

Independent Examiners Report of the
Shenstone Neighbourhood Plan

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SECTION 2

Summary

As the Independent Examiner appointed by Lichfield District Council to examine the Shenstone Neighbourhood Plan, I can summarise my findings as follows:

- 1. I am satisfied having regard to the Shenstone Consultation Statement and my examination of the representations made in connection with this subject that the Shenstone Neighbourhood Plan meets the Basic Conditions in connection with the consultation process.*
- 2. I find that the policies contained within the Shenstone Neighbourhood (Development) Plan) subject to minor modification meet the Basic Conditions.*
- 3. I find that the Shenstone Neighbourhood (Development) Plan can, subject to minor modification proceed to a Referendum.*
- 4. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Shenstone Neighbourhood (Development) Plan go to Referendum.*
- 5. At the time of my examination the adopted local plan was the Lichfield District Local Plan Strategy 2008-2029.*

SECTION 3

Introduction

1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Shenstone Neighbourhood Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Shenstone Neighbourhood Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Shenstone Neighbourhood Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 in full under Section 5 of this document.

The Shenstone Neighbourhood Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

This process allows for the holding of a Neighbourhood Plan Hearing where the Examiner decides that there are issues or information on which the Examiner requires clarification. Having read the plan and considered the representations made I do not consider that I require any clarification on any aspects of the plan and therefore do not consider that a Hearing is necessary.

2. The Role of Examiner including the examination process and legislative

background.

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

- 1. The Plan can proceed to a Referendum*
- 2. The Plan with recommended modifications can proceed to a Referendum*
- 3. The Plan does not meet the legal requirements and cannot proceed to a Referendum*

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Shenstone Neighbourhood Plan go to Referendum.

In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether: - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:

- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;*
- Contributes to the achievement of sustainable development; and*
- Is in general conformity with the strategic policies contained in the Development Plan for the area.*

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

Lichfield District Council will consider the Examiner's report and decide whether it is satisfied with the Examiner's recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 days notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the District Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

The Report

1. Appointment of the Independent examiner

Lichfield District Council appointed me as the Independent Examiner for the Shenstone Neighbourhood Plan with the agreement of Shenstone Parish Council.

2. Qualifying body

I am satisfied that the Shenstone Parish Council is the qualifying body.

3. Neighbourhood Plan Area

The designated Shenstone Neighbourhood Area covers part of Shenstone Parish. Shenstone Parish Council determined to produce three separate neighbourhood plans within the parish for three separate neighbourhood areas. The area covered by the Shenstone Neighbourhood Area is contiguous with the Shenstone ward.

The Basic Conditions Statement submitted with the Shenstone Neighbourhood Plan confirms there are no other Neighbourhood Plans covering the Area.

Paragraph 1.6 of the Basic Conditions Statement refers to the Neighbourhood Plan Area as being the same as that for the Shenstone Ward, noting Lichfield District Council's comments regarding this I assume that this is an error and should be corrected.

4. Plan Period

It is intended that the Shenstone Neighbourhood Plan will cover the period 2015-2029.

5. Lichfield District Council initial assessment of the Plan.

Shenstone Parish Council, the qualifying body for preparing the Shenstone Neighbourhood Plan, submitted it to Lichfield District Council for consideration. Lichfield District Council has made an initial assessment of the submitted Shenstone Neighbourhood Plan and the supporting documents and is satisfied that these comply with the specified criteria.

6. Site Visit

Due to the quality of the Neighbourhood Development Plan and the supporting information I did not consider that a site visit was necessary.

7. The Consultation Process

I am required to check the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012. The Parish Council has submitted a document entitled the Shenstone Development Neighbourhood Plan Consultation Statement. This document describes how and when the various elements of the consultation were undertaken and included:

- Stakeholder consultations*
- Community engagement events*
- Schools engagement*
- Community survey*
- Call for sites*
- Traffic and parking survey*

- Leaflet distributed to all households in the Parish,
- Publicised with posters and in the Parish Council magazine.

Both examination of the documents and representations submitted in connection with this matter have lead me to conclude that the consultation process was thorough, well conducted and recorded.

The plan was subsequently advertised for an 8-week period, which closed on the 4th January 2015. There were responses received from individuals and statutory bodies. The comments made in these responses are recorded and amendments made as a result are tracked in the Consultation Statement.

A list of statutory bodies consulted is included in the Consultation Statement. These seem satisfactory.

I am satisfied that the pre-submission consultation and publicity has met the requirements of regulation 14.

I therefore consider that the Plan does meet the Basic Conditions in this respect.

8. Comment on Responses

The District Council placed the Shenstone Neighbourhood Plan out for consultation for the required period and the consultation period came to an end on the 20th of November 2015. Whilst I have not made reference to specific representations in my report, I have taken them into consideration.

9. Compliance with the Basic Conditions

The Shenstone Neighbourhood Plan working Group produced a Basic Conditions Statement on behalf of Shenstone Parish in September 2015. The purpose of this statement is for the Neighbourhood Development Plan Working Group to set out in some detail why they believe the Neighbourhood Development Plan as submitted does meet the Basic Conditions. It is the Examiners Role to take this document into consideration but also make take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Shenstone Neighbourhood Plan:

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*
- 3. Is in general conformity with the strategic policies in the appropriate Development Plan*
- 4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*

Documents brought to my attention by the District Council for my examination include:

(a) The Shenstone Neighbourhood Plan: This is the main document, which includes the policies developed by the community.

(b) The Consultation Statement: This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Shenstone Neighbourhood Plan and is supported by an evidence base which arose from the consultation.

(c) Strategic Environmental Assessment and Sustainability Appraisal: This is an appraisal of how well the Shenstone Neighbourhood Plan policies contribute to achieving sustainable development objectives.

I am satisfied that the conclusion of the Basic Conditions Statement is correct.

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Shenstone Neighbourhood Plan does meet the Basic Conditions.

10.Planning Policy

10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF) 2012.

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”.

In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”. Paragraph 16 states that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.

The Shenstone Neighbourhood Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

I have examined the Shenstone Neighbourhood Plan Policies and consider that they do have “regard for National Policy and Advice” and therefore the Plan does meet the Basic Conditions in this respect.

10.2. Local Planning Policy- The Development Plan

Shenstone Parish is within the area covered by Lichfield District Council. The relevant development plan is Lichfield District Council Local Plan Strategy 2008-2029 (including saved policies as set out in Appendix J) adopted on the 17th of February 2015.

I have considered the Strategic policies of the Development Plan and the Policies of the Shenstone Neighbourhood Plan and consider that the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic Policies contained in the Lichfield District Local Plan Strategy 2008-2029 (including saved policies) adopted the 17th of February 2015.

11. Other Relevant Policy Considerations

11.1 European Convention on Human Rights (ECMR) and other European Union Obligations

As a ‘local plan’, the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.

A Strategic Environmental Assessment (SEA) screening opinion was sought as required from the following organisations during the formal consultation period:

- *Natural England*
- *Historic England*
- *Environment Agency*
- *Lichfield District Council*

The view of Lichfield District Council was that a SEA (Strategic Environmental Assessment) was required but that no further work was required regarding the HRA (Habitats Regulation Appraisal). The SEA was carried out and is covered in the Sustainability Appraisal incorporating Strategic Environmental Assessment Final Report, August 2015.

11.2 Sustainable development

The Shenstone Neighbourhood Plan has been assessed by means of a Sustainability Appraisal and the conclusion of this process was that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies and where issues have been identified they were addressed by revisions to the document prior to submission. I am satisfied that the Shenstone Neighbourhood Plan addresses the sustainability issues adequately.

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the Shenstone Neighbourhood Plan has done so.

I am therefore satisfied that the Shenstone Neighbourhood Plan meets the basic conditions on EU obligations.

11.3 Excluded development

I am satisfied that the Shenstone Neighbourhood Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country

Planning Act 1990.

11.4 Development and use of land

I am satisfied that the Shenstone Neighbourhood Plan covers development and land use matters.

11.5 The Neighbourhood Plan Strategic Aims and Policies

The Shenstone Neighbourhood Plan sets the objectives to be covered in the plan as:

Housing

- 1. Provide for a minimum of 50 to 150 new dwellings over the period 2008 to 2029 in accordance with Lichfield District Council's District Local Plan and ensuring that the overall quantum of development does not put an unacceptable strain on infrastructure capacity.***
- 2. Allocate the most appropriate sites to accommodate the levels of growth proposed.***
- 3. Ensure that new developments include a mix of housing to meet the needs principally of local people, taking into account the current and predicted social demographic of the neighbourhood area.***
- 4. Ensure that new housing developments are designed to be in keeping with the existing character of Shenstone, particularly in terms of their design and the provision of private amenity space.***

Environment and Community Facilities

- 1. Protect and maintain existing green spaces of value to the community.***
- 2. Provide new and improved community facilities to address the needs of the local population.***
- 3. Enhance the village by improving the appearance and safety of the village centre.***
- 4. Protect the existing village facilities of value to the community.***

Movement

- 1. Minimise and ideally reduce the impact of commercial traffic movements through the village.***
- 2. Improve access and parking to Shenstone Railway Station.***
- 3. Improve movement by non-car modes (walking and cycling).***
- 4. Improve the level and quality of public transport services.***
- 5. Improve highway safety, both for vehicular users and pedestrians.***
- 6. Ensure that new commercial activity does not create parking problems.***
- 7. Improve the level and quality of signage in the village centre.***

Commerce

- 1. Protect Shenstone's existing services and facilities and support measures to maintain and improve them.***
- 2. Encourage the delivery of high speed broadband to the neighbourhood area.***

I consider that the policies follow from the stated objectives and are consistent with achieving those stated objectives.

12. Shenstone Neighbourhood Plan Policies

POLICY GB1: PROTECTION OF GREEN BELT BOUNDARIES

Development of new buildings within the Green Belt in the neighbourhood area shall generally be considered to be inappropriate. The National Planning Policy Framework sets out those uses which are considered to be appropriate within the Green Belt.

The only general exceptions shall be uses that are considered appropriate for the Green Belt. This includes provision of appropriate facilities for outdoor sport and outdoor recreation. Positive planning proposals which look for opportunities to provide access into green belt areas as well as opportunities for sport and recreation will generally be supported.

COMMENT

I have no comment on this policy.

POLICY SAC1: CANNOCK CHASE SPECIAL AREA OF CONSERVATION

Before development is permitted it must be demonstrated that alone or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase Special Area of Conservation (SAC) having regard to avoidance or mitigation measures.

COMMENT

I have no comment on this policy.

POLICY H1: DWELLING MIX

Residential developments must provide a mix of dwelling sizes (market and affordable) that fall within the following ranges:

- **1-bed dwellings: 5-10% of all dwellings**
- **2-bed dwellings: 35-45% of all dwellings**
- **3-bed dwellings: 35-45% of all dwellings**
- **4+-bed dwellings:10-15% of all dwellings**

An alternative dwelling mix will only be permitted where it is demonstrated that the above mix would fundamentally compromise the viability of the scheme, taking into account other requirements of the scheme.

COMMENT

I have no comment on this policy

POLICY H2: RESIDENTIAL INFILL AND BACKLAND DEVELOPMENT

All residential infill and backland development within the built-up area of Shenstone should reflect the character of the surrounding area and protect the amenity of neighbours. It should reinforce the uniformity of the street by reflecting the scale, mass, height and form of its neighbours.

Development proposals will be expected to:

- ***ensure that they do not lead to over-development of a site; and***
- ***avoid the appearance of cramming; and***
- ***demonstrate that development is of a similar density to properties in the immediate surrounding area (this is particularly the case for applications for two or more dwellings on a site currently or previously occupied by a single property); and***
- ***ensure that new buildings do not adversely affect neighbouring properties by seriously reducing the amount of daylight available through windows or by obstructing the path of direct sunlight to a once sunny garden or window; and***
- ***ensure that it does not unacceptably reduce the level of existing private amenity space provision for existing residential properties; and***

- *provide appropriate parking and access arrangements, both for the new development and existing properties where they would be affected.*

COMMENT

My only comment relates to the bullet point below:

“ensure that new buildings do not adversely affect neighbouring properties by seriously reducing the amount of daylight available through windows or by obstructing the path of direct sunlight to a once sunny garden or window;”

Daylight and sunlight are matters normally controlled under other legislation.

Consideration should be given to rewording this section to reflect what are usually considered to be “material planning considerations” by using the term- over shadowing.

Suggested modification

POLICY H2: RESIDENTIAL INFILL AND BACKLAND DEVELOPMENT

All residential infill and backland development within the built-up area of Shenstone should reflect the character of the surrounding area and protect the amenity of neighbours. It should reinforce the uniformity of the street by reflecting the scale, mass, height and form of its neighbours.

Development proposals will be expected to:

- *ensure that they do not lead to over-development of a site; and*
- *avoid the appearance of cramming; and*
- *demonstrate that development is of a similar density to properties in the immediate surrounding area (this is particularly the case for applications for two or more dwellings on a site currently or previously occupied by a single property); and*
- *ensure that new buildings do not adversely affect the residential amenity of neighbouring properties by virtue of overshadowing; and*

- *ensure that it does not unacceptably reduce the level of existing private amenity space provision for existing residential properties; and*
- *provide appropriate parking and access arrangements, both for the new development and existing properties where they would be affected.*

POLICY H3: DESIGN OF RESIDENTIAL DEVELOPMENT

Housing development which creates at least one new dwelling or extends an existing dwelling (where a planning application is required), must demonstrate how the design of the dwelling(s) is in keeping with the predominant architectural style of the residential properties in the immediate surrounding area.

COMMENT

I have no comment on this policy.

POLICY H4: PROVISION OF PRIVATE AMENITY SPACE TO SERVE RESIDENTIAL DEVELOPMENT

Residential development proposals shall be expected to provide adequate private amenity space to serve each property. Such proposals must demonstrate that they have complied with any Supplementary Planning Document on design matters that has been prepared by Lichfield District Council.

COMMENT

I have no comment on this policy

POLICY HA1: LAND AT BIRCHBROOK INDUSTRIAL ESTATE, LYNN LANE

Planning permission will be granted for residential development on 2.4 hectares of land at Birchbrook Industrial Estate, Lynn Lane, subject to the following criteria:

- *the provision of approximately 50 dwellings;*

- *the provision of a range of dwelling types and in accordance with Policy H1 of this Plan; and*
- *the provision of a minimum of 1,000m² of Class B1 office/light industrial floorspace (ensuring that parking provision is in line with Policy MO4) which must be delivered before at least 75% of the residential dwellings are completed and occupied;*
- *the provision of green space within the site, possibly as communal gardens; and the introduction of landscaping on both the eastern, northern and western boundaries of the site, and in particular where residential development is located close to existing industrial or proposed new B1 office/light industrial floorspace; and*
- *step-free pedestrian access to the western platform of Shenstone railway station (in line with Policy MO1);*
- *the provision of appropriate vehicle access into the site from Lynn Lane; and of the National Planning Policy Framework and Policy GB1.*

Provision of the following will be strongly supported and are required, subject to their impact on the viability of the proposals:

- *safety barriers separating pedestrians from vehicular traffic along the Lynn Lane bridge;*
- *overflow parking for users of Shenstone railway station (in line with Policy MO2); and*
- *access to existing footpaths and public rights of way to the south of the site; and*
- *the opening up of the Fotherley Brook as a green corridor for wildlife and, if appropriate, public access.*

Inappropriate development should be directed away from the area of the site classified as Flood Zone 3.

COMMENT

The policy is proposing a mixed use development and it would be helpful if this was reflected more clearly in the wording of the policy.

Suggested modification to policy introduction:

POLICY HA1: LAND AT BIRCHBROOK INDUSTRIAL ESTATE, LYNN LANE

Planning permission will be granted for mixed use development on 2.4 hectares of land at Birchbrook Industrial Estate, Lynn Lane, subject to the following criteria:

POLICY MO1: PEDESTRIAN ACCESS TO SHENSTONE RAILWAY STATION

Development proposals that provide step-free access to the Lichfield-bound platform at Shenstone Railway Station shall be strongly supported. This access shall be from the land allocated at Shenstone Business Park under Policy HA1.

COMMENT

I have no comment on this policy

POLICY MO2: PROVISION OF ADDITIONAL PARKING TO SERVE SHENSTONE RAILWAY STATION

Development proposals that provide additional parking to serve Shenstone Railway Station will be strongly supported. It is expected that this will be provided as part of the redevelopment of land at Shenstone Business Park (Policy HA1).

Proposals for provision of parking to serve the station at any alternative location will also be supported.

COMMENT

I have no comment on this policy

POLICY MO3: IMPROVEMENTS TO PEDESTRIAN AND CYCLE ROUTES

Development proposals that provide improved access for pedestrians and cyclists to

Shenstone village and the surrounding countryside will be strongly supported. Such access should seek, where possible, to provide a shared space between pedestrians and cyclists, ideally with the physical separation of such space from road traffic.

In particular, the provision of improved pedestrian and bicycle access across the railway bridge at Lynn Lane will be strongly supported. This will improve access for the new residential development at Shenstone Business Park (see Policy HA1).

COMMENT

I have no comment on this policy

POLICY MO4: COMMERCIAL PARKING

Proposals for new commercial development (A- or B-use class) must demonstrate that the additional vehicle parking created by its workforce will not have a detrimental impact on the amenity of neighbouring residential properties or existing businesses.

New commercial developments should seek to provide off-street parking for their workforce. Only if this is not possible will on-street parking be permitted, subject to it not having a detrimental impact on the amenity of neighbouring residential properties or existing businesses.

Proposals for new commercial activity that include for the provision of a Green Travel Plan will be supported, subject to the other requirements of the policy having been satisfied.

COMMENT

I would recommend the minor modification of the wording of this policy to reflect that on street parking cannot be controlled through the mechanism of a Neighbourhood Development Plan Policy.

Suggested modification to paragraph 2:

New commercial developments will be required to provide off-street parking for their

workforce and on-street parking will be strongly discouraged due to its detrimental impact on the amenity of neighbouring residential properties and existing businesses.

POLICY GSC1: LOCAL GREEN SPACES

The following areas as shown on the Proposals Map are designated as Local Green Spaces:

- *Shenstone Playing Fields*
- *The Lammas Land*
- *Malkins Coppice*

Proposals for built development on these Local Green Spaces will not be permitted unless:

- *the proposal is of a limited nature and it can be clearly demonstrated that it is required to enhance the role and function of an identified Local Green Space;*
or
- *the proposal would result in the development of local community infrastructure/recreational facilities. This includes the requirements of Policy GSC2 in respect of Shenstone Playing Fields.*

COMMENT

The NPPF requires a clear justification for the protection of Local Green Spaces.

“77. The Local Green Space designation will not be appropriate for most green areas or open space.

The designation should only be used:

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is 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), tranquility or richness of its wildlife; and*

- *where the green area concerned is local in character and is not an extensive tract of land.”*

I have sought clarification in regards to the evidence supporting the identification of these Local Green Spaces and I am satisfied having reviewed the evidence that these spaces do meet the tests within the National Planning Policy Framework and therefore I am satisfied that the Policy does meet the Basic Conditions.

POLICY GSC2: PROVISION OF COMMUNITY FACILITIES AT SHENSTONE PLAYING FIELDS

The provision of additional community facilities at Shenstone Playing Fields will be strongly supported, including:

- *Further play equipment*
- *Building of a wall for climbing and ball games*
- *Extension of the skateboard park (with the involvement of local young people on its design)*
- *An appropriate all-weather surface on the training area Improvements to the following facilities will be strongly supported:*
- *Rebuilding of the Shenstone Sports and Social Club to be a community building, including a coffee shop, changing rooms and toilet facilities as well as space to cater for community activities such as music, drama and dance.*
- *Floodlights at Shenstone Tennis Club and refurbishment of the tennis courts.*

Improvements and new provision should seek to provide for the range of needs of all sectors of the community.

COMMENT

I have no comment on this policy

POLICY GSC3: MINIMISING THE ENVIRONMENTAL IMPACT OF DEVELOPMENT

Development proposals should be sustainably designed to a high quality with a

requirement for environmental and biodiversity enhancement to maintain and improve the quality of the landscape.

Proposals that would result in either the loss of or unacceptable harm to well-established features of the landscape, including mature trees, species-rich hedgerows and ponds will not be permitted.

If there is significant loss of other trees and shrubs as part of development, then new provision will be expected elsewhere on the site.

Development adjacent to the existing built-up area boundary of Shenstone must demonstrate that it will not have a detrimental impact on the surrounding landscape.

All developments must demonstrate that they would not have other detrimental environmental effects, specifically in relation to noise and air pollution.

Developments that demonstrate the provision of energy saving measures in the design of buildings will be supported. This could include contributions towards the provision of community energy projects.

COMMENT

In order to effectively protect the features outlined in paragraph 2 it is necessary to identify them and explain why these are important in the context of Shenstone Parish. I have not been provided with adequate evidence to support the wording of paragraph 2 and suggest the following modification:

Proposals which affect well-established features of the landscape, including mature trees, species-rich hedgerows and ponds must demonstrate how any impact has been minimised and include appropriate mitigation measures.

POLICY CO1: NEW COMMERCIAL DEVELOPMENT

New B-class commercial development will be supported within existing employment areas subject to the following criteria:

- *the scale and nature of the proposals would not have significant harmful impacts on the amenities of adjoining activities; and*
- *the scale and nature of the proposals would not have an unacceptable impact on existing commercial activity on adjacent land, including agricultural activity; and*
- *the proposal would not have unacceptable impacts on the local road network, particularly in respect of the volume of HGV traffic.*

COMMENT

This policy does not set up a mechanism for identifying what is an “unacceptable impact”. This policy could be modified to include the requirement for the submission of a Transport Statement and Travel Plan to accompany proposals.

POLICY CO2: LAND AT BIRCHBROOK INDUSTRIAL ESTATE

On land at Birchbrook Estate, as shown on the Proposals Map, the provision of B1 commercial development will be supported. This should be as part of a residential-led mixed use development and must comply with the requirements of Policy HA1

COMMENT

I have no comment on this policy

POLICY CO3: PROTECTION OF EXISTING COMMERCIAL PREMISES OR LAND

There will be a strong presumption against the loss of commercial premises (A-class or B-class) or land which provides employment or future potential employment opportunities. Applications for a change of use to an activity that does not provide employment opportunities will only be permitted if it can be demonstrated that:

- *the commercial premises or land in question has not been in active use for at least 12 months; and*
- *the commercial premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses and as*

demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least six months.

COMMENT

I have no comment on this policy

POLICY CO4: HIGH SPEED BROADBAND

On sites allocated for residential development in the Plan all new properties should be served by a superfast broadband (fibre optic) connection. Elsewhere in the Plan area all other new buildings should be served with this standard of connection when available unless it can be demonstrated through consultation with NGA Network providers that this would not be either possible, practical or economically viable. In such circumstances sufficient and suitable ducting should be provided within the site and to the property to facilitate ease of installation at a future date.

Comment

I have no comment on this policy

SECTION 5

Conclusion and Recommendations

1. *I find that the Shenstone Neighbourhood Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
2. *The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
3. *The Shenstone Neighbourhood Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
4. *The Strategic Environmental Assessment, which also covers the Sustainability Appraisal, and the amended Habitats Regulations Assessment screening, meet the EU Obligation.*
5. *The policies and plans in the Shenstone Neighbourhood Plan, subject to minor modification would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Lichfield Local Plan Strategy 2008-2029 (including saved policies), the Development Plan.*
6. *I therefore recommend that the Shenstone Neighbourhood Plan subject to minor modification can proceed to Referendum.*

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NPIERS Examiner

CEDR accredited mediator

15th April 2016

