LEA. For these reasons the inclusion of the LGSs proposed under this policy is queried by SMDC, in the light of para 102 NPPF, and the Local Green Spaces Steering Groups Review September 2021 submitted by the NP steering group. In response to my request for clarification the District Council has

confirmed none of the sites currently proposed for designation as Local Green Space are already designated as LGS, and has confirmed where other types of designations apply as follows: LGS1: Barnfield Road, Barnfield Road (Pol C2 open space); LGS7: Hollington Picnic Area, Main Road (Biodiversity Alert site under Policy NE2); LGS8: Broadmore Wood, Quarry Road (parts are ancient woodland or BAS under Policy NE2); LGS9: Checkley Cricket Club, Uttoxeter Road (vast majority is Pol C2 open space); LGS10: Checkley Play Area, Uttoxeter Road (Pol C2 open space); LGS12: and The Old Burial Ground, New Road (appears to be Pol C2 open space).

142. The Parish Council has commented “SMDC has not stated explicitly which sites it objects to. Existing designations such as biodiversity alert sites, do not recognise or protect the community value of a space. LGS does recognise community value, so is often justified as an additional designation. CPC’s planning consultant UVE has been involved in numerous Plans where LGS designations have been made for sites with other designations. All the spaces meet the NPPF criteria (the three school sites have been omitted as per previous comments). All spaces have been subject to engagement with landowners, stakeholders, and the wider community.”

143. The County Council has also raised objection to the designation of sites LGS2, LGS3 and LGS14 as Local Green Space on the basis they are education assets held specifically for the use of the school/educational purposes only and the land is protected by S77 of the School Standards and Framework Act 1998 which controls its change of use and land disposal. The Parish Council has stated that following the Regulation 16 representation from Staffordshire County Council it has agreed to remove from the submitted list the three school sites subject already to SEN protection.

144. The Guidance states “different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space” (Paragraph: 011 Reference ID: 37-011-20140306 Revision date: 06 03 2014). The Guidance states that even in an area where protection from development is the norm, for example villages included in the green belt, Local Green Space designation could help to identify areas that are of particular importance to the local community. Other designations including those referred to by the District Council have different purposes to designation as LGS. Whilst the Guidance states public access is not a requirement for designation as LGS I have recommended sites LGS2, LGS3 and LGS14 are deleted from the policy because the reasons stated for designation relate only to school use without any evidence those sites are demonstrably special to a local

community and hold a particular local significance. With respect to all the other sites I have concluded designation as Local Green Space is appropriate in identifying areas that are demonstrably special to a local community and hold a particular local significance.

145. I find that, except for sites LGS2, LGS3, and LGS14, the areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 101 to 103 of the Framework concerned with the identification and designation of Local Green Space.

146. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

147. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification the policy meets the Basic Conditions.

Recommended modification 8:

In Policy LGS1

- **in part 1 delete LGS2, LGS3 and LGS14, and remove those sites from the Interpretation**
- **replace parts 2 and 3 with "2. The designated areas will be protected from development in a manner consistent with the protection of land within Green Belt."**

Policy DES1: Design

148. This policy seeks to establish design principles for development proposals.

149. The District Council state "Clause 1(e) and (f) – SMDC note that Clause 1(f) has been removed from the policy in the latest version of the plan. However, Clause 1(e) substantially remains [re-numbered as Clause (7) of the policy]. Also refer to earlier Regulation 16 comments above which also raise the point about valued views not being identified in this draft plan. SMDC maintains objection. Clause (4) in relation to surface water and drainage: note that SM Local Plan Policy SD5 Flood Risk, already contains requirements concerning provision of on-site SuDS and regarding surface water run-off rates (4th and 5th paragraphs). However, in the case of SuDS these are not required in all cases [see supporting

text para 7.27 for explanation]. Therefore, the SMDC recommends that Clause 8(b) is amended slightly to refer to the SuDS requirement in “all applicable development”, or “all major development” or similar. Or otherwise, CPC need to demonstrate that you have consulted with Staffordshire Lead Local Flood Authority and this level of requirement has specifically been requested by them. The interpretation section could also reference policy SD5; and in relation to clause (4) the SMDC’s adopted Local Plan appended parking guidance. It is reiterated that the interpretation section could be expanded to cover all elements of the policy.”

150. The Parish Council has commented “Clause 7 will be amended for clarity to read ‘Development should respond to surrounding views and landmarks in its design and layout’. The intention is to require developers to undertake contextual analysis, rather than for the policy to identify specific views and landmarks. The requirement in the policy relates permeable hard surfaces and taking opportunities to incorporate SuDS. So, the intention is not to modify local plan policy on SuDS. This could be clarified, if necessary, in the interpretation.”

151. Paragraph 127 of the Framework states “Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.” That paragraph states design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Policies should be clear about design expectations and how these will be tested.

152. Paragraph 130 of the Framework states “Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear

of crime, do not undermine the quality of life or community cohesion and resilience.”

153. Paragraph 169 of the Framework states “major developments should incorporate sustainable drainage systems” unless there is clear evidence that would be inappropriate.

154. The term “is encouraged” does not provide a basis for the determination of development proposals. The terms “a mix of car parking provision” and “superior environmental performance” and “respond to views and landmarks” are imprecise. The requirement for Sustainable Urban Drainage in all schemes has not been sufficiently justified. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

155. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

156. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 9:

In Policy DES1

- **replace “a mix of car parking provision” with “for parking of vehicles”**
- **replace “or materials and construction with superior environmental performance is encouraged” with “where available”**
- **replace part 7 with “Development proposals should identify views into and out of the site, and local landmarks, considered to be of merit, and demonstrate how the layout and design of the proposal responds to views and landmarks identified.”**
- **continue 8b with “of all major developments”**

Policy DES2: Infill

157. This policy seeks to establish criteria for support of residential development for small infill sites.
158. The District Council maintains an objection to the policy on grounds previously set out at the Regulation 14 stage of plan preparation as follows, “Point 1b Policy is too restrictive it may in some cases be appropriate in design terms to have infill development which would involve the loss of garden space. There needs to be some clarification as to what is meant by inadequate gaps between buildings. Point 2 The loss of POS may in some circumstances be acceptable eg if alternative provision was made or the POS was no longer needed. This is covered in policy COM1: Community, Sport and Recreational Facilities LP policy SS4 Strategic Housing and Employment Land Supply details the housing requirement for the LP area and the NP area being 50 dwellings for Checkley Parish. It states NP should demonstrate they can support the housing requirement through site allocations and/or windfall sites. Infill sites would form part of the windfall sites.” The above led SMDC to conclude that the regulation 14 version of the plan did not meet the basic conditions because: The NP needs to ensure it can deliver the housing requirement in policy SS4 of the LP”.
159. The Parish Council has stated “The paragraph at the bottom of page 35 of the Neighbourhood Development Plan deals with housing numbers. This makes clear that 15 are provided by the strategic site allocation UT019. For clarity, a sentence will be added to make clear that the two sites allocated in the NDP would provide 57 additional houses. There are also additional planning permissions (see previous comments above). This means that the housing need figure has been exceeded by a considerable margin. The infill policy does not preclude development but does require context design and capacity of the site to take the development to be considered, in line with national policy and guidance. We would emphasise the importance of giving proper consideration to design and amenity issues. The Local Plan policy relating to POS would still apply.”
160. Earlier in my report I concluded I am satisfied Policy HSG1 in the context of the Neighbourhood Plan as a whole has sufficient regard for paragraph 29 of the Framework which states “Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.” Paragraph 124 of the Framework states planning policies should support development that makes efficient use of land taking into account the desirability of maintaining an area’s prevailing character and setting (including residential gardens). The terms “small infill sites” and “inadequate gaps” are imprecise.” It is confusing for a policy to unnecessarily refer to another

policy as the Neighbourhood Plan should be read as a whole. The exclusion of development involving the loss of public open space has not been sufficiently justified. The exclusion from support of development involving loss of garden space does not have sufficient regard for national policy. The term “of the street” will not always be applicable. The term “should” rather than “must” reflects the requirement of paragraph 2 of the Framework to consider material considerations in decision making. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

161. In response to my request for clarification of matters the District Council has stated: “As the policy specifically relates to *residential* infill [not infill], should the title of the policy reflect this? Would question whether there are wider locations where residential infill would be appropriate (refer to Local Plan pol H1(5a/5e)) – ie should policy more simply be amended to ‘All residential development on infill sites should be designed to:’? Question if the term ‘townscape’ is the most appropriate, ie what about sites in rural or village locations?” My recommended modification incorporates these points so that the policy is in general conformity with the strategic policies included in the Development Plan and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
162. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
163. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 10:

Replace Policy DES2 with “All residential development on infill sites should be designed to:

- a. complement the character of its surroundings and not adversely affect the residential amenity of occupiers of existing dwellings; and**
- b. avoid the appearance of over-development or development disproportionate to surrounding properties.”**

Replace the policy title with “DES2: Residential Infill Development”

In the Interpretation delete “points 3 and 4”

In the Interpretation refer to Policy HSG1 which clarifies the scale of development should be consistent with the strategic settlement hierarchy set out in Policy SS2 of the Local Plan, and that infill sites on the edge of villages must be in accordance with Policies SS8 and SS9 of the Local Plan.

Policy DES3: Landscape and Rural Character

164. This policy seeks to establish requirements for development so that it is appropriate to the landscape and rural character of the Neighbourhood Area.
165. The District Council state “With regards Clause (1) it is questioned whether the policy is expecting the wildlife sites and landscape features listed to be preserved or enhanced in all cases (including off-site); or only where they would be affected by the actual development site. In the case of off-site contribution, note that this would be covered by the scope of Policy SS12 Local Plan (and emerging developer Contributions SPD linked to this); and the imminent legislative requirements for biodiversity net gain applicable from late 2023 onwards. In any event refer to Council’s comments above concerning paras 179-182 NPPF: the terminology “...must...preserve or enhance” in this clause is therefore queried as NPPF compliant. Further clauses (1) and (3) refer to complementing/ reflecting local rural character: it is questioned what evidence this is based on. For example, SM Local Plan Policy DC3 Landscape and Settlement Setting, already links to a number of relevant studies in the supporting text. This point is not covered in the interpretation section.”
166. Paragraph 179 of the Framework states plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 174 of the Framework states planning policies should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Paragraph 131 of the Framework states development schemes should retain existing trees wherever possible. Paragraph 180 of the Framework states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless

there are wholly exceptional reasons (for example infrastructure projects including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills, where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists. Subject to the modifications I have recommended, I am satisfied the approach of Policy DES3 is appropriate in this policy context.

167. The requirement of the policy to preserve named features of the natural environment has not been sufficiently justified and does not have sufficient regard for national policy set out in section 15 of the Framework, in particular paragraph 174. The terms “rural character of the area” used in parts 1 and 3 of the policy, and the term “high quality” used in parts 3 and 4 of the policy are imprecise and do not provide a basis for the determination of development proposals. The term “should” rather than “must” reflects the requirement of paragraph 2 of the Framework to consider material considerations in decision making. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

168. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Policy SS12. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

169. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 11:

In Policy DES3

- **in part 1 replace “must complement the rural character of the area and preserve or” with “should minimise impact on, and where possible”**
- **replace part 1c with “Priority Habitats, and other Nature Conservation Sites including Local Wildlife Sites and Sites of Biological Importance (Broadgatehall Drumble, Greatgate Wood)”**
- **delete parts 1d and 1f**
- **in part 2 replace “Action” with “Alert”**

- in part 3 replace “High quality boundary treatments must be provided for new-build development to reflect the rural character” with “Boundary treatments in new-build development should reflect the predominant boundary treatment in its surroundings”
- in part 4 delete “high quality” and replace “must” with “should”

Policy DES4: Conservation Areas

170. This policy seeks to establish that development in the Checkley Conservation Area and development in the Upper Tean Conservation Area should complement identified characteristics of each area.

171. The District Council state a conservation area character appraisal for the village of Upper Tean is yet to be completed however this does not prevent the policy meeting the basic conditions. Paragraph 206 of the Framework states Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. The term “Checkley Conservation Areas” requires correction. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. The District Council has also suggested additional content within the interpretation section. I refer to those matters in the Annex to my report. Cross-references to other policies of the Neighbourhood Plan are not necessary as the Plan should be read as a whole.

172. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

173. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 12:

In Policy DES4

- in part 1 replace “Areas” with “Area”

- **in both part 1 and part 2 after “following” insert “existing predominant”**

In the Interpretation continue the first sentence with “and ensure new development complements those features”

Policy TRA1: Transport

174. This policy seeks to establish that development should be supported by balanced and proportionate transport provision, and have regard for traffic safety and congestion at identified road junctions. The policy also specifies requirements where highway improvements are required to enable development.

175. Part 2 of the policy refers to traffic safety and congestion at specified junctions. I am satisfied that part of the policy is merely requiring “regard to be had” and is consistent with Paragraph 111 of the Framework which requires that “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 104 of the Framework states transport issues should be considered from the earliest stages of plan-making so that the potential impacts of development on transport networks can be addressed and opportunities to promote walking, cycling and public transport use are identified and pursued. Paragraph 100 of the Framework states planning policies should protect and enhance public rights of way. Paragraph 106 of the Framework states planning policies should provide for attractive and well-designed walking and cycling networks with supporting facilities such as cycle parking.

176. The Parish Council has advised that the text of part 2 of the policy should include reference to the Hollington Road/Heath House Lane junction to correspond with the maps that follow. The District Council has queried the basis of the requirement for cycle storage at dwellings. In this respect the Parish Council has commented referring to the Framework and the National Design Guide 2021 (Movement is one of the ten key principles) and stated “cycle storage is also a basic requirement in BREEAM and other standards”. I am satisfied the requirement has sufficient regard for national policy to promote cycling. It is confusing and unnecessary for one part of a policy to cross-reference an unspecified part of another policy as the Neighbourhood Plan should be read as a whole. The word “surround” requires correction. Whilst the Parish Council state “Clause 1 makes clear that balanced transport provision is proportionate to the scale and nature of the development and clause 2 would obviously only apply to development that had a traffic impact” I agree with the objection of the District Council to part 2 of the policy where it refers to all development. This represents

an onerous and disproportionate requirement in respect of minor development or development that is distant from the named junctions. I have recommended a modification that limits application to appropriate developments, and to developments that generate significant amounts of movement which is a term used in paragraph 113 of the Framework. I also agree with the District Council that part 3b of the policy does not have sufficient regard for the approach of national policy relating to harm to the significance of heritage assets. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

177. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

178. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 13:

In Policy TRA1

- **in part 1 replace “surround” with “surrounding” and delete “meeting the requirements of Policy DES1”**
- **in part 2 after “made” insert “where appropriate” and after “development” insert “that will generate significant amounts of movement”**
- **continue part 2 with “3 – Hollington Road/Heath House Lane.”**
- **in part 3b replace “have no significant” with “demonstrate consideration of any”**

In the Interpretation replace “Plan/Map above outlining shows” with “Maps below identify the location of”

Conclusion and Referendum

I have recommended 13 modifications to the Submission Version Plan. I recommend an additional modification in the Annex to my report. The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them. I am satisfied that the Neighbourhood Plan is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Parish and Country Planning Act 1990, and meets the Basic Conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I recommend to the District Council that the Checkley Neighbourhood Development Plan for the plan period up to 2035 should, subject to the modifications I have put forward, be submitted to referendum.

I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area.” I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the District Council as a Neighbourhood Area on 16 February 2016.

Annex: Minor Corrections to the Neighbourhood Plan

I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Supporting text and other content of the Neighbourhood Plan must be adjusted to achieve consistency with the modified policies.

The District Council state

- Page 3 - expand "CIC" to "Community Interests Company"
- Page 9 – paragraph 3 line 5 delete "conservation"
- Page 11 paragraph 8 line 1 after "Uttoxeter" insert "Road"
- Page 12 amend the reference to the A50 to acknowledge it is managed by Highways England
- Page 12 line 1 after "Bridge" insert "to the west and at Uttoxeter to the east"
- Page 12 paragraph 3 line 2 after "Rocester" insert "are perceived locally to"
- Page 14 paragraph 7 line 1 replace "from the" with "from Zoopla"
- Page 14 paragraph 8 replace the second sentence with "At the time of initial drafting the Neighbourhood Plan the Fole Dairy Site and the Cheadle Road site did not have developers identified against them to take the developments forward post planning permission."
- Page 14 insert sources of housing need assessment data as set out in the Parish Council comments on the District Council representation
- Page 15 line 1 replace "allocation" with "requirement"
- Page 15 paragraph 2 line 2 delete "or need"
- Page 16 paragraph 4 line 1 after "Fole" insert "on the A522"
- Page 18 paragraph 3 line 1 after "the junction" insert "of Hollington Road and Fole Lane"
- Page 19 paragraph 3 line 1 after "areas" insert "in SMDC's 2008 Landscape Character Assessment"
- Page 20 paragraph 2 line 2 after "3500" insert "year old" and replace the second sentence with "Historic England state that such features are a major historic element in the modern landscape. The location of the barrow on an artificial platform is a rare and unusual feature, presumably to enhance the achievement of meant to be seen."
- Page 20 paragraph 4 line 1 replace "vowed" with "Viewed"
- Page 21 paragraph 5 line 2 replace "2022" with "2023" and delete "of"

- Page 21 paragraph 6 line 1 replace “zone 3 flooding areas as well as zone 1 and 2 areas” with “areas affected by flood zones 1, 2 and 3”
- Page 21 final sentence replace text before the semi-colon with “There are also important heritage assets that remain unlisted or scheduled. Examples of note include”
- Page 22 first list delete 6th bullet point, and replace the text introducing the second list with “In addition to the heritage designations and other historic buildings above the following indicate the rich heritage and historical character/nature of the parish.”
- Page 22 final paragraph line 2 replace text after enclosure with “. Opportunities to assess the significance of these should be taken.”
- Page 23 second paragraph line 1 delete “historic” and “and their surroundings”, and in line 2 inset “and their settings” after “buildings”
- Page 23 throughout the Local Green Spaces section replace “green spaces” with “Local Green Spaces” and delete the final sentence of the section.
- Page 23-25 where appropriate identify the village/location of all community facilities
- Page 29 in Sections 4.0 refer to the Consultation Statement
- Page 33 in Section 5.0 delete the second sentence
- Page 44 - replace the Purpose with “To promote active ground floor uses open to the public in Upper Tean High Street. To promote appropriate rural enterprise and tourism.”
- Page 50 - replace the final sentence with “In addition the Plan seeks to ensure significant views and landmarks are not harmed.”
- Page 52 in the Table replace all abbreviations with full text
- Page 52 - continue the final section with “CPC and the Steering Groups decided to review the Local Green Spaces (LGS) initially put forward to make sure that the LGS’s met the criteria set out in the NPPF. Following the review, the original list was reduced to leave a list of LGSs that CPC and The Steering Groups could put forward with absolute certainty LGSs that met the criteria.”
- Page 57 paragraph 2, line 4 replace “ , within” with “. Within”
- Page 57 paragraph 2, line 6 insert “designated” before “Local” and replace “on identified” with “in appropriate”
- Page 60 - amend the section title to “Green Infrastructure Strategy May 2018”
- Page 70 explain the Integrated transport Strategy is prepared by Staffordshire County Council and include a link.
- Page 75 in “Green Landscape Design” continue the first sentence with “of all applicable developments”, and delete the second sentence, and delete “However” form the third sentence.

I recommend these modifications are made so that the Neighbourhood Plan has sufficient regard for national policy and guidance being “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

Recommended modification 14:

Modify policy Interpretation sections, general text, figures, and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates and correct identified errors.

The District Council has suggested several other modifications to the Neighbourhood Plan which I agree would represent improvements of the plan, not least in assisting users of the plan. I would have no objection to those additional modifications being made, however as I have explained earlier in my report my role is limited to making recommendation for modification where those are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. The suggested modifications below do not meet that criterion. I have therefore listed the relevant points below so that they can be considered further by the District Council when it considers making the Neighbourhood Plan.

Page 64 - The interpretation section to Policy DES3 could also reference the forthcoming national biodiversity net gain duty from late 2023, under the Environment Act 2021.

Page 68 - Inserting photographs of existing predominant characteristics of the Conservation Areas referred to in Policy DES4 would be beneficial. The interpretation section could also reference the potential cross-over with Pol DES3 clauses (3) and (4) in relation to boundary treatments. The interpretation section could additionally explain that there are currently two conservation areas within the parish (Upper Tean and Checkley); and set out the legislative basis for conservation areas, namely the Planning (Listed Buildings and Conservation Areas) Act 1990.

Page 70 - Please explain the District Integrated Transport Strategy 2018 is prepared by Staffordshire County Council and the reasons why.

Page 75 - The Green Guidance Note section on local plant and tree species needs more detail and the section on green energy could explain which forms of micro-renewables are permitted development.

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9 October 2023

REPORT END