

# **Shenstone Neighbourhood Development Plan Review**

A report to Lichfield District Council of the Independent  
Examination of the Shenstone Neighbourhood Development  
Plan Review

Copy to Shenstone Parish Council

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## Summary of Main Findings

The Shenstone Neighbourhood Plan was made by Lichfield District Council (the District Council) in 2016. Shenstone Parish Council (the Parish Council) has decided the made Neighbourhood Plan should be replaced, and as the qualifying body has prepared the Shenstone Neighbourhood Plan Review and submitted it to the District Council. The plan period runs until 2040. The plan review, like the previously made plan relates to the whole of Shenstone Parish which was designated as a Neighbourhood Area in February 2013.

The Parish and District Councils consider the Neighbourhood Plan Review includes material modifications which do not change the nature of the plan. I have determined the Neighbourhood Plan Review involves material modifications which do not change the nature of the made plan that require examination but not a referendum.

This is the report of the Independent Examination of the Shenstone Neighbourhood Development Plan Review. The Neighbourhood Plan Review includes policies relating to the development and use of land but does not allocate land for development.

This report finds that subject to specified modifications the Neighbourhood Plan Review meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan Review should, subject to the specified modifications, be made.

# 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 30 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, unless material considerations indicate otherwise.
3. The parish of Shenstone was designated as a Neighbourhood Area (the Neighbourhood Area) by Lichfield District Council (the District Council) in February 2013. A Shenstone Neighbourhood Plan was made (adopted) in 2016. Shenstone Parish Council (the Parish Council) has prepared a Shenstone Neighbourhood Development Plan Review intended to replace the Shenstone Neighbourhood Plan. The Shenstone Neighbourhood Development Plan Review (the Neighbourhood Plan) has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Neighbourhood Area. The Neighbourhood Plan has been produced by a Neighbourhood Plan Steering Group made up of Parish Councillors and other volunteers from the local community supported by Land Use Consultants Ltd.
4. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Parish Council and submitted to the District Council on 31 March 2025. The District Council arranged a period of publication that closed on 21 May 2025. The District Council subsequently submitted the Neighbourhood Plan to me for independent examination which formally commenced on 4 June 2025.
5. The Planning Practice Guidance (the Guidance) states there are 3 types of modification which can be made to a neighbourhood plan. The process will depend on the degree of change which the modification involves:
  - Minor (non-material) modifications to a neighbourhood plan are those which would not materially affect the policies in the plan. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
  - Material modifications which do not change the nature of the plan would require examination but not a referendum. This might, for example, entail the

addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.

- Material modifications which do change the nature of the plan would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

6. The Parish and District Councils have both expressed opinions, with reasons, that the Neighbourhood Plan Review includes material modifications which do not change the nature of the made plan. I have considered those opinions, and the Regulation 16 representations insofar as they are relevant to the decision I must make. I have found the Neighbourhood Plan Review:

- retains original policies (several renumbered) some of which include material modifications of the policy to update changed circumstances including in relation to national policy; improve clarity; strengthen criteria or principles; or change the scope. These modifications do not change the nature of the plan;
- deletes original policies that are no longer relevant, necessary, or appropriate; or are addressed effectively in the Local Plan or Site Allocations DPD; or are addressed through a new Neighbourhood Plan policy or through national policy. These deletions do not change the nature of the plan; and
- introduces new policies, relating to environmental issues and one other matter raised by the community without introducing new land allocations for development. These additions do not change the nature of the plan.

For these reasons I have determined under Paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 that the modifications contained in the proposed Neighbourhood Plan Review do not change the nature of the development plan which the modification proposal would modify. On this basis the Neighbourhood Plan Review will require independent examination but not a referendum. On 4 June 2025 I advised the District and Parish Council of my determination with reasons. I have undertaken the Independent Examination to consider whether the Neighbourhood Plan Review meets the Basic Conditions and other requirements. From this point in my report, I refer to the Shenstone Neighbourhood Plan Review as 'the Neighbourhood Plan.'

## Independent Examination

7. 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 be made. The District Council will decide what action to take in response to the recommendations in this report.
8. The District Council will decide what modifications, if any, should be made to the submission version plan and whether the Neighbourhood Plan should be made. Once made the Neighbourhood Plan will replace the current made Neighbourhood Plan (2016) in forming 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. The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts 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.
9. 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.
10. 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 extensive experience at local planning authority Director or Head of Planning Service level. 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, prepared in the full range of types of urban and rural communities.
11. Based on my determination under Paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 that the modifications contained in the proposed Modified Neighbourhood Plan do not change the nature of the development plan which the modification proposal would modify, as independent examiner, I am required to produce this report and must recommend either:

- that the local planning authority should make the draft plan,
- that the local planning authority should make the draft plan with the modifications specified in the report, or
- that the local planning authority should not make the draft plan on the basis it does not meet the necessary legal requirements.

12. I make my recommendation in this respect 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.

13. Paragraph 9 of Schedule 4B to the Town and Country Planning Act 1990 provides that the general rule is that the examination of a neighbourhood plan is to take the form of the consideration of written representations. The Planning Practice Guidance (the Guidance) states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.”

14. 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; the comments of the Parish Council on 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; the written representations and comments; and unaccompanied visits to the Neighbourhood Area undertaken on 1 June 2025 and 24 June 2025.

15. This report should be read as a whole, and has been produced in an accessible format.

## **Basic Conditions and other Statutory Requirements**

16. 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.

17. 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.

18. 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, in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.

19. The Neighbourhood Plan relates to the area that was designated by the District Council in February 2013. A map of the Neighbourhood Area is included as a Figure in paragraph 1.4 of the Submission Version 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.

20. 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). I can confirm that I am satisfied that each of these requirements has been met.

21. 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 is 2024-2040. Section 1.1 of the Neighbourhood Plan confirms the plan period runs over the period 2024 to 2040.
22. 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 because 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.
23. 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.
24. 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.
25. 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

26. 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:

- Shenstone Neighbourhood Plan Review 2024-2040 Submission Consultation (Regulation 16) Version including Policies Maps March 2025
- Shenstone Neighbourhood Plan Review 2024-2040 Basic Conditions Statement March 2025 [In this report referred to as the Basic Conditions Statement]
- Shenstone Neighbourhood Plan 2024-2040 Consultation Statement March 2025 [In this report referred to as the Consultation Statement]
- Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report Shenstone Neighbourhood Plan March 2025
- Shenstone Neighbourhood Plan Review Regulation 15 Submission – List of Evidence Documents March 2025
- Shenstone Neighbourhood Plan Review 2024-2040 Regulation 17(e)(ii) Modification Statement of Shenstone Parish Council
- Information available on the Parish Council and District Council websites including the made Shenstone Neighbourhood Plan 2015-2029
- 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 4 June 2025; the emails on behalf of the Parish Council dated 26 and 27 June 2025 commenting on the Regulation 16 representations of other parties
- National Planning Policy Framework (2024) as amended 7 February 2025 [In this report referred to as the Framework]
- Lichfield District Local Plan Strategy 2008-2029 (adopted 17 February 2015) and Lichfield District Local Plan Allocations 2008-2029 (adopted 16 July 2019)
- Documents relating to the emerging Local Plan 2043
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [In this report referred to as the Permitted Development Guidance]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [In this report referred to as the Guidance which should be taken to also include all Written Ministerial Statements]
- 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 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

27. 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. I highlight here several key stages of consultation undertaken to illustrate the approach adopted.
28. In late summer of 2023, the Parish Council set up a Neighbourhood Plan Review Steering Group comprising Parish Councillors and other volunteers from the local community. Consultation included a virtual meeting in November 2023 and an in-person event held in March 2024 which highlighted important issues including matters not dealt with in the made Neighbourhood Plan. A community engagement event attended by 37 people held at the library also in March 2024 provided feedback on key issues.
29. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan for a period of six weeks between 2 September 2024 and 18 October 2024. The closing date was extended to 8 November 2024 to give a greater chance of receiving more responses. Copies of the draft plan could be downloaded and hard copies were available on request. The 47 responses (numbered 1 to 44 with some duplicate numbering) to the consultation from residents and organisations are presented in Appendix B of the Consultation Statement which also sets out comments of the Steering Group in response and any action taken, including modification and correction of the emerging Neighbourhood Plan. Suggestions have, where considered appropriate, been reflected in changes to the Plan that was submitted by the Parish Council to the District Council.

30. Publicity of the plan preparation process was achieved at relevant times through notices on noticeboards; social media; the Parish Council website; the Parish Council magazine distributed quarterly to all household and businesses; and through flyers to households and businesses. Statutory and non-statutory consultees were written to directly.
31. Following submission of a plan proposal by a qualifying body, the local planning authority will check it includes all items set out in Regulation 15, and then publicise the plan in accordance with Regulation 16. The local planning authority then send the Independent Examiner all the documents set out in Regulation 17, which includes a copy of any representations that have been made in accordance with Regulation 16. The actions necessary under Regulation 16 and Regulation 17 are entirely matters to be undertaken by, and under the control of, the local planning authority. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication. The District Council arranged a period of publication between 9 April 2025 and 21 May 2025. The representations that were duly made have been published on the District Council website.
32. The District Council states support for the vision and objectives of the plan and has identified evidence documents that may be of interest and has provided comments to improve the Neighbourhood Plan Review document. I refer to some of the suggested minor modifications and corrections to the Neighbourhood Plan Review in the Annex to my report. The District Council has commented specifically on Policies H2 and GSC5.
33. Staffordshire County Council Flood Management Team has commented on Policy GSC7. National Highways state “We have reviewed the document, and there is a reference to the Lichfield Local Plan requirement of a minimum of between 50 and 150 dwellings to be delivered in Shenstone over the period 2008 to 2029. This is principally expected to be delivered through the Lichfield Site Allocations Site S1 (land at Lynn Lane) allocated for approximately 50 dwellings. If this site, or any other, comes forward for the allocation of land for housing, National Highways requests to be consulted to understand the impact the development would have on the SRN (including the M6 Toll, A5, A38 and A5148).”
34. Natural England and the Environment Agency offer general advice and confirm they do not have any specific comments. The National Forest Company and the Canal and River Trust confirm they have no comments. National Grid and National Gas Transmission have provided general comments only. Historic England is supportive of the plan and believes it takes a thoughtful and suitably proportionate approach to the historic environment of the Parish.

35. Five individuals (two writing together) object to the proposed walking route from the Lammas Land to and around Malkin's Coppice. A representation submitted on behalf of two individuals' objects to elements of Policies H1; GSC3; and GSC4.
36. I have been sent 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. Some representations, or parts of representations, are not relevant to my role which is to decide whether the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. Where the representations suggest additional policy matters that could be included in the Neighbourhood Plan that is only a matter for my consideration where such additions are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. Having regard to *Bewley Homes Plc v Waverley District 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.
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. On 26 June 2025 and 27 June 2025, the Parish Council has commented on some of the Regulation 16 representations and those comments were published on the District Council website. I have taken all the Parish Council comments into consideration even though I have not referred to them all in 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 plan preparation and engagement contained within the Guidance. It is evident the Neighbourhood Plan Steering Group has taken great care to ensure 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, when considered 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. The Basic Conditions Statement states “The Plan does not breach and is not otherwise incompatible the European Convention on Human Rights.” 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. 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. A Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report March 2025 reached a conclusion that “In relation to the requirement for the Shenstone neighbourhood plan to be subject to Strategic Environmental Assessment, the assessment detailed in Section 3 of this report concludes that as the plan in its current form is not likely to have significant environmental effects and therefore SEA will not be required. The statutory consultees indicated they agreed with the conclusions of this screening report regarding SEA. I am satisfied the requirements regarding Strategic Environmental Assessment have been met.
45. With respect to Habitats Regulation Assessment the Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report March 2025 reached a conclusion that “In relation to the requirement for the Shenstone neighbourhood plan to be subject to Habitat Regulations Assessment, the assessment detailed at Section 4 of this report concluded that there are no potential significant effects upon European Sites and no further work as part of the compliance with the Habitat Regulations will be required.” The statutory consultee Natural England indicated it agreed with the conclusions of the screening report regarding HRA. I am satisfied that the Neighbourhood Plan meets the requirements of the revised Basic Condition relating to Habitats Regulations.

46. There are 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.
47. 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.
48. 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**

49. 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.”
50. 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.”



51. The most recent National Planning Policy Framework published in December 2024, and amended on 7 February 2025, 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 on 14 February 2024. 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, as well as Written Ministerial Statements.
52. Table 2.2 of the Basic Conditions Statement demonstrates how each of the Neighbourhood Plan policies have regard for the Framework. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
53. The Neighbourhood Plan includes under paragraph 3.5 a positive vision for Shenstone Parish that has economic, social, and environmental dimensions. Paragraph 3.6 of the Neighbourhood Plan sets out 20 objectives that are grouped under the headings of development; environment and community facilities; movement; and commerce. The vision and objectives provide a framework for the policies of the Neighbourhood Plan that have been developed.
54. Part 9 of the Neighbourhood Plan identifies issues that have been raised through the plan preparation process that are not directly related to land use matters and which cannot be addressed directly by a planning policy. The identified issues are set out in Table 9.1 along with possible actions and other details. The issues are set out under the headings of transport; environment and appearance; community infrastructure and leisure; and heritage. The plan preparation process is a convenient mechanism to surface and test local opinion on ways to improve a neighbourhood other than through the application of land use policies. It is important that those non-development and land use matters, raised as important by 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 community aspirations relating to infrastructure priorities are presented in a dedicated final section of the Neighbourhood Plan and their status is adequately described. I have recommended Part 9 should be retitled 'Appendix: Non-Land Use Issues' so that it is more clearly distinguished from the statutory Neighbourhood Plan that it is intended will form part of the Development Plan. It is legitimate to identify priorities for use of any locally determined Community Infrastructure Levy charges. I confirm Part 9 including the issues identified have not been subject to Independent Examination.

**Recommended Modification 1:**

**Retitle Part 9 as “Appendix: Non-Land Use Issues” and adjust the Contents page accordingly**

55. 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.”
56. 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). 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.”
57. 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.
58. The Framework states there are three dimensions to sustainable development: economic, social, and environmental. Table 3.1 of the Basic Conditions Statement demonstrates ways in which identified policies of the Neighbourhood Plan support the economic, social, and environmental aspects of sustainable development. The statement does not highlight any negative impacts of the Neighbourhood Plan or its policies.

59. 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:

- Protect the integrity of the Cannock Chase Special Area of Conservation;
- Ensure developments provide a mix of dwelling sizes that meet local needs;
- Ensure residential infill and backland development reflects surrounding character and protects neighbour amenity;
- Ensure all housing development is of suitable design including provision of adequate private amenity space;
- Require adjacent development to achieve step free access to the Lichfield-bound platform at the railway station;
- Establish support for development that improves active travel routes;
- Ensure commercial development addresses parking issues;
- Designate Local Green Spaces;
- Establish support for improved or additional community recreation facilities;
- Minimise environmental impact of development;
- Ensure development is wildlife friendly;
- Ensure developments address climate change;
- Support sensitive retrofitting energy production and efficiency measures in heritage assets;
- Ensure development addresses surface water flooding and light spillage;
- Establish conditional support for new commercial development within existing employment areas;
- Protect existing commercial premises and land; and
- Conditionally support micro-business use of community spaces.

60. 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)**

61. Paragraph 13 of the Framework states neighbourhood plans should “support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.” Paragraph 21 of the Framework states “plans should make explicit which policies are strategic policies.” Footnote 17 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.” Paragraph 30 of the Framework states “Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.”
62. 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 Shenstone Neighbourhood Area comprises the Lichfield District Local Plan Strategy 2008-2029 (adopted 17 February 2015), and the Lichfield District Local Plan Allocations 2008-2029 (adopted 16 July 2019). Whilst the Minerals Local Plan for Staffordshire (2015-2030), the Staffordshire and Stoke-on-Trent Waste Local Plan (2010 to 2026) and the review of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010-2026 form part of the Development Plan they are not relevant to the Neighbourhood Plan.
63. 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.” The District Council has confirmed for the purposes of neighbourhood planning the strategic policies of the development plan comprise the Core Policies within the Local Plan Strategy and the ‘Rural Areas’ policies within the same document to be the strategic policies of relevance. Additionally, the ‘rural areas’ policies within the Local Plan Allocations document would also be considered strategic.
64. The District Council has begun the preparation of a new Lichfield District Local Plan for the area to provide the future strategic planning framework up to 2043. The Local Development Scheme published in February 2025 indicates the new Local Plan will be adopted in May 2027.
65. The Neighbourhood Plan can proceed ahead of preparation of the new Local Plan. The Guidance states: “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although

a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- the emerging neighbourhood plan;
- the emerging Local Plan;
- the adopted development plan;

with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan.

Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”

66. I am mindful of the fact that should there ultimately be any conflict between the Neighbourhood Plan, and the new Local Plan when it is adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan; however, the Guidance is clear in that potential conflicts should be minimised. To satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging new Local Plan is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds. The Guidance states “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan.”

67. In considering a now-repealed 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 whole development plan.

68. 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.”

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

69. 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 Table 4.1 of the Basic Conditions Statement that demonstrates how the policies of the Neighbourhood Plan are 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**

70. The Neighbourhood Plan includes 19 policies as follows:

Policy SAC1: Cannock Chase Special Area of Conservation

Policy H1: Dwelling Mix  
 Policy H2: Residential Infill and Backland Development  
 Policy H3: Design of Residential Development  
 Policy H4: Provision of Private Amenity space to Serve Residential Development  
 Policy MO1: Pedestrian Access to Shenstone Railway Station  
 Policy MO2: Improvements to Pedestrian and Cycle Routes  
 Policy MO3: Commercial Parking  
 Policy GSC1: Local Green Spaces  
 Policy GSC2: Provision of Community Recreational Facilities  
 Policy GSC3: Minimising the Environmental Impact of Development  
 Policy GSC4: Wildlife Friendly Development  
 Policy GSC5: Low Energy and Energy Efficient Design  
 Policy GSC6: Renewable Energy and Energy Efficiency Measures Affecting Herit  
 Policy GSC7: Preventing Surface Water Flooding  
 Policy GSC8: Light Pollution  
 Policy CO1: New Commercial Development  
 Policy CO2: Protection of Existing Commercial Premises or Land  
 Policy CO3: Flexible Use of Community Spaces by Micro-Businesses

71. Paragraph 30 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 17 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”
72. 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.”
73. 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)."

74. 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."
75. "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."
76. 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)."
77. "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." "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."
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 individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.



## **Policy SAC1: Cannock Chase Special Area of Conservation**

- 79. This policy seeks to ensure development will not have an adverse effect on the integrity of the Cannock Chase Special Area of Conservation.
- 80. Paragraph 194 of the Framework states Special Areas of Conservation should be given the same protection as habitats sites.
- 81. The policy is in general conformity with the strategic policies of the Development 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.
- 82. 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. This policy meets the Basic Conditions.

## **Policy H1: Dwelling Mix**

- 83. This policy seeks to ensure residential developments meet local housing needs.
- 84. Paragraph 63 of the Framework states that within the context of establishing need the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Paragraph 82 of the Framework includes "in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs."
- 85. A representation on behalf of two individuals states the proposed housing mix has not been adequately justified in evidence and it will not deliver the stated aims and is likely to result in high density schemes not in keeping with the character of the area. Reference is also made to use of spare bedrooms as home working space. The representation suggests these issues could be mitigated through adjustment of the second part of the policy to allow for variation of housing mix based on updated need or market evidence. The Parish Council has commented "Housebuilders generally preferring to sell larger houses with more bedrooms has not helped to address the current national housing supply crisis, particularly with affordability worsening rather than improving. Development will only be at high density if it is designed as such; it is possible to design medium density developments with predominantly smaller properties." The Parish Council also states the district wide Housing and Economic Needs Assessment March 2025 is broadly aligned with findings of the 2020 HEDNA quoted in the Neighbourhood Plan and that provision for updated need or market evidence would create uncertainty and inconsistency of outcomes.

86. Part B of Policy H1 makes provision for an alternative dwelling mix where viability requires. The demonstration that the housing mix required in part A of the policy would compromise the scheme would require consideration of market conditions, which could in part reflect changing local housing need. I consider provision for an alternative dwelling mix based on market evidence would be imprecise, however I conclude the policy should recognise evidence from an updated comprehensive local housing need assessment would provide sufficient justification for acceptance of an alternative dwelling mix. This would allow necessary responsiveness to change in local circumstances, as referred to in paragraph 82 of the Framework, throughout the plan period to 2040. I have recommended a modification in this respect 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. I am satisfied part D of the policy has sufficient regard for national policy.
87. The policy is in general conformity with the strategic policies of the Development 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.
88. 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, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 2:**

**Continue Policy H1 with “or it is demonstrated through a comprehensive local housing needs assessment that the alternative dwelling mix will meet updated local housing needs”**

**Policy H2: Residential Infill and Backland Development**

89. This policy seeks to ensure residential infill and backland development within the built-up area of Shenstone reflects surrounding character and protects amenity of neighbours. The policy also seeks to establish principles for infill development.
90. Paragraph 129 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). Paragraph 135 of the Framework states planning policies should ensure developments are sympathetic to local character and history.

91. The representation of the District Council suggests the addition of text to clarify where development is within the conservation area or would have a potential impact on it, protecting its special character and appearance. Paragraph 219 of the Framework states Local Planning authorities should look for opportunities for new development within conservation areas to enhance or better reveal their significance. Given a significant part of the built-up area of Shenstone is a designated conservation area I have recommended a modification in this respect so that the policy has sufficient regard for national policy.
92. The term “will be expected to” in Part B of the policy does not provide a basis for the determination of development proposals. I have recommended a modification in this respect 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.
93. The policy is in general conformity with the strategic policies of the Development 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.
94. 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, as recommended to be modified, 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 H2**

- **replace “will be expected to” with “should”**
- **continue the policy with “C. Development proposals within or within the setting of the Shenstone Conservation Area should enhance or better reveal the significance of the Conservation Area.”**

### **Policy H3: Design of Residential Development**

95. This policy seeks to ensure residential development is in keeping with the predominant architectural style of surrounding properties.
96. Paragraph 135 of the Framework states planning policies should ensure developments are sympathetic to local character and history.
97. The policy is in general conformity with the strategic policies of the Development 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.

98. 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. This policy meets the Basic Conditions.

#### **Policy H4: Provision of Private Amenity Space to Serve Residential Development**

99. This policy seeks to ensure residential development provides adequate private amenity space for each property and complies with district-wide design policy.

100. Paragraph 139 of the Framework states significant weight should be given to development which reflects local design policies. Paragraph 129 of the Framework includes planning policies should support development that makes efficient use of land considering the desirability of maintaining an area's prevailing character and setting (including residential gardens).

101. The term "shall be expected to" does not provide a basis for the determination of development proposals. I have recommended a modification in this respect 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.

102. The policy is in general conformity with the strategic policies of the Development 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, as recommended to be modified, 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 H4 replace "shall be expected to" with "must"**

#### **Policy MO1: Pedestrian Access to Shenstone Railway Station**

104. This policy seeks to establish support for development proposals that provide step-free access to the Lichfield-bound platform at Shenstone Railway Station from land at Lynn Lane allocated for development in the Lichfield Site Allocations document.

105. Paragraph 109 of the Framework states “Transport issues should be considered from the earliest stages of plan-making and development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable, and popular places. This should involve identifying and pursuing opportunities to promote walking, cycling and public transport use.”
106. The term “strongly supported” does not provide the basis for the determination of development proposals. I have recommended a modification in this respect 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.
107. The policy is in general conformity with the strategic policies of the Development 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.
108. 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, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 5:**  
**In Policy MO1 delete “strongly”**

**Policy MO2: Improvements to Pedestrian and Cycle Routes**

109. This policy seeks to establish support for development proposals that provide improved access to Shenstone village and the surrounding countryside for specified groups within a shared space ideally physically separate from road traffic. The policy also identifies named improvements that will be supported.
110. Representations of five individuals (two writing together) object to the reference in the policy justification at paragraph 6.9 of the Neighbourhood Plan to a footpath linking the Lammas Land with Malkin’s Coppice. Reasons for objection include impact on flora and fauna within an ancient woodland/ protected conservation area/green belt; provide access and opportunity to set up camp for people protesting regarding other matters; security of houses close to the route; safeguarding risks for children; potential for anti-social behaviour including fires, drug use, burglaries, vehicle theft, and damage to houses; encroachment on a shared driveway; alternative footpaths including circular walks already exist nearby in the area.

111. Commenting on the representations the Parish council states “In respect to responses SNDPR 1, 2, 9,10 the proposed footpath extension from the Lammas Land to Malkins Coppice the view of the Parish Council is as follows (i) the proposal for a footpath was generated by the Lammas Land Management Committee who have managed Malkins Coppice and existing Lammas Land footpaths for over 35 years the proposal was endorsed by the majority of residents all the NP review consultation exercises (ii) post Covid recreational walking has flourished in and around the village (iii) the proposal has been subject to formal consultation with the land owner South Staffs Water Ltd who have no objection to the proposal (iii) the finer details of the footpath design have yet to be identified but it is recognised that the boundary of the section of the path that will run alongside the coppice will be fenced to prevent access (iv) the path will not give any access to the area or near the area where monthly industrial area demonstrations take place (v) the village benefits greatly from the whole Lammas Land and existing experience to date of anti-social behaviour or residential neighbour boundary complaints are almost non-existent (vi) the Lammas Land is used regularly by school children undertaking studies and this would be extended to the coppice area via a safe new footpath link”.
112. An indicative potential route for a footpath linking Lammas Land to and around Malkin’s Coppice is shown on Figure 6.2 of the Neighbourhood Plan. Paragraph 6.9 of the Neighbourhood Plan states “in the light of the reduced certainty regarding the potential to deliver these routes as shown, they are only indicative and are therefore not specifically identified in Policy M02.” Given the indicative nature of the proposed possible circular walks and the possible footpath linking Lammas Land and Malkin’s Coppice they should not be included in the Neighbourhood Plan nor should any reference to them be made in a Neighbourhood Plan policy. The possible routes are community aspirations that should be transferred to Part 9 of the Neighbourhood Plan. I have recommended modifications in this respect so that the Neighbourhood Plan has sufficient regard for national policy and Policy MO2 “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. I am satisfied the schemes to improve access across the railway bridge at Lynn Lane and to provide the northern section of the Little Aston walking and cycling route are sufficiently precise to be included in Policy MO2 however I have recommended the policy should refer to Figure 6.1 of the Neighbourhood Plan so that it is “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.
114. The policy is in general conformity with the strategic policies of the Development 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.

115. 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, as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 6:**

**In Policy MO2**

- **continue the second bullet point with (identified on Figure 1 of the Neighbourhood Plan)**
- **delete the final bullet point**

**Transfer paragraph 6.9 and Figure 6.2 of the Neighbourhood Plan to Part 9 of the Neighbourhood Plan.**

**Policy MO3: Commercial Parking**

116. This policy seeks to establish that defined new commercial development must demonstrate additional employee parking will not have a detrimental impact on the amenity of neighbouring residential properties or existing businesses. The policy also seeks to require new commercial development to provide off-street parking for the workforce and discourages on-street parking for the same amenity reasons. The policy also seeks to establish that proposals for new commercial development that include a green travel plan will be supported.
117. Paragraph 109 of the Framework includes "transport issues should be considered from the earliest stages of plan-making and development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable, and popular places. This should involve (amongst other considerations) ensuring parking considerations are integral to the design of schemes, and contribute to making high quality places."
118. Paragraph 112 of the Framework states "If setting local parking standards for residential and non-residential development, policies should take into account:
- (a) the accessibility of the development;
  - (b) the type, mix and use of development;
  - (c) the availability of and opportunities for public transport;
  - (d) local car ownership levels; and
  - (e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles."

119. Paragraph 116 of the Framework states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”
120. Paragraph 118 of the Framework states “All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a vision-led transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”
121. Part B of the policy is seeking to establish a parking standard without evidence that the matters referred to in paragraph 112 of the Framework have been considered. Part B of the policy includes the term “strongly discouraged” which does not provide a basis for the determination of development proposals. Part C of the policy 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. I am satisfied the term “Green Travel Plan” is adequately explained in supporting text.
122. The policy is in general conformity with the strategic policies of the Development 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.
123. 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, as recommended to be modified, 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 MO3**

- **delete part B**
- **in part C after “include” delete “for”**

#### **Policy GSC1: Local Green Spaces**

124. This policy seeks to designate three Local Green Spaces and establish a basis for determination of development proposals affecting them.
125. The three areas referred to in the policy were designated as Local Green Space in the made Neighbourhood Plan and there is no requirement that they should



be reviewed. Paragraph 105 of the Framework states “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.” 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 updated. The review and designation in Policy GSC1 of the Neighbourhood Plan Review has sufficient regard for national policy and their inclusion will assist users of the updated Neighbourhood Plan. I have examined the suitability of their redesignation.

126. Paragraph 106 in the Framework states the designation of land as Local Green Space through Neighbourhood Plans allows communities to identify and protect green areas of particular importance to them. 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 Figures 7.1 and 7.2 of the Neighbourhood Plan. I am satisfied the areas of land proposed for designation as Local Green Spaces have been adequately identified. I am also satisfied the designations are consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. I have seen nothing to suggest the designations are incapable of enduring beyond the end of the plan period.

127. Paragraph 107 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 have viewed and visited the areas of land proposed for designation as LGS so far as public access allows and find that in respect of each of the proposed 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. The policy justification supporting Policy GSC1 includes evidence that confirms each of the sites proposed for designation is demonstrably special and of significance to a local community. I find that the areas of land proposed to be designated as Local Green Space are suitable for designation and have regard for paragraphs 106 and 107 of the Framework concerned with the identification and designation of Local Green Space.

128. The Guidance states if the land is already protected by Green Belt policy, then consideration should be given to whether any additional local benefit would be gained by the designation as Local Green Space. Although the proposed Local

Green Space at Malkins Coppice lies entirely within Green Belt, and the proposed Local Green Space at the Lammas Land is almost entirely within the Green Belt, I consider, based on the evidence presented in the Neighbourhood Plan, and in the case of Malkins Coppice in Regulation 16 representations, it is appropriate for the proposed areas to be designated as Local Green Space. Those areas are clearly cherished resources that should be identified as of particular importance to the local community.

129. Paragraph 108 of the Framework states “Policies for managing development within a Local Green Space should be consistent with those for Green Belts”. Paragraphs 153 to 160 of the Framework include statements regarding the types of development that are not inappropriate in Green Belt areas. Part B of Policy GSC1 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 part B of the policy has sufficient regard for national policy. The support for the development of unspecified local community infrastructure/recreational facilities at the Lammas Land and at Malkins Coppice has not been sufficiently justified. I am satisfied the developments at Shenstone Playing Fields provided for by Policy GCS2A have been sufficiently justified, and cross referencing to that policy is appropriate to assist clarity for users of the Neighbourhood Plan.
130. 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.
131. 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, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 8:**

**In Policy GSC1 replace part B with “Proposals for development within the designated Local Green Spaces listed above will be managed in accordance with national policy for Green Belts and in accordance with Policy GSC2A with respect to the provision of improved or additional recreational and community facilities at Shenstone Playing Fields.”**

## **Policy GSC2: Provision of Community Recreational Facilities**

132. This policy seeks to establish support for provision of specified improved or additional recreational and community facilities at Shenstone Playing Fields where they provide for the range of needs of all sectors of the community. The policy also seeks to establish support for a new local area for play (LAP) facility on land identified in Figure 7.3 adjacent to St Johns Church Hall.
133. Paragraph 103 of the Framework states “Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport, and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.” I am satisfied the provisions of Policy GSC2 have been adequately justified including in paragraphs 7.15 to 7.20 of the Neighbourhood Plan. I have visited both Shenstone Playing Fields and the identified land adjacent to St Johns Church Hall and seen nothing to suggest the policy is inappropriate with respect to the basic conditions.
134. The policy is in general conformity with the strategic policies of the Development 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.
135. 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. This policy meets the Basic Conditions.

## **Policy GSC3: Minimising the Environmental Impact of Development**

136. This policy seeks to establish principles for development proposals designed to minimise their environmental impact.
137. A representation on behalf of two individuals raises concern that part D of the policy is overly onerous and have the effect of preventing all development. The Parish Council state the approach adopted has previously been found to meet the basic conditions and that the Framework is unchanged in this respect. The made Neighbourhood Plan would have been considered in the context of the Framework 2012 in which the ‘requirement for good design’ section is significantly different to the

‘achieving well-designed places’ section of the current Framework. Paragraph 135 of the Framework 2024 states planning policies should ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. I am satisfied part D of Policy GSC3 has sufficient regard for national policy. With suitable attention to matters of scale of buildings, siting, design and landscaping that development adjacent to the boundary of the built-up area of Shenstone could be demonstrated to not have detrimental impact on the surrounding landscape. The representation raises concern regarding part E of the policy that relates to all development. I am satisfied part E of Policy GSC3 has sufficient regard for national policy and that development proposals are capable of being designed so as not to have detrimental environmental effects specifically in relation to noise; air pollution; and surface water flooding.

138. The policy is in general conformity with the strategic policies of the Development 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.
139. 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. This policy meets the Basic Conditions.

#### **Policy GSC4: Wildlife Friendly Development**

140. This policy seeks to shape development so that it is wildlife friendly.
141. A representation on behalf of two individuals states with respect to part A of the policy emerging plans should not replace policies which would otherwise be acceptable in an area; part B of the policy is inconsistent with Figure 7.4 of the Neighbourhood Plan; and part D should have regard for the quality and health of trees. Commenting on the representation the Parish Council state regarding part A “Whilst the policy clause reiterates certain aspects of Biodiversity Net Gain legislation, it highlights specific matters of local importance, e.g. protecting hedgerows and mature trees and delivering BNG on site where possible;” and with respect to part B “the wording is clear - wildlife will move from one habitat to another; where this is along wildlife corridors, such movement should not be impeded. If the Examiner considers that the wording needs to be amended in order to make it clearer then this would be welcomed;” and with respect to part D “This is acknowledged. The policy seeks the retention of trees of arboricultural value. If a tree is in poor health, then it is unlikely to be of arboricultural value”.
142. Paragraph 187d of the Framework states “Planning policies and decisions should contribute to and enhance the natural and local environment by minimising

impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.”

143. It is confusing and unnecessary for both parts A and D of the policy to refer to trees and hedgerows, and the reference in part A of the policy does not have sufficient regard for national policy. The quality and condition of a tree is a matter to be considered in the context of implementation of the policy. Whilst I am satisfied part A of the policy seeks to establish requirements in circumstances where developments are required to deliver biodiversity net gain, it is unnecessary for part A of the policy to state a percentage net gain, and that may in any case vary throughout the plan period. I am satisfied it is appropriate to identify habitat areas beyond the Neighbourhood Area which wildlife corridors within the Neighbourhood Area may lead to. Part B of the policy clearly states “within the Neighbourhood Area” however the title of Figure 7.4 requires correction to “location of wildlife habitats.” The term “particularly supported” does not provide a basis for the determination of development proposals. 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. I am satisfied part D of the policy has sufficient regard for national policy.
144. The policy is in general conformity with the strategic policies of the Development 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.
145. 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, as recommended to be modified, 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 GSC4**

- in part A replace “aim to protect existing habitats and species, including hedgerows and mature trees” with “minimise impacts on existing habitats and species” and delete “(a minimum of 10%)”
- in part B delete “particularly”

**Retitle Figure 7.4 as “Figure 7.4: Location of wildlife habitats”**

## **Policy GSC5: Low Energy and Energy Efficient Design**

146. This policy seeks to ensure development proposals incorporate measures to adapt to climate change.
147. Paragraph 162 of the Framework states “Plans should take a proactive approach to mitigating and adapting to climate change.”
148. The representation of the District Council states “Suggest making the language clearer about works to listed buildings, conservation area status. In the case of heritage assets, including listed buildings and buildings within conservation areas, energy efficiency and climate adaptation measures must be sensitively designed to conserve the asset’s significance. Proposals should demonstrate compliance with relevant heritage legislation and guidance.” I agree reference to effect on the significance of heritage assets including the Conservation Area would improve clarity. I also consider it necessary to clarify the policy only applies to works requiring planning permission. It is unnecessary and confusing to include the term “in Shenstone” as all the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a lesser area is specified. 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.
149. The District Council also state “Suggest considering the below for new development: The prioritisation of locally sourced materials to reduce transport emissions and support the local economy; The use of materials with low embodied carbon, with reference to lifecycle assessments where appropriate. Where applicable, incorporation of natural and bio-based materials (such as sustainably sourced timber, hempcrete, or lime-based products). The policy would benefit from the consideration of factors such as adequate space in the installation of renewable technologies such as ground source heat pumps around the property should this be suitable. Recommend adding the following: Wherever possible, new buildings shall have adequate space around the perimeter to allow for the addition of renewable heat technologies such as ground sour heat pumps. There is no mention of electric vehicle charging points being made available either as an addition to each home or as a dedicated space on the development for car charging. Given the increase in the number of electric vehicles purchased it stands to reason that electric vehicle charge points will be required. Recommend adding the following: Wherever possible, electric vehicle chargepoints should be fitted as standard to new builds where there is adequate reach for an electric chargepoint wire. In addition, parking spaces to allow for residents to charge their electric vehicles should be made available.” Whilst I agree these suggestions of the District Council would enhance the policy, I am

unable to recommend a modification in those respects as they are not necessary to meet the basic conditions.

150. Part A of the policy is not capable of implementation through determination of proposals for development. I have recommended this part of the policy is deleted.

151. The policy is in general conformity with the strategic policies of the Development 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.

152. 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, as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 10:**

##### **In Policy GSC5**

- **delete part A**
- **in part B replace “in Shenstone” with “that require planning permission”; and before “The following” insert “Subject to the need to ensure heritage assets including any contribution made by their setting are conserved in a manner appropriate to their significance”**

#### **Policy GSC6: Renewable Energy and Energy Efficiency Measures Affecting Heritage**

153. This policy seeks to establish principles for the retrofitting of energy efficiency and renewable energy generation measures affecting heritage assets.

154. Paragraph 167 of the Framework states “Local planning authorities should also give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 of this Framework.” Paragraph 212 of the Framework states “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The term “will be encouraged” does not provide a basis for

the determination of development proposals. 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. The policy is in general conformity with the strategic policies of the Development 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, as recommended to be modified, 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 GSC6**

- **replace “encouraged” with “supported”**
- **after “safeguards the” insert “significance of the”**

**Policy GSC7: Preventing Surface Water Flooding**

157. This policy seeks to ensure development does not cause surface water flooding.

158. The representation of Staffordshire County Council Flood Management Team state “Broadly and generally, the policy is in line with our guidance and best practice. However, the Lead Local Flood Authority (LLFA), Staffordshire County Council, would like to ensure the following is included: ‘All development must be in accordance with the Staffordshire County Council (SCC), SuDS Handbook. and the Non-Statutory Technical Standards for SuDS. Particularly: For all Major development, the hierarchy of drainage methods must be adhered to, so that surface water is discharged via the following methods, in this order of priority: 1) reuse and harvesting 2) infiltration and soakaway 3) discharge to watercourse / waterbody 4) discharge to surface water sewer 5) other. The four pillars of SuDs should also be considered in any drainage design, and holistically delivered. These are Amenity and Biodiversity as well as Water Quantity and Water Quality. Drainage should be open-to-air and ‘daylighted’ where possible. Runoff from development sites must be restricted to greenfield runoff rates and volumes for greenfield sites, and as close as is reasonably practicable to these for brownfield (previously developed), sites.’” I have recommended a modification in this respect 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.

159. Paragraph 162 of the Framework states “Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk”. Paragraph 181 of the Framework states “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere”. Paragraph 182 of the Framework states “Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity.” Policy GSC7 considers flood risk from all sources having regard to paragraph 171 of the Framework and includes sufficient sensitivity to site circumstances through use of the terms “where appropriate” and “where possible”.
160. The policy is in general conformity with the strategic policies of the Development 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.
161. 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, as recommended to be modified, 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 GSC7 continue part A with “All development must be in accordance with the Staffordshire County Council (SCC), SuDS Handbook. and the Non-Statutory Technical Standards for SuDS. Particularly: For all Major development, the hierarchy of drainage methods must be adhered to, so that surface water is discharged via the following methods, in this order of priority: 1) reuse and harvesting 2) infiltration and soakaway 3) discharge to watercourse / waterbody 4) discharge to surface water sewer 5) other. The four pillars of SuDs should also be considered in any drainage design, and holistically delivered. These are Amenity and Biodiversity as well as Water Quantity and Water Quality. Drainage should be open-to-air and 'daylighted' where possible. Runoff from development sites must be restricted to greenfield runoff rates and volumes for greenfield sites, and as close as is reasonably practicable to these for brownfield (previously developed), sites.”**

## **Policy GSC8: Light Pollution**

162. This policy seeks to ensure outdoor lighting systems of new developments limit their environmental impact.
163. Paragraph 198 of the Framework includes “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation.
164. The policy is in general conformity with the strategic policies of the Development 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.
165. 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. This policy meets the Basic Conditions.

## **Policy CO1: New Commercial Development**

166. This policy seeks to establish conditional support for specified commercial development within existing employment areas. The policy also refers to Local Plan policy relating to travel assessments and travel plans.
167. Paragraph 116 of the Framework states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.” I have recommended a modification in this respect 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. Whilst it is normally unnecessary to refer to Local Plan policies as the Development Plan should be considered as a whole, the reference in part B of the policy will assist users of the Neighbourhood Plan.
168. The policy is in general conformity with the strategic policies of the Development 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.

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, as recommended to be modified, 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 CO1 after "unacceptable" insert "highway safety"**

**Policy CO2: Protection of Existing Commercial Premises or Land**

170. This policy seeks to guard against loss of viable commercial premises or land.
171. Paragraph 88 of the Framework includes "Planning policies and decisions should enable: the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings."
172. The term "strong presumption" does not provide a basis for the determination of development proposals. It is inappropriate for the policy to include the term "permitted" as paragraph 2 of the Framework states "Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise" and material considerations will not be known until the time of determination. The terms "land which provides future potential employment opportunities" and "activity that does not provide employment opportunities" are imprecise. 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.
173. The policy is in general conformity with the strategic policies of the Development 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.
174. 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, as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 14:**

**In Policy CO2 replace the text before the bullet points with “Development proposals that will result in the loss of commercial premises or land (Use Classes E or B) will only be supported if it is demonstrated:”**

### **Policy CO3: Flexible Use of Community Spaces by Micro-Businesses**

175. This policy seeks to establish conditional support for the use of community buildings and spaces by micro-businesses.
176. Paragraph 88 of the Framework includes “Planning policies and decisions should enable: the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings.” Paragraph 98 of the framework state planning policies should “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.”
177. The policy is in general conformity with the strategic policies of the Development 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. This policy meets the Basic Conditions.

## **Conclusion**

179. I have recommended 14 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 Town 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 Lichfield District Council that the Shenstone Neighbourhood Development Plan Review for the plan period up to 2040 should, subject to the modifications I have put forward, be made.**

## **Annex: Minor Corrections to the Neighbourhood Plan**

180. 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 must be adjusted to achieve consistency with the modified policies.

181. The District Council has proposed the following minor modifications:

- Page 18 section 5 mention the need for social rented properties when considering the need for affordable housing. Shenstone is an area with high housing costs and where there is new delivery of affordable homes considered, there should be a minimum of 65% of these properties for social rent as outlined in Policy H2 of the Local Plan.
- The numbering system of Policy H1, H2 and Policy H3 within the Shenstone Neighbourhood Plan is the same as the Local Plan and could be easily confused unless, it is clearly annotated that they are different. I recommend Policies H1; H2; and H3 of the Neighbourhood Plan Review are renumbered HOU1; HOU2; and HOU3.
- Page 18 dwelling mix - the council has prepared an updated Housing and Economic Development Needs Assessment (HEDNA) published in May 2025. The neighbourhood plan should refer to this more up to date evidence where appropriate.

- Page 37 section 7 - Suggest referring to Shenstone Management Plan.
- Page 42 paragraph 7.18 - The council has prepared an updated Open Space Assessment, published in October 2024. Although the findings of this assessment are consistent with the 2020 document, the neighbourhood plan should refer to this more up to date evidence.
- Paragraphs 7.36 and 7.37 - This section needs amending as it is not compliant with legislation and policy. Suggested wording: The Shenstone Neighbourhood Plan recognises the importance of responding to climate change through measures that reduce energy demand and carbon emissions. However, it also recognises that proposals affecting designated heritage assets, including listed buildings, and non-designated heritage assets within the Shenstone Conservation Area, are subject to national legislation and policy which require their significance to be preserved or enhanced. In line with the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (2023), any interventions on or affecting heritage assets must be assessed on a case-by-case basis, taking into account the scale of any harm or benefit to the significance of the asset. While advances in technology mean that more discreet and potentially reversible options for solar panels, double glazing, and insulation are now available, this does not remove the requirement for careful assessment and, where applicable, statutory consent. Any proposed energy efficiency measures must be justified and clearly demonstrate that they will not result in unacceptable harm to the historic fabric, character, or setting of the asset. Applicants are strongly encouraged to engage with the local planning authority and relevant conservation officers at an early stage to ensure that any proposals are fully aligned with statutory duties and local heritage policies.

The Parish Council has confirmed all the above suggestions of the District Council can be accommodated. I recommend these minor modifications including updates and corrections are made.

The District Council has also suggested the inclusion of a Neighbourhood plan policy to support the Conservation Corridor referred to on page 62 of the Neighbourhood Plan Review. Whilst I would have no objection to this inclusion, I am not able to recommend such a change as it is not required to meet the Basic conditions.

With respect to Table 9.1 on page 61 of the Neighbourhood Plan Review the Conservation Team of the District Council has indicated that they are happy for Shenstone Parish Council to send any additional listed buildings for consideration in addition to the existing Locally listed buildings – The local list.

This is a process that can take place outside the context of Neighbourhood Plan preparation.

**Recommended modification 15:**

**Incorporate in the Neighbourhood Plan the above bullet pointed minor modifications suggested by the District Council; and modify policy explanation sections, general text, figures, and images, and supporting documents to achieve consistency with the modified policies; to achieve updates and correct identified errors; to achieve necessary clarifications; and to ensure sufficient regard for national policy.**

Chris Collison  
Planning and Management Ltd  
10 July 2025  
REPORT END