

# **ERCALL MAGNA NEIGHBOURHOOD PLAN**

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

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

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**June 2023**

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# 1. Executive Summary

1. I was appointed by Telford and Wrekin Council with the support of Ercall Magna Parish Council to carry out the independent examination of the Ercall Magna Neighbourhood Plan.
2. I undertook the examination by reviewing the Plan documents and written representations, and by making an unaccompanied visit to the Neighbourhood Area.
3. I consider the Plan to be an adequate expression of the community's views and ambitions for Ercall Magna. It is based on an effective programme of public consultation which has informed a Vision to 2031 supported by plan objectives. This is to be achieved through a set of seven objectives and 25 planning policies largely dealing with issues distinct to the locality. The Plan is supported by a Consultation Statement and Basic Conditions Statement and Strategic Environmental Assessment and Habitats Regulations screening statements have been prepared. There is supporting evidence provided and there is evidence of community support and the involvement of the local planning authority. I raise an issue for the local planning authority to consider regarding the consultation period on the draft Plan.
4. I have considered the six separate representations made on the submitted Plan. These are addressed in this report as appropriate.
5. Subject to the recommended modifications set out in this report and further consideration of the consultation period on the draft plan by the local planning authority I conclude that the Ercall Magna Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a number of additional optional recommendations.
6. I recommend that the modified Plan should proceed to Referendum and that this should be held within the Neighbourhood Area of Ercall Magna parish.

## 2. Introduction

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

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

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

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

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

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

12. An additional Basic Condition was introduced by Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in 2018 that 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 am also required to make a number of other checks under paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990.

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

- the submitted Ercall Magna Neighbourhood Plan
- the Basic Conditions Statement
- the Consultation Statement
- Strategic Environmental Assessment and Habitats Regulations screening statements
- the relevant parts of the development plan comprising the Telford & Wrekin Local Plan 2011-2031. A review of the Local Plan is at a relatively early stage
- representations made on the submitted neighbourhood plan
- relevant material held on the Ercall Magna Parish Council and Telford and Wrekin Council websites
- National Planning Policy Framework (2021)
- Planning Practice Guidance
- relevant Ministerial Statements

14. The Plan was largely prepared under an earlier version of the National Planning Policy Framework but the policies in the submitted plan were finalised and the Plan submitted after the most recent NPPF's publication in July 2021.

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

16. I carried out an unaccompanied visit to the Neighbourhood Area on a weekday during May. I visited the main locations addressed in the Plan, including the proposed Local Green Spaces, High Ercall and relevant community facilities.

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

18. Producing the Ercall Magna Neighbourhood Plan has clearly involved significant effort over many years led by the Steering Group. The process began in 2011 and is informed by significant community involvement. There is evidence of collaboration with Telford and Wrekin Council and continuing this will be important in ensuring implementation of the Plan. The commitment of all those who have worked so hard over such a long period of time to prepare the Plan is to be commended and I would like to thank all those at Telford and Wrekin Council and Ercall Magna Parish Council who have supported this examination process.

### **3. Compliance with matters other than the Basic Conditions**

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

#### Qualifying body

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

#### Neighbourhood Area

21. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area which comprises the parish area of Ercall Magna Parish Council and was agreed by Telford and Wrekin Council in 2013.

22. The boundary of the neighbourhood area can be discerned from the Policy Map although the boundary is not referenced in the Legend. This is not at a scale that allows the detailed boundary to be determined and no link is provided to where the boundary is available online.

- M1 – Provide a map and/or link showing the neighbourhood area boundary at a larger scale

#### Land use issues

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

#### Plan period

24. The period of the neighbourhood plan runs from 2020 to 2031 and the 2031 end date aligns with the period of the Telford and Wrekin Local Plan. The period is shown on the cover and referenced in the Plan.

Excluded development

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



## 4. Consultation

26. I have reviewed the Consultation Statement and relevant information provided on the Ercall Magna Parish Council website. This provides an effective record of the consultation process that has been undertaken since 2013 under the guidance of the Steering Group.

27. The public consultation process has been adequately open and transparent and participation levels have been satisfactory although relatively few representations have been made on the draft plan. A number of different engagement methods have been used, including a website, public meetings, local events, surveys, group discussions, exhibitions and advertisements. The Steering Group adopted a set of principles to guide the process of community engagement at the beginning of the process. The community engagement has been supported by use of social media and local newspapers, radio and television.

28. The work has included a resident's survey independently collated and analysed by the Community Council of Shropshire. This was widely distributed with returns possible either online or on paper. More than one third of household responded. Local businesses were also directly engaged. Telford and Wrekin Council has also been engaged in the emerging Plan before formal consultation on the draft. There is evidence of support from the public for the approach presented in the Plan.

29. The Plan and Consultation Statement state that the Plan was subject to Regulation 14 consultation between 31 December 2020 and 5 February 2021. This is a period of less than six weeks which does not meet the requirements of the Neighbourhood Planning (General) Regulations 2012. I requested further clarification on the issue and was informed that Ercall Magna Parish Council acknowledged that a six week consultation period was not provided in the consultation documents. I was also provided with consultation letters indicating an even shorter period ending on 28 January was provided for some consultees. There was also evidence that Plan had been made available earlier than 31 December 2020

to some and that consultation responses were not collated until after a six week period had elapsed.

30. The consultation was notified to all households and previous consultees. Copies of the Plan were made available online and hard copies made available on request. A hard copy could be inspected at various locations. There is evidence of the consultation including the required statutory and other consultees. A relatively small number of responses were received from local residents, businesses, consultees, community organisations and the local planning authority. Amendments were made to the Plan in response to representations received from Telford and Wrekin Council. Other changes were made to the Plan and there were supportive comments. I note that no issues raised at this stage in the Plan's preparation have been raised again on the submitted Plan and am satisfied that due regard was had to the representations received.

31. I have considered whether the unduly short consultation period for Regulation 14 consultation negates the process. Responsibility for ensuring the Plan is compliant with all necessary procedures ultimately resides in the local planning authority and it will need to make a decision on this issue prior to making the plan should it proceed to a successful referendum. My view is that limited consultation period on the draft plan has made no material impact on the Plan. There is some evidence for representations being accepted both before and after the specified consultation period. No representations have been made on the issue either later in the process or as a part of this Examination and there have been no objections to any aspect of the Plan in response to the later consultation on the submitted Plan.

32. Six separate representations have been made on the submitted Plan from statutory bodies. All the representations have been considered as part of the examination and none of them raise any material issues.

33. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan since 2013. The Plan has been subject to wide public consultation at different stages in its development. Participation rates have been adequate. The process has

allowed community input to shape the Plan as it has developed and as proposals have been firmed up. Local organisations and businesses and the local planning authority have been engaged through the process.

## 5. General comments on the Plan's presentation

### Vision and Objectives

34. The Plan includes a brief Vision for Ercall Magna Parish. This reflects the feedback received through consultation and is consistent with the objectives and policies in the Plan. The overall approach is to build and sustain the area in a manner which enhances quality of life, protects the local environment and maintains the area's rural character and identity. While the emphasis is on conservation, the Vision is consistent with sustainable development and this is re-enforced by the Plan's objectives which expand on the opportunities to accommodate new development and employment opportunities.

### Other issues

35. The Plan has a broadly consistent format. Each group of policies is introduced with reference to the strategic policy context and relevant outcomes from community consultation. It is then justified in terms of what it will contribute to the Plan's objectives. The structure isn't entirely consistent and the Plan's policies appear variously in sections title "*Policies*", "*Policy Objectives*", "*Strategic Policies*" and "*Policy Options*".

- OM1 – [Provide a consistent structure of headings for each section of the Plan]

36. The Plan is informed by a Parish Profile and includes references to a number of documents used in its preparation. Nevertheless there is only a limited evidence base and only one document – the results of the community survey – is made available online. I address the issues raised by the limited evidence base in relation to relevant individual policies. On request I was sent a more detailed summary of relevant evidence by Ercall Magna Parish Council which indicated this would be made available online.

- OM2 – [Provide further details of the evidence base online and provide a link from within the Plan]

37. The Plan includes the "*Ercall Magna Neighbourhood Development Plan Policies Map*". Contrary to the title, the Map does not relate to the Plan's policies and addresses

Local Plan considerations. To provide necessary clarity I recommend that the map is either deleted, retitled to be clear that it relates to planning policy considerations not addressed in the neighbourhood plan or that it is substantially amended to address the few Plan policies which have a spatial expression, such as for Local Green Spaces. If there is a desire to reflect the Local Plan policies in a map then this should be separately presented.

- M2 – Delete or amend the map on page 32 as recommended

38. My proposed modifications will require consequential amendments to the supporting text and figures. This can be undertaken in a number of ways and so my recommended modifications do not address the detail of these consequential changes.

- M3 – Make consequential amendments to the supporting text resulting from the proposed modifications in this report

## 6. Compliance with the Basic Conditions

### National planning policy

39. The Plan is required to “*have regard*” to national planning policies and advice.

40. The Basic Conditions Statement provides a table that tests compatibility of each of the Plan’s objectives with relevant sections of the National Planning Policy Framework and each of the Plan’s policies is also assessed in relation to relevant sections of the National Planning Policy Framework. This latter assessment of policies is supported by a brief commentary. No instances of conflict are identified. Overall the analysis concludes it “*demonstrates that the NDP has regard to the relevant policies within the NPPF*”.

41. The objectives considered in the Basic Conditions Statement differ from those summarised in paragraph 1.8 of the Plan and some, such as for housing, are more a statement of relevant planning considerations than an objective. Nevertheless, the overall approach is consistent and each of the Plan’s policies does receive separate consideration. There are erroneous references to policies EG6 and TR3 which do not exist.

42. I address some issues with regard to national planning policy in my consideration of individual policies and recommend some modifications. These include areas where the drafting of the Plan’s policies needs to be amended in order to meet the National Planning Policy Framework’s requirement for plans to provide a clear framework within which decisions on planning applications can be made. The policies should give a clear indication of “*how a decision maker should react to development proposals*” (paragraph 16). It is also important for the Plan to address the requirement expressed in national planning policy and Planning Practice Guidance that “*A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.*” (NPPG Paragraph: 041 Reference ID: 41-041-

20140306). The Plan's policies do not always meet these requirements and a number of recommended modifications are made as a result.

43. Generally, I conclude that the Plan has regard to national planning policy and guidance but there are exceptions as set out in my comments below. These include the need for some policies to be more clearly expressed and/or evidenced or for duplication with other planning policies or the National Planning Policy Framework to be avoided.

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

#### Sustainable development

45. The Plan must "*contribute to the achievement of sustainable development*". This is addressed in the Basic Conditions Statement by a brief assessment of how relevant Plan policies contribute to each of the economic, social and environmental dimensions of sustainable development. It identifies a supportive relationship for every policy and concludes that it "*demonstrates the NDP provides a balance of economic, social and environmental policies that conform to the requirements of the NPPF*". There are erroneous references to policies EG6 and TR3 which do not exist.

46. The assessment is broad brush and succinct in its approach and provides the bare minimum of information required to meet this Basic Condition. Nevertheless, it accords with my own assessment that the overall contribution of the Plan to sustainable development is supportive.

#### Development plan

47. The Plan must be "*in general conformity with the strategic policies of the development plan*". The Basic Conditions Statement addresses this by listing the relevant policies in the Telford and Wrekin Local Plan in relation to each of the neighbourhood plan policies. There are erroneous references to policies EG6 and TR3 which do not exist.

48. While the association of each Plan policy with the corresponding policy in the Local Plan is helpful it does not provide anything more than an overall statement asserting conformity. Telford and Wrekin Council made representations on the consultation draft Plan and when requested for a view on the submitted Plan it stated it considered the submitted plan to be in general conformity with the strategic policies of the development plan. No issues relating to conformity have been raised in representations on the Plan.

49. The assessment provides limited evidence that the Plan meets this Basic Condition. Nevertheless, the conclusion of general conformity accords with my own assessment and the matter is not one that has been raised by others for me to consider as part of the examination. I conclude that there is no conflict with this Basic Condition.

#### Strategic Environmental Assessment

50. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects. Ercall Magna Parish Council submitted a Strategic Environment Assessment Screening Assessment undertaken of the Plan. This concludes *“that the Ercall Magna NDP is unlikely to have a significant environmental effect. Therefore the Ercall Magna Neighbourhood Development Plan is screened-out of the Strategic Environmental Assessment process and no further assessment under the SEA Regulations are deemed to be necessary”*. I am content with the approach taken. Historic England, Natural England and Environment Agency have made no representations on the Screening Statement.

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

#### Habitats Regulations Assessment

52. The Plan must be informed by a Habitats Regulations Assessment if it is likely to lead to significant negative effects on protected European sites. Ercall Magna Parish Council published a Habitats Regulations Screening Assessment of the Plan. This concludes *“that there is no significant effect on any European Site as a result of the Policies contained within the Ercall Magna Neighbourhood Plan and as a result the Neighbourhood Development Plan is screened-out of the HRA process and no further HRA assessments (including Appropriate*



*Assessments) are deemed necessary*". I am content with the approach taken. Natural England made no representations on the Screening Statement.

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

Other European obligations

54. The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations. The Basic Conditions Statement asserts that this is the case. No contrary evidence has been presented and there is some evidence of changes being made to the Plan during its preparation. I conclude that there has been sufficient opportunity for those with an interest in the Plan to make their views known.

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

## 7. Detailed comments on the Plan policies

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

### Housing

57. **Policy H1** – This supports infill and conversions to residential uses within High Ercall subject to relevant planning considerations.

58. The Policy sits within a context where housing requirements within the neighbourhood area are to be delivered through infill sites.

59. The Policy is limited to the area "*within*" High Ercall. This is not defined and on request I was informed there is no settlement boundary for High Ercall. I am content that this is a matter which can be considered in relation to specific sites as they come forward.

60. The Policy is generally positively worded and enabling although it would not support development having only minor adverse impacts. For consistency with the drafting of other Plan policies I recommend that the wording addresses "*impact*" not "*affect*" and to avoid being unduly restrictive that these should be "*significant*".

61. Policy H1 does not meet the Basic Conditions.

- **M4 – Amend Policy H1 to replace "*will not adversely affect*" with "*does not have a significant adverse impact on*"**

62. **Policy H2** – This establishes relevant design considerations for new housing development in High Ercall.

63. The Policy introduces eight planning considerations which must all be met. That related to *“parking in accordance with adopted standards”* duplicates existing planning requirements and serves no clear purpose. National planning policy is that *“Plans should..... serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area* (paragraph 16, NPPF). The criteria should be drafted in a consistent manner without reference to *“It”*.

64. As with Policy H1 the approach should only address “significant” impacts. The drafting should be consistent with Policy H1 in referencing High Ercall in the policy text.

65. Policy H2 does not meet the Basic Conditions.

- **M5 – Amend Policy H2 to:**
  - **Insert “of High Ercall” after “village”**
  - **In 1. replace “It does not adversely affect” with “Does not have a significant adverse impact on”**
  - **In 3. delete “It”**
  - **In 4. insert “significant” before “adverse”**
  - **Delete criterion 6**

66. **Policy H3** – This addresses new housing development within High Ercall Conservation Area.

67. The Policy applies the *“principles”* in the High Ercall Conservation Management Plan 2008. The Management Plan was adopted by Telford and Wrekin Council in 2009 although the version available on its website is a *“draft”* dated 2008. On request I was informed the document was approved on 9 March 2009. There are no principles included in the 2008 version and I recommend that the Policy is redrafted to have regard to its contents.

68. The Policy approach requires development to provide visual benefit and be sympathetic when converting heritage assets. This is already addressed in national planning policy and in the Local Plan (e.g. Policy BE5) as well as the requirements of the Planning

(Listed Buildings and Conservation Areas) Act 1990. The approach is generic and not specific to the neighbourhood area and so duplicates existing policy and serves no clear purpose. The Policy approach is also unduly restrictive in stating what will “*only be supported*”.

69. Policy H3 does not meet the Basic Conditions.

- **M6 – Amend Policy H3 to read “New housing development within the High Ercall Conservation Area should have regard to the High Ercall Conservation Area Management Plan 2009 and any subsequent updates”**
- M7 – Provide a link to the adopted version of the High Ercall Conservation Area Management Plan

70. **Policy H4** – This restricts development outside High Ercall in line with Local Plan policy.

71. The Policy serves no clear purpose as its sole function is to reference existing Local Plan policies.

72. Policy H4 does not meet the Basic Conditions.

- **M8 – Delete Policy H4**

73. **Policy H5** – This supports affordable, self-build and custom build housing outside High Ercall consistent with Local Plan policy.

74. The Policy serves no clear purpose as its sole function is to reference existing Local Plan policies.

75. Policy H5 does not meet the Basic Conditions.

- **M9 – Delete Policy H5**

76. **Policy H6** – This supports the provision of sheltered housing as exceptions subject to relevant planning considerations.

77. The Policy is supported by limited evidence. It is noted that the neighbourhood area has an ageing population. The Parish Profile shows nearly 40% of the population is over 60 although no comparison is provided with other locations. I do not consider this to provide sufficient evidence to support an exception to planning policy. Policy H6 largely duplicates Policy HO7 in the Local Plan and serves no clear purpose.

78. Policy H6 does not meet the Basic Conditions.

- **M10 – Delete Policy H6**

79. **Policy H7** – This requires appropriate tests and measures to be in place in relation to new housing development in flood risk areas.

80. The Policy is supported by evidence that some of the neighbourhood area is within Flood Zone 3 and some parts in Flood Zone 2. Relevant maps are provided in the Appendix but not referenced in relation to the Policy and no source is provided for the details on surface flooding.

81. It is unclear what amounts to “*appropriate measures*” or what “*necessary flood management measures*” entail. National planning policy states that “*Plans should..... contain policies that are clearly written and unambiguous* (Paragraph 16, NPPF).

82. Local Plan Policy ER12 combined with the Sequential test and Exception Test in national planning policy already addresses the issues considered by Policy H7. No additional local information is provided beyond maps that would also apply to Local Plan Policy ER12. The Policy serves no clear purpose and lacks necessary clarity.

83. Policy H7 does not meet the Basic Conditions.

- **M11 – Delete Policy H7**

#### Economy and Jobs

84. Support for employment development within the neighbourhood area to provide local jobs is evident in the public consultation on the Plan.

85. **Policy B1** – This support business and commercial development on previously developed land subject to relevant planning considerations.

86. The policy approach is generally positive and enabling. There is a need for consistency in the drafting of the nature of *“harmful”*, *“adverse”* and *“unacceptable”* impacts to provide necessary clarity and some of the considerations will only be appropriate to some potential sites.

87. Policy B1 does not meet the Basic Conditions.

- **M12 – Amend Policy B1 to:**
  - Delete *“and”* in the second line
  - In 1. replace *“harmful”* with *“adverse”*
  - In 2. replace *“unacceptable”* with *“significant adverse”*
  - In 3. add *“as appropriate”* at end

88. **Policy B2**- This limits support for the change of employment-related and sui generis land uses to instances where specified marketing information is made available.

89. The Policy seeks to safeguard employment-related sites. It is unduly restrictive in stating what will *“only”* be supported and in its specification of particular channels through which marketing must take place. It would be appropriate to include the channels mentioned as examples in the supporting text. The scope of the Policy extends to sui generis uses without supporting evidence as to their significance within the neighbourhood area.

By definition such uses are very broadly based as they include any land use not falling within a use class.

90. Policy B2 does not meet the Basic Conditions.

- **M13 – Amend Policy B2 to:**
  - Delete *“or Sui Generis”* in the second line
  - Delete *“only”* in the second line
  - Delete *“, via trade press, relevant property websites and local estate agents”* in the fifth and sixth lines
  - Insert *“a”* after *“at”* and delete *“and”* in the sixth line

#### Tourism and Leisure

91. **Policy TL1** – This supports tourism and leisure related development subject to relevant planning considerations.

92. The Policy approach is generally supportive. It is unduly restrictive in requiring *“no”* negative impacts on character or infrastructure and the policy drafting needs to be consistent in its description of such impacts.

93. Policy TL1 does not meet the Basic Conditions.

- **M14 – Amend Policy TL1 to:**
  - In 1. replace *“detrimental”* with *“significant adverse”*
  - In 2. insert *“significant”* before *“adverse”*

94. **Policy TL2** – This provides general support for the re-use of rural buildings for tourism-related uses and requires evidence of the need for greenfield locations and consistency with Local Plan policies for greenfield development.

95. Subsection 1. duplicates existing planning policy and serves no clear purpose. The Policy is unduly restrictive in stating what will *“only”* be supported and in requiring evidence

of a viable business plan when there is no evidence provided of why this information should be an additional requirement in the neighbourhood area.

96. Policy TL2 does not meet the Basic Conditions.

- **M15 – Amend Policy TL2 to:**
  - **Replace “*But proposal*” with “Proposals” in the second line**
  - **Delete “*only*” in the third line**
  - **Delete from “*supported*” in the third line to the end of the Policy and replace with “where the proposal can demonstrate the necessity for a greenfield site and its proposed location.”**

#### Environment and Green Spaces

97. **Policy EG1** – This supports the provision of new public open spaces.

98. The Policy is enabling and positively worded.

99. Policy EG1 meets the Basic Conditions.

100. **Policy EG2** – This does not support development with an impact on open spaces, especially Local Green Space.

101. The Policy conflates a general desire to protect open spaces with the specific requirements that relate to Local Green Spaces. I recommend these are separated out and consequential changes are made to the supporting text.

102. There is no detail provided on the location of open spaces and on request I was informed by Ercall Magna Parish Council that it applied to “*any open areas of countryside*”. I believe this to be a misreading of the intent and the open countryside is addressed by other neighbourhood and local planning policies. The local authority informed me it could provide a map of open spaces and, if this can be agreed with the parish council, I consider this will provide important clarity. The map should be available at a scale enabling the boundary of



each open space to be identified and exclude the designated Local Green Spaces. The Policy should also be less restrictively worded.

103. The Policy provides only an indirect means to designate the Local Green Spaces identified in paragraph 6.1.3 and I recommend this is directly addressed through a separate policy which provides the means for designation. The assessment of each of the proposed Local Green Spaces in terms of the criteria provided in paragraph 102 of the National Planning Policy Framework is at a basic level and barely sufficient to support the Policy. On request I was informed no additional information was available. Nevertheless, I visited each of the Local Green Spaces and with one important exception I concur with the assessment and support the proposed designations.

104. The Bowling Green located next to the now closed Cleveland Arms public house is identified as providing recreational value to the community. From my visit it is clear that it has not been used as a bowling green for many years. The site is overgrown and bounded on all sides with very little visibility of the land and no obvious access. I do not consider the site to be of "*particular importance*" to the local community as required by national planning policy (paragraph 101, NPPF). Erccall Magna Parish Council informed me that the current situation "*should be temporary*" but it is clear that the land does not currently serve a recreational purpose. If this were to change in future then it could be addressed in a review of the Plan.

105. The Policy addresses a need for development to "*enhance*" Local Green Spaces. To be afforded a level of protection consistent with them being Green Belt, Local Green Spaces need only be designated by the Plan. This follows a Court of Appeal case relating to a Local Green Space policy in a neighbourhood plan (Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council, [2020] EWCA Civ 1259) which means it is inappropriate without clear justification to include any wording that sets out how development proposals should be managed.

106. The boundary of the proposed Local Green Spaces is indicated on aerial images provided in paragraph 15.6.21. These images do not include a scale and are limited in their ability to depict the detailed boundaries.

107. Policy EG2 does not meet the Basic Conditions.

- **M16 – Replace Policy EG2 with:**  
**“New Development and Open Space**  
**New development will be supported where it does not have a significant adverse impact on the open spaces identified in [insert location of map].”**
  
- **M17 – Insert a new policy**  
**“Local Green Spaces**  
**The following locations (see [insert location of map(s)]) are designated as Local Green Spaces:**
  - **Ellerdine Village Hall playing field**
  - **High Ercall Village Hall playing field**
  - **Fields south of Park Lane and west of Shrewsbury Road, High Ercall**
  - **Roden playing field”**
  
- **M18 – Provide large scale maps showing the boundaries of the four Local Green Spaces and relate these to the relevant policy**

108. **Policy EG3** – This protects and supports enhancement of footpaths and bridleways providing routes through and between green open spaces.

109. There is a lack of clarity as to the scope and purpose of this Policy. The title relates to “*Green Links*” and “*Green Open Spaces*” while the policy relates to footpaths and bridleways, which are not necessarily “green links”. There is no rationale provided for addressing only “green” open spaces and not all those identified in relation to Policy EG2 plus the designated Local Green Spaces. For clarity the policy should relate to all categories

of public rights of way and this was confirmed by Ercall Magna Parish Council. The local authority has indicated it can provide a map showing the main locations.

110. Policy EG3 does not meet the Basic Conditions.

- **M19 - Replace Policy EG3 with:**

- **“Public Rights of Way and open spaces**

- **Development proposals should protect public rights of way through or between open spaces (see [insert details of map]) or Local Green Spaces (see [insert detail of map(s)]) and where possible enhance them to provide well connected routes and open spaces.”**

111. **Policy EG4** – This addresses a need for development to retain and make provision for new green infrastructure.

112. The Policy lacks a clear definition for what constitutes “green infrastructure” (as provided in paragraph 6.0.3 of the Local Plan and the Glossary of the NPPF) and lacks clarity over what constitutes “*good green spaces in the right locations*”. It is also not relevant to all development taking place in the neighbourhood area.

113. Policy EG4 does not meet the Basic Conditions.

- **M20 – Replace Policy EG4 with**

- **“Green Infrastructure**

- **Development proposals should, as appropriate, retain green infrastructure and provide new green infrastructure which links built and open areas.”**

114. **Policy EG5** – This protects the countryside in Ercall Magna and requires appropriate mitigation.

115. The Policy is broad in its approach and drafted restrictively in terms of what will “*not be supported*”.

116. Policy EG5 does not meet the Basic Conditions.

- **M21 – Amend Policy EG5 to:**
  - **Replace “an” with “a significant” in the first line**
  - **Delete from “Area” in the second line to the end of the Policy and insert “should provide appropriate mitigation.”**

117. This section of the Plan refers variously to “public open space”, “open space”, “green open space”, “green infrastructure” and “Local Green Space”. The variety of terms means the Plan lacks necessary clarity would be helpful to provide further clarity on the different descriptions.

- M22 – Provide an explanation or definition of “green infrastructure” and the different types of open and/or green space included in the Plan.

#### Conservation and Heritage

118. **Policy CH1** – This sets an expectation for new development to be in keeping with local character and avoid harm to heritage assets.

119. The Policy is not supported by evidence of what considerations “define the character of the local area” and it was confirmed with me that this doesn’t exist beyond the Conservation Area. As a result the approach is quite generic and addresses issues broadly covered by the existing Local Plan. I am satisfied, however, of the additional value of referencing relevant aspects of local character.

120. The second part of the Policy addresses the impact on heritage assets. This is not consistent with national planning policy (Section 16, NPPF) which requires a wider set of considerations to be addressed.

121. Policy CH1 does not meet the Basic Conditions.

- **M23 – Amend Policy CH1 to:**
  - **Delete “& Position” in the title**
  - **Delete the second sentence**

122. **Policy CH2** – This requires new development to contribute to the Conservation Area’s character and appearance and/or enhance its heritage assets and their setting.

123. **Policy CH3** – This requires details associated with development in the Conservation Area to be in keeping with local character.

124. The neighbourhood area includes a single Conservation Area in High Ercall where new development is informed by an adopted Conservation Area Management Plan. The Plan should be consistent in dating this as 2009. Neither policy provides any additional local detail on the High Ercall Conservation Area and does not serve a clear purpose. The approach to development in conservation areas is already addressed in the Local Plan (notably Policy BE5) and in national planning policy where they are a heritage asset (Section 16, NPPF). The approach taken by Policy CH2 is also not consistent with that in the Local Plan and national planning policy and Policy CH1 already addresses the need in Policy CH3 to respect “*local character*”.

125. Policies CH2 and CH3 do not meet the Basic Conditions.

- **M24 – Delete Policies CH2 and CH3**

126. **Policy CH4** – This seeks to protect the appearance of open countryside around the Conservation Area.

127. The Policy states that the setting of the Conservation Area has a “*distinct and obvious character*”. No evidence is provided to support this or to identify the location of the “*external viewpoints*” where it can be found. Protection of the countryside, including around the Conservation Area, is already addressed in Policy EG5.

128. Policy CH4 does not meet the Basic Conditions.

- **M25 – Delete Policy CH4**

129. The significant changes to this section of the Plan will require consequential amendments to the supporting text.

#### Pedestrians, Traffic and Transport

130. **Policy TR1** – This encourages measures to manage traffic as part of new residential development.

131. The Policy is drafted that such matters should “*be considered*”. It would be more consistent with the rest of the Plan to indicate support but the matter is not one for the Basic Conditions.

132. Policy TR1 meets the Basic Conditions.

- OM3 –[ Amend Policy TR1 to:
  - Insert “taken” after “*opportunities*” in the first line
  - Replace “*should be considered*” with “will be supported” in the third line]

133. **PolicyTR2** – This supports improvements to the public rights of way.

134. Policy TR2 is positively worded and meets the Basic Conditions.

#### Community wellbeing

135. **Policy CF1** – This protects against loss of community facilities subject to relevant planning considerations.

136. Each of the considerations addressed in the Policy are already included in Local Plan Policy COM1. In the absence of more detailed information identifying community facilities in

the neighbourhood area the Policy simply duplicates existing planning policy and serves no clear purpose.

137. Policy CF1 does not meet the Basic Conditions.

- **M26 – Delete Policy CF1**

138. **Policy CF2** – This supports new or improved community facilities subject to relevant planning considerations.

139. The Policy approach is positive and the matters addressed are not directly considered by Local Plan Policy COM1. The Policy drafting lacks clarity and includes unnecessary duplication. It will be helpful to reference the definition of “*community facilities*” in the Local Plan.

140. Policy CF2 does not meet the Basic Conditions.

- **M27 – Amend Policy CF2 to read “Proposals for new and/or improved community facilities will be supported where it can be demonstrated the proposed development will not have a significant adverse impact on the amenity of surrounding residential areas or the local environment.”**
- OM4 – [Include a definition of “*community facilities*” consistent with that provided in the Telford and Wrekin Local Plan]

#### Sustainable Development and Climate Change

141. **Policy LRE1** – This supports energy efficiency and related measures in new development.

142. The Policy is supported by relatively little evidence as to the climate change considerations specific to the neighbourhood area. The local authority has declared a climate emergency.

143. The Policy approach is positive and where it addresses standards that exceed current requirements these are supported and not required.

144. Policy LRE1 meets the Basic Conditions.



## **8. Recommendation and Referendum Area**

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