

BROSELEY NEIGHBOURHOOD PLAN

Report to Shropshire Council of the Independent Examination

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

DRAFT

Tony Burton
tony@tonyburton.org.uk
February 2022

Contents

1.	Executive Summary	3
2.	Introduction	4
3.	Compliance with matters other than the Basic Conditions	7
	Qualifying body	7
	Neighbourhood Area	7
	Land use issues	7
	Plan period	8
	Excluded development	8
4.	Consultation	9
5.	General comments on the Plan's presentation	11
	Community Vision and Objectives	11
	Other issues	11
6.	Compliance with the Basic Conditions	15
	National planning policy	15
	Sustainable development	16
	Development plan	17
	Strategic Environmental Assessment	18
	Habitats Regulations Assessment	18
	Other European obligations	19
7.	Detailed comments on the Plan policies	20
	Design	20
	Housing	22
	Economy and Jobs	31
	Green Spaces and Green Infrastructure, Sport and Recreation	36
	Conservation, Heritage, Landscape and the Environment	41
	Community Resources	42
	Supporting the Visitor Economy, Tourism and Leisure	43
	Achieving sustainable development and responding to the challenge of climate change	46
	Water Infrastructure	48
8.	Recommendation and Referendum Area	50

1. Executive Summary

1. I was appointed by Shropshire Council with the support of Broseley Town Council to carry out the independent examination of the Broseley Neighbourhood Plan.
2. I undertook the examination by reviewing the Plan documents and written representations, and by making an unaccompanied visit to the Neighbourhood Area.
3. I consider the Plan to be an adequate expression of the community's views and ambitions for Broseley. It is based on an effective programme of public consultation which has informed a Community Vision to 2038 supported by plan objectives. This is to be achieved through nine policy themes and a set of 24 objectives and 44 planning policies dealing with issues distinct to the locality .There is a commitment to supporting implementation and monitoring of the Plan and to a future review. The Plan is supported by a Consultation Statement and Basic Conditions Statement and has been screened to determine whether full Strategic Environmental and Habitats Regulations Assessments are required. An Appropriate Assessment has been undertaken. There is supporting evidence provided and there is evidence of community support and the involvement of the local planning authority.
4. I have considered the 11 separate representations made on the submitted Plan. These are addressed in this report as appropriate.
5. Subject to the recommended modifications set out in this report I conclude that the Broseley Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a number of additional optional recommendations.
6. I recommend that the modified Plan should proceed to Referendum and that this should be held within the Neighbourhood Area of Broseley parish.

2. Introduction

7. This report sets out the findings of my independent examination of the Broseley Neighbourhood Plan. The Plan was submitted to Shropshire Council by Broseley Town Council as the Qualifying Body.

8. I was appointed as the independent examiner of the Broseley Neighbourhood Plan by Shropshire Council with the agreement of Broseley Town Council.

9. I am independent of both Broseley Town Council and Shropshire Council. I do not have any interest in any land that may be affected by the Plan. I possess the appropriate qualifications and experience to undertake this role.

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

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

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

12. An additional Basic Condition was introduced by Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in 2018 that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. I am also required to make a number of other checks under paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990.

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

- the submitted Broseley Neighbourhood Plan
- the Basic Conditions Statement
- the Consultation Statement
- Strategic Environmental Assessment and Habitats Regulations Assessment screening statements and Appropriate Assessment
- the relevant parts of the development plan comprising the Shropshire Core Strategy (2006-2026) and Shropshire Site Allocations and Management of Development (SAMDev) Plan (2006-2026)
- representations made on the submitted neighbourhood plan
- relevant material held on the Broseley Town Council and Shropshire Council websites
- National Planning Policy Framework (2021)
- Planning Practice Guidance
- relevant Ministerial Statements

14. I have also given due consideration to the current review of the Shropshire Local Plan (2016-2038) which is at Examination. The Plan was prepared under an earlier version of the National Planning Policy Framework than that used for my examination but the consultation on the submitted Plan took place after the most recent NPPF's publication in July 2021.

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

16. I carried out an unaccompanied visit to the Neighbourhood Area on a weekday during January. I visited the main locations addressed in the Plan, including the proposed changes to the development boundary, the shopping and employment areas, the proposed areas of Valuable Green Space and a selection of local footpaths. I considered the relationship with the World Heritage Site and saw examples of recent development.

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

18. Producing the Broseley Neighbourhood Plan has clearly involved significant effort over many years led by the Advisory Group. The process began in 2017 and is informed by significant community involvement. There is evidence of collaboration with Shropshire Council and continuing this will be important in ensuring implementation of the Plan. The commitment of all those who have worked so hard over such a long period of time to prepare the Plan is to be commended and I would like to thank all those at Shropshire Council and Broseley Town Council who have supported this examination process.

3. Compliance with matters other than the Basic Conditions

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

Qualifying body

20. The neighbourhood plan has been prepared by a suitable Qualifying Body – Broseley Town Council – which being a town council is the only organisation that can prepare a neighbourhood plan for the area.

Neighbourhood Area

21. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area which comprises the parish area of Broseley Town Council and was agreed by Shropshire Council on 17 September 2018.

22. The boundary of the neighbourhood area can be discerned from the map on page 5 which references it as the “Town Council Boundary”. This is not at a scale that allows the detailed boundary to be determined and no link is provided to where the boundary is available online. The map is unnumbered and has two titles “*Broseley Key Information*” and “*Broseley – Key Assets*”.

- M1 – Confirm in the supporting text and/or legend that the Town Council Boundary and neighbourhood area are the same and provide a link to where the boundary can be viewed at a larger scale

Land use issues

23. With minor exceptions identified below I am satisfied that the Plan’s policies relate to relevant land use planning issues.

Plan period

24. The period of the neighbourhood plan runs from 2020 to 2038 and the 2038 end date aligns with the period of the Shropshire Local Plan review. The period is shown on the cover and included in a header on each page of the Plan.

Excluded development

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

DRAFT

4. Consultation

26. I have reviewed the Consultation Statement and relevant information provided on the Broseley Neighbourhood Plan website. This provides a clear record of the consultation process that has been undertaken since 2017 under the guidance of the Advisory Group which included a mix of town councillors and interested members of the public. The public consultation process has been adequately open and transparent.

27. A number of different engagement methods have been used, including a website, public meetings, online surveys, street meetings and regular use of social media. At the time of the Examination the Town Council website's information about the Plan was out of date. A specific survey of views on different development sites was undertaken. Participation levels have been good with more than 400 questionnaires returned on the initial online survey, representing almost one fifth of the population, and over 250 responses to the survey on potential development sites. A further consultation in 2019 elicited nearly 200 responses. A number of public meetings were held on specific themes, including heritage and environment and public services. Some specific consultation with both local businesses and landowners was undertaken. Information was displayed and provided in the local library. Shropshire Council provided informal comments on the emerging Plan before formal consultation on the draft. There is evidence of strong support from the public for the approach presented in the Plan.

28. The Plan was subject to Regulation 14 consultation between 12 September 2020 and 3 November 2020. This included documents being placed online and promoted through social media and on local noticeboards. Printed copies of the draft plan were placed in the library and key stakeholders were contacted directly by email. There is evidence of the consultation including the required statutory and other consultees. While very few responses were received I consider an adequate process has been followed.

29. The Consultation Statement states that *"The policies that can be seen in the current Plan evolved through these consultations"* but this was not supported by direct evidence of

the changes made. A document summarising changes to the Plan's policies in response to representations from Shropshire Council was available to me via the Town Council website. On requesting further information from the Town Council I was provided with a summary of changes made in response to other representations.

30. 11 separate representations have been made on the submitted Plan including from individuals, statutory bodies, a national charity and a neighbouring Town Council. All the representations have been considered and are addressed as appropriate in this report. A number of representations make suggestions for changes to the Vision or Objectives of the Plan or for the inclusion of additional policies. These include representations from West Mercia Police on designing out crime. The suggestions are reasonable but the scope and content of the Plan is a matter for Broseley Town Council as the Qualifying Body and it is more appropriate to make such representations at an earlier stage of consultation on the pre-submission draft Plan. They might also be considered if there were to be a review of the Plan at a future date.

31. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan since 2017. The Plan has been subject to wide public consultation at different stages in its development. While the number of responses to the Regulation 14 consultation is low, the participation rates have generally been good. The process has allowed community input to shape the Plan as it has developed and as proposals have been firmed up. Local businesses, landowners and the local planning authority have been engaged through the process.

5. General comments on the Plan's presentation

Community Vision and Objectives

32. The Plan includes a short Community Vision. This reflects the feedback received through consultation and is consistent with the themes, objectives and policies in the Plan. The overall approach combines a desire to look after the existing character while securing a viable economy and vibrant community. It is consistent with sustainable development.

Other issues

33. The policies are not easily distinguished from the rest of the Plan and the identifying codes are inconsistently presented with varying use of capitals and full stops (e.g. Policy A1, Policy DS.1 and POLICY HO1). It is essential that the policies are clearly differentiated from other aspects of the Plan.

- M2 – Clearly differentiate the Plan's policies from the supporting text (such as by using tinted boxes) and be consistent in the format of the identifying code

34. The Plan's format is inconsistent. It includes use of different point sizes for the same level of heading (e.g. "Foreword" and "Introduction") and a confused hierarchy of headings. The Contents does not recognise that some sections are sub-sections of others and the sub-headings are inconsistently numbered throughout the Plan. This also results in a confused approach to paragraph numbering. The Contents does not include any of the heading numbers. The text on page 5 is centred. A logical Plan structure would be as follows:

1. Foreword
2. Introduction
 - The National Planning Policy Framework and Shropshire context
 - Broseley – an early industrial town
 - Broseley – key information [moved from earlier section]
 - Preparing the Plan
 - Meeting the Basic Conditions [moved from later section]
3. Plan Vision and Objectives

Community Vision [moved from earlier section]

Objectives

Housing

Employment and jobs

Green Spaces and Green Infrastructure

Traffic and Accessibility

Conservation and Heritage

Community Resources

Sport, Leisure and Recreation

Supporting the Visitor Economy

Achieving Sustainable Development and Responding to

Climate Change

4. Policies

Preparing the Policies

Plan Policies

Design

Housing

Economy and Jobs

Green Spaces and Infrastructure

Community Resources

Supporting the Visitor Economy

Achieving Sustainable Development and responding to Climate

Change [including Water Infrastructure]

5. Monitoring and Review

6. Appendices

35. There is logic in the heading for each of the Plan's Objectives being the same as the Plan's policies with the addition of a policy section on design. There are no policies relating to sport and recreation. Policy CH2 relates to green spaces and infrastructure rather than conservation and heritage and should be relocated. Policy CH1 duplicates existing policy and so the section on "*Conservation and Heritage*" should be deleted.

- M3 – Amend the Plan to provide a consistent approach to the structure, hierarchy and paragraph numbering and use consistent headings

36. The map extracts are not consistently numbered and they are not included in the Contents. There are a number of further issues:

- Five maps (pages 5, 9, 42, 43 and 44) lack any identifying number and there are two Figure 1s (pages 38 and 40)
- The map on page 9 repeats that on page 43 which can be deleted and in the retained map (a) the area covered should be extended to include the whole of the area of the Ironbridge Gorge World Heritage Site/Ironbridge Gorge Conservation Area within the parish and (b) “*World Heritage Site*” in the Key should be replaced with “Ironbridge Gorge World Heritage Site/Ironbridge Gorge Conservation Area” to clarify the Conservation Area status.
- The Map on page 5 is not numbered and has two potential headings “*Key Information*” and “*Key Assets*”.
- The boundary of the World Heritage Site shown on page 9 differs from that of the Conservation Area on page 5 by extending further south along Ironbridge Road than the junction with Calcutts Road and this acknowledged error should be corrected
- The Policies Map on page 42 provides important information and should be located in the Introduction. It is more accurately titled a “Policies and Proposals Map” and the following changes are needed to the Legend:
 - “Proposed” Broseley Development Boundary
 - “Proposed” Valued Green Space [delete text in brackets and see later recommendation on re-naming these to Local Green Spaces]
 - “Existing” Designated Retail Area
 - “Existing Employment Area”

37. The “*Employment Area*” between Pound Lane and Avenue Road is now replaced by the consented residential and employment development adjacent to the Policy HO2 allocation, as described in Appendix 5.

38. The Town Plan map on page 44 is a source of potential confusion given the differences with the Proposals Map. If the purpose for its inclusion is to show the existing Development Boundary then a simplified map showing just this would aid clarity of the Plan and be consistent with other recommendations on how to depict the proposed change to the Development Boundary.

39. The population of Broseley is identified as 5,600 on page 5 and 4,929 on page 7 using different sources.

40. It is not for the Examination to prescribe the structure of the Plan. The clarity of the Plan is, however, a matter for the Basic Conditions and modifications to provide this clarity are necessary.

- M4 – Amend the Plan to provide greater clarity in the use and presentation of maps reflecting the feedback provided in this report
- OM1 – [Be consistent in the use of supporting data throughout the Plan]

41. The Plan includes references to a number of documents which comprise the evidence base. It does not provide details or links to many of these documents and there is no single source for the Plan's evidence base provided online. The majority of the evidence base documents are not made available on the Town Council's website.

- OM2 – [List all the evidence base documents used in the Plan in an Appendix along with links where available and consider providing a section of the Town Council's website which brings together all the documents in the Plan's evidence base into a single location.]

6. Compliance with the Basic Conditions

National planning policy

42. The Plan is required to “*have regard*” to national planning policies and advice. This is addressed in the Basic Conditions statement which relates each of the Plan’s policies and objectives to the National Planning Policy Framework (NPPF) (February 2019). A new National Planning Policy Framework was published after the Basic Conditions Statement was prepared and before the Examination. I do not consider the changes to national planning policy to be material in terms of the Plan’s ability to meet this Basic Condition and I agree with Broseley Town Council’s view, provided on request, that the Basic Conditions statement shows “*conformity with the 2021 edition of the NPPF*”.

43. The Basic Conditions Statement provides a table that tests compatibility of each of the Plan’s objectives with relevant sections of the National Planning Policy Framework and a further table that compares the Plan’s policies with the relevant sections of the National Planning Policy Framework, supported by a brief commentary. It concludes that “*the Basic Conditions Statement demonstrates that the NDP [neighbourhood development plan] has regard to the relevant policies of the NPPF*”.

44. The assessment provided is relatively limited and generally comprises a description of the purpose of the Plan policy. No conflicts are identified. The assessment is also partial as policies A1 and DS1 – DS10 are missing. I requested an update to the Basic Conditions Statement to address this and one was provided. It identified no conflicts.

45. Overall the analysis does serve to demonstrate that consideration has been given to national planning policy.

46. I address some conflicts with national planning policy in my consideration of individual policies and recommend some modifications. There are also some areas where the drafting of the Plan’s policies needs to be amended in order to meet the National Planning Policy Framework’s requirement for plans to provide a clear framework within which decisions on planning applications can be made. The policies should give a clear

indication of *“how a decision maker should react to development proposals”* (paragraph 16). It is also important for the Plan to address the requirement expressed in national planning policy and Planning Practice Guidance that *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”* (NPPG Paragraph: 041 Reference ID: 41-041-20140306). The Plan’s policies do not always meet these requirements and a number of recommended modifications are made as a result.

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

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

Sustainable development

49. The Plan must *“contribute to the achievement of sustainable development”*. This is addressed in the Basic Conditions Statement by a brief assessment of how relevant Plan policies contribute to each of the economic, social and environmental dimensions of sustainable development. It concludes that this *“demonstrates that the Broseley NDP provides a balance of economic, social and environmental policies that confirm to the requirements of the NPPF”*.

50. The assessment is broad brush and succinct in its approach. It is also partial as policies A1, DS1 – DS10, VE1, WA1 and CH1 – CH2 are missing. I requested an update to the Basic Conditions Statement to address this. This was provided and it identified no conflicts.

51. Although the Basic Conditions Statement provides a bare minimum of information my own assessment of the Plan is that it is consistent with the Basic Conditions and I am satisfied that the overall contribution of the Plan to sustainable development is positive.

Development plan

52. The Plan must be *“in general conformity with the strategic policies of the development plan”*. The Basic Conditions Statement addresses this by relating the most relevant Local Plan and neighbourhood plan policies to each other and providing a brief commentary. The Basic Conditions Statement incorrectly identifies the Shropshire Local Plan Review 2016 – 2038 as being part of the development plan although it also recognises that the Plan need not be tested against it.

53. The assessment concludes that the Plan *“is in general conformity”*. No conflicts or departures are identified.

54. The approach is very limited and it is partial as Policy A1 is missing. It includes an erroneous reference to Policy DS110. I requested an update to the Basic Conditions Statement to address the omission. This was provided and it identified no conflicts.

55. Shropshire Council made representations on the consultation draft Plan. These did not raise general conformity issues and when requested for a view on the submitted Plan it said *“Shropshire Council considers that the draft Broseley Neighbourhood Plan to be in general conformity with the strategic policies of the adopted development plan and the draft development plan.”*

56. In the absence of strong evidence in the Basic Condition Statement I have considered general conformity in my own assessment of each of the Plan’s policies. I am satisfied the Plan meets this Basic Condition other than where identified in my detailed comments and recommended modifications to the Plan policies.

Strategic Environmental Assessment

57. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects. Broseley Town Council published a Screening Statement prepared by a planning consultant that concluded the Plan *“is unlikely to have any significant environmental effects and is therefore screened-out of the SEA process”*. I am satisfied by the robustness of the approach taken by the Screening Statement. Its assessment omits Policy A1 but this is limited in effect and the omission does not bring the overall conclusion into question.

58. The Screening Statement states that Natural England, Environment Agency and Historic England *“will be given an opportunity to comment on this Screening Statement”* and on request I was provided with a copy of the *“targeted consultation”* undertaken by Shropshire Council. Environment Agency responded to *“concur with the SEA report conclusion”* and no response was received from Historic England or Natural England. I note that Historic England made representations on the submitted Plan and did not raise any issues relating to the Strategic Environmental Assessment Screening Statement. Given the evidence that the Plan will not have significant environmental effects I am satisfied with this approach.

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

Habitats Regulations Assessment

60. The Plan must be informed by a Habitats Regulations Assessment if it is likely to lead to significant negative effects on protected European sites. Broseley Town Council published a Screening Report on the submitted plan prepared by Shropshire Council that identified housing and employment land allocations as a result of policy HO2 and EJ3 that are in excess of those in the adopted development plan. While recognising consistency with the emerging Local Plan it concluded that the lack of a Habitats Regulations Assessments accompanying an examined and approved development plan means that there is not sufficient certainty that appropriate mitigation can be secured to avoid likely significant effects on the Severn Estuary European Marine Site (comprising the Severn Estuary SAC, SPA and Ramsar site) due to changes in water quality. The Screening Statement concluded that

an Appropriate Assessment would be needed for the Plan to proceed with mitigations in place.

61. Broseley Town Council published an Appropriate Assessment prepared by Shropshire Council for the submitted plan. This addressed the Shropshire Water Cycle Study's consideration of the employment and housing growth in the emerging Shropshire Local Plan. This also includes the land allocated for housing and employment development in Plan policies HO2 and EJ3. The Study concludes that improvement in the treatment of waste water upstream of the Severn Estuary European Marine Site can offset the impact of the growth proposed. As a result the Plan needs to mitigate the risk of resulting in significant negative effects by including a policy that will require water and sewerage infrastructure to keep pace with new development. An appropriate policy has been added to the Plan as Policy WA1. The detail of this policy is addressed later in my report.

62. On request I was provided with a copy of the "targeted consultation" on the Screening Report and Appropriate Assessment with the statutory environmental bodies undertaken by Shropshire Council, including Natural England. It made no comments.

63. I conclude that the Plan includes appropriate mitigation to meet this Basic Condition.

Other European obligations

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

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

7. Detailed comments on the Plan policies

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

Design

67. **Policies A1 and DS.1 to DS.10** – The Plan includes an overarching design Policy A1 alongside ten additional policies DS.1 – DS.10 which collectively provide design principles for new development.

68. The overarching design Policy A1 makes reference to a "*Design Statement*". There is limited information on how this was prepared and no copy was provided with the submitted document. There is no link to the Design Statement and it is not immediately obvious where it can be obtained. On request I was sent a copy of a two page statement that largely duplicates the design principles included as Plan policies. It also runs to a different time period of 2018 – 2026. It is understood by Shropshire Council that the Design Statement forms part of the Broseley Town Plan and I was informed this was endorsed and adopted as a material consideration for development management purposes by resolution of Shropshire Council on 26th September 2013. Broseley Town Council informed me that the design statement was originally drawn up for the Town Plan in 2012 and was prepared with the assistance of Shropshire Council and local volunteers with professional expertise.

69. The Design Statement does not help the clarity of the Plan and given the level of duplication it does not add anything to its content. References to the Design Statement in the supporting text can largely be replaced by referencing the Plan which will also carry more planning weight and provide necessary clarity over the time period which will be extended to 2038.

- M5 – Retitle this section as “Design” and delete references to the Design Statement in the policies and supporting text while retaining relevant content. Provide links to the Town Plan and relevant Conservation Area appraisal as supporting evidence for the design principles

70. Policy A1 relates to the design principles but identifies these as being in the Design Statement when they are also in the Plan as individual policies. The policies carry more weight than the Design Statement would and the Plan period runs further into the future. The approach is also confusing in sometimes relating to development within Conservation Areas, sometimes outside and sometimes either.

71. The design policies do not meet the expectations of Planning Practice Guidance for them to be “*clear and unambiguous*” and “*drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications*”.

72. To meet the Basic Conditions, especially regarding the clarity of the policies, I recommend a restructuring and simplification of the approach to provide a single Design Policy that includes principles and applies to development within and outside Conservation Areas.

73. On the details of some of the policies:

- DS.2 – it is unclear whether all three elements of a new building or extension should be considered. Not all buildings will use brick.
- DS.4 – the first sentence is a description of an important element of Broseley’s character suitable for the supporting text
- DS.5 – the intention of a “*prevailing consideration*” is unclear and this principle is addressed by DS.1
- DS.6 – planning applications do not “*attempt*” to mitigate light pollution and a link to the Institution of Lighting Engineers’ guidance should be provided from the supporting text
- DS.6 – planning applications do not “*attempt*” to provide high quality approaches

- DS.8 – all development plan policies apply to all planning applications as appropriate and it is unnecessary to cross-refer. Planning applications do not “*attempt*” to mitigate the impact of sheet glass and this is addressed by DS.2
- DS.10 – there is a lack of evidence to support a restrictive approach to the use of A-boards and planning applications are determined by the local planning authority and not the Town Council – I recommend this Policy is deleted

74. Policies A1 and DS.1 to DS.10 do not meet the Basic Conditions.

- **M6 – Replaces Policy A1 and DS.1 to DS.10 with:**

“Policy D1

Development proposals that demonstrate due regard to the following design principles will be supported:

- a) **Be in keeping with the form and materials that define the town’s heritage**
- b) **Be of a design and use material that respects local character with regard to:**
 - a. **Floor area, roof pitch and roof height;**
 - b. **Size of windows and facades; and**
 - c. **Style and colour of brickwork and roof tiles as appropriate**
- c) **Where possible retain existing walls and hedges and provide boundary walls on street frontages and hedges elsewhere**
- d) **Incorporate the use of locally distinctive brick and/or stone headers and decorative corbels, cornices and patterned/alternating brickwork on frontages**
- e) **Minimise light pollution and have regard to appropriate Institution of Lighting Engineers’ guidance**
- f) **Provide innovative high quality approaches to meeting the design principles on individual plots**
- g) **Incorporate the use of street furniture using materials, colour and designs that respect local character, including existing street furniture that is retained. “**

Housing

75. The Plan supports the guidelines for residential development in Appendix 5 of the draft Shropshire Local Plan 2020 – 2038. This identifies a need for 50 dwellings in addition

to those completed or consented and these are earmarked for windfall sites. Although the revised Local Plan has yet to be adopted there has been no questioning of this approach in representations made on the Plan.

76. The Plan adopts an alternative approach to meeting this outstanding requirement by allocating a site with capacity for 20 homes and assuming a reduced rate of windfall development. It also assumes completion of an exceptions site granted planning permission during the Plan's preparation and Shropshire Council confirmed this to be a reasonable assumption. While no evidence is provided for the revised allowance for windfall sites I am content the Plan makes provision for housing development in strategic conformity with the emerging Local Plan and Shropshire Council shares this view.

77. **Policy HO1** – This supports development on sites within the development boundary that meet local needs and other criteria.

78. This broad approach is consistent with national and local planning policy.

79. Broseley's Development Boundary is defined in the Shropshire Site Allocations and Management of Development (SAMDev) Plan (2006-2026) and shown on the Proposals Map. The Plan proposes amending the boundary and the supporting text should reference where it is established in existing development plan policy.

80. The Plan includes no definition of "*local needs*" by virtue of geography or affordability and the policy is relevant to all housing needs. It lacks clarity in what is meant by "*evidence based affordable housing*". The reference to "*valued green spaces*" should be modified in line with my recommendation regarding the designation of Local Green Spaces in the Plan. I was provided with different definitions of "*infill*" and "*windfall*" sites by Broseley Town Council and Shropshire Council and the Plan includes no definition. Given the dependency of the housing land supply position in the area on windfall sites I consider this the most appropriate and well defined term to use. A common definition is provided in the National Planning Policy Framework. Windfall sites within the development boundary meet Broseley Town Council's definition of infill sites.

81. The Policy adopts a negative tone in identifying relevant planning considerations as “limitations” and that it will be supported “provided” criteria are met. Planning policies should be positive.

82. The drafting of the Policy can be strengthened through use of consistent notation for the different considerations, appropriate use of capitals and clarifying whether all considerations should apply in all circumstances.

83. Policy HO1 does not meet the Basic Conditions.

- **M7 – Amend Policy HO1 to:**
 - **Replace the first sentence with “New housing development in Broseley will be supported on windfall sites within the Broseley Development Boundary [ref Proposals Map].”**
 - **Replace c) with “maintain Broseley’s Local Green Spaces [ref Proposals Map]; and**
 - **Replace notation i) to iv) with a) to d)**
 - **Replace “will be supported provided proposals” with “should”**
 - **Insert “or” at end of subsection iii:**
 - **End the Policy with a full stop**
- **M8 – Reference the definition of the existing Development Boundary in the adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan (2006-2026) in the supporting text**

84. **Policy HO2** – This alters the Development Boundary and designates a site for housing development which should meet criteria set out in an Appendix.

85. The Policy reflects a significant public debate over the preferred location for development in Broseley. It draws on Shropshire Council’s preferred sites consultation for the Local Plan which considered alternative sites that were not taken forward. This in turn

was based on an earlier site assessment process that considered a larger potential site. This was not taken forward and the circumstances have changed with adjacent development also offering new access. Consultation on potential sites was undertaken during the Plan's preparation with the Avenue Road site identified as a preferable option. There is evidence of landowner engagement.

86. I am satisfied there has been sufficient consideration of alternative sites and appropriate levels of public consultation over the proposed site allocation. My own visit confirms it as an appropriate location for new housing subject to normal planning considerations. The Coal Authority makes representations that *"There may be mine entries on, or around, the Avenue Road site which may have implications for the layout and quantum of development which can be accommodated"* and I recommend that this risk is addressed in the Site Development Criteria.

87. The Policy references *"site allocation criteria"* to be taken into account by any development proposals and these are located in an Appendix. The criteria are appropriate. They relate to the site's development rather than its allocation and so I recommend a renaming..

88. The presentation of the site's location in the map in the Appendix is not at a scale sufficient to identify the detailed boundary.

89. There is no evidence provided supporting the intended capacity for the site of 20 dwellings. On request both Broseley Town Council and Shropshire Council provided relevant planning considerations which may limit capacity, including from the site assessment process undertaken for the Local Plan. I was informed *"This assessment notes that the site includes areas of scrub/woodland, mature trees and hedgerows which are of ecological value and should be retained, whilst this can be incorporated into open space provision it is likely that it would reduce the sites capacity below the general 'starting point' for assumptions around site capacity of 30 dwelling per hectare. The assessment also notes that the site may have archaeological interest, which means a heritage assessment will be required to support any Planning Application. It is also understood that there are two routes*

for electricity cables (pylons located to north and south of the site) running through the north-eastern element of the site which will require appropriate buffering, as will the employment uses associated with the Planning Permission to the north of the site, again likely reducing the site capacity below basic assumptions. Finally, it is important to reflect local character, design and layout (consistent with the adopted and draft Local Plans) and consider other local circumstances, which again can impact on site density.” I recommend inclusion of these considerations in the supporting text to support inclusion of an intended capacity for 20 dwelling sin the policy.

90. The site allocation requires an amendment to the Development Boundary and this needs to be supported by a map at an appropriate scale to view the changes. The current boundary is designated in Policies Map – (S4) Broseley Inset for the adopted SAMDev Plan (2015). It would be preferable to provide a map showing the current and amended boundary in each of the two locations where changes are being made referenced in a single Policy. This should be supported by an appropriate justification for the changes made. In all other locations the Development Boundary should follow the line of the Local Plan policies map.

91. The Policy should be redrafted to provide the necessary clarity in addressing the outcome of its examination.

92. Policy HO2 does not meet the Basic Conditions.

- **M9 - Replace Policy HO2 with “Land off Avenue Road is allocated for housing development with an indicative capacity for 20 dwellings [see Figure ?]. Development proposals for this site should have regard to the criteria in Appendix 5.”**
- M10 – Provide supporting text to Policy HO2 which explains the planning considerations that support an intended capacity for 20 dwellings
- M11 – Amend Appendix 5 to:

- Provide a large scale map depicting the boundary of the site allocation
 - Replace “*Site Allocation Criteria*” with “*Site Development Criteria*” and insert “*all*” after “*meet*” in the first line of this subsection
 - Add an additional criterion “*Development to provide around 20 homes*”
 - Add an additional criterion “*Development to be informed by an assessment of any coal mining legacy risk*”
 - Delete “*See next page*”
- **M12 - Insert a new Policy at the beginning or end of the Policies section**
“Policy DB1
The Development Boundary for Broseley is as provided in Figure ?”
 - M13 – Provide supporting text to Policy DB1 which explains and justifies the amendment to the Development Boundary in two locations, including maps of sufficient scale showing the new boundary and the two proposed changes

93. **Policy HO3** – This identifies an area of Broseley where “*no new development will be supported*” due to constraints in the road network.

94. The Policy is highly restrictive and would prevent any new building in the defined area. No evidence is provided of the “*severe constraints*” in the road network. On request I was informed the area included many of Broseley's 'jitties' which are “*essentially bridleways, with access only possible for pedestrians or small vehicles*” and accessed down single lane roads with no pavements. I observed these constraints during my visit but the area affected by the Policy is only broadly defined and no map is provided. The Policy also lack necessary clarity as to what categories of development it applies to, relying on a footnote to exclude alterations and extensions.

95. National planning policy expects development plans to be “*prepared positively*” (paragraph 16, NPPF) and for policies to “*be underpinned by relevant and up-to-date evidence*” (paragraph 36, NPPF). The Policy also lacks the clarity required.

96. In the absence of this clarity and sufficient evidence demonstrating the severity of the constraints on the road network or the impact which would arise from new development the Policy does not meet the Basic Conditions.

- **M14 – Delete Policy HO3**

97. **Policy HO4** – This supports affordable housing proposals outside the Development Boundary consistent with the approach in Shropshire’s Local Plan.

98. The Policy defines affordable housing as being for *“local people”* and provided by a *“recognised Housing Association”*.

99. The Shropshire Local Plan addresses provision of affordable homes on exceptions sites in Core Strategy Policy CS11 and an adopted Supplementary Planning Document. This includes a definition of *“local”*. Local Plan policy does not limit providers of affordable homes on exceptions sites to Housing Associations, including, for example, other registered social housing providers. It also includes locational criteria.

100. It is the stated intention of the Policy to be consistent with Local Plan policy on exceptions sites. The Policy departs from this in important aspects and lacks clear definition in its approach. As a result it lacks the clarity necessary for a planning policy.

101. National planning policy is also that policies should *“serve a clear purpose, avoiding unnecessary duplication”* (paragraph 16, NPPF). The Policy goes beyond existing Local Plan policy in only one respect by defining a preference for sites to be within 1200m of the main services in the town centre. No evidence is provided to support this distance. On request I was informed 1200m *“represents a 20 minute walk for a moderately fit adult. Our view is that the BNP should support a ‘walking culture’ and that exception sites should be within walking distance of the main services in the Town”*. It is a requirement of Local Plan policy that *“exception sites must be demonstrably part of, or adjacent to, a recognisable named settlement”* (paragraph 5.13, Adopted Type and Affordability of Housing SPD) which already supports the desired objective.

102. The Policy is supported by some evidence of local needs in an Appendix. This comprises an exchange of emails with Shropshire Council officers and a snapshot assessment of the level of housing need in October 2019 from “Homepoint”. A single data point from 2019 does not provide a sufficient evidence base and no detail of what is included on Homepoint is provided. It is inappropriate to include an email exchange with a named officer within the Plan and any data should be provided as a freestanding extract from Shropshire Council. Given my recommendations on the policies relating to the Appendix it should be deleted.

103. Policy HO4 lacks the clarity needed and duplicates existing planning policies. It does not meet the Basic Conditions.

- **M15 – Delete Policy HO4 and Appendix Four**

104. **Policy HO5** – this supports single plot exception sites that are easily accessible to the main services in the town centre and which are not identified a valued green space.

105. The Policy duplicates existing Local Plan policy, including the adopted Supplementary Planning Document. Any proposals for development of valued green spaces will be considered in relation to the development plan policies affording them protection.

106. Policy HO5 does not meet the Basic Conditions.

- **M16 – Delete Policy HO5**

107. **Policy HO6** – This requires proposals for new housing within the Development Boundary to make provision for affordable housing in line with the Local Plan.

108. The Policy duplicates existing provisions in the Local Plan. It does not meet the Basic Conditions.

- **M17 – Delete Policy HO6**

109. **Policy HO7** – This supports new housing development within the Broseley Conservation Area subject to specific criteria.

110. The Policy is drafted in restrictive terms in stating that development will “only” be supported which meets the criteria. It is also restrictive in only supporting development of infill sites which complement the surrounding townscape when development of other types of site which meet the same standards would also be appropriate. The drafting takes an unduly restrictive approach to the density of new development which lacks the flexibility to recognise higher density can complement the existing townscape as well as lower density. The negative impact on sight lines should also be significant before it becomes a constraint on new development.

111. The Policy’s requirement that development “provides benefit” should be consistent with the legal requirement for all development to “preserve or enhance” a Conservation Area.

112. It is unclear whether a development proposal will be considered against all of the criteria or needs to satisfy only one of them to be supported. All of the criteria are not appropriate to some development proposals.

113. The supporting text states that the “adopted Shropshire Development plan identifies a target of 50 new homes to 2038”. This refers to a Local Plan which is at Examination and has not yet been adopted.

114. Policy HO7 does not meet the Basic Conditions.

- **M18 – Amend Policy HO7 to:**

- Delete “only” in the first line
- Replace “provides benefit” with “preserves or enhances” in a)
- Replace “an infill” with “a” in b)

- **Insert “, where appropriate,” before “is able” in c)**
 - **Add “and” after “;” at the end of c)**
 - **Insert “significant” before “negative” and delete “and/or on overall density of provision” in d)**
- **M19 – Replace “adopted” with “draft” in line 3 of paragraph 8.11**

Economy & Jobs

115. **Policy EJ1** – This supports employment related development in specific use classes subject to a number of criteria.

116. The Policy requires new development to have a “*positive effect*” or “*impact*” or that it “*promotes*” for it to be supported and this is an unduly restrictive approach for which no evidence is provided. The drafting around the acceptability of impacts on the local road network should be clearer.

117. It is unclear whether a development proposal will be considered against all of the criteria or need satisfy only one of them to be supported.

118. The final criterion g) relates only to a change of use and should be separated from the rest of the Policy. It is unduly restrictive in stating what will “*only*” be supported and lacks clarity over the time period for which the property has been marketed.

119. The Policy relates to Use Classes B and D. The Use Classes Order was amended in September 2020 and I recommend modifying the Policy to refer to the most relevant use classes now in force - Class B2, B8, E, F1 and F2.

120. Policy EJ1 does not meet the Basic Conditions.

- **M20 - Amend Policy E J1 to:**
 - **Replace “B and D” with “B2, B8, E, F1 and F2”**
 - **Replace “have a positive” with “not have a significant adverse” in a)**

- Insert “a significant adverse” before “*unacceptable*” in b)
- Replace “*has a positive*” with “does not have a significant adverse” in e0
- Insert “and” after “;” at end of e)
- Replace “;” with a full stop at end of f)
- Make g) a freestanding limb of the Policy
- Delete “*only*” and insert “for a reasonable period of time” after “*price*” in the former g)

121. **Policy EJ2** – This supports employment related development in specific Use Classes outside the Development Boundary subject to additional criteria.

122. The purpose of the Broseley Development Boundary is to provide certainty as to the most appropriate location for development and to protect land outside it from other than exceptional development or that appropriate to a rural location. The effect of Policy EJ2 is to apply the same criteria to development outside as well as inside the Development Boundary other than in relation to access by heavy goods vehicle. There is no evidence provided of a need to further release of land for employment uses and no evidence is provided as to why access to any such development outside the Development Boundary should be from the specific location.

123. Policy EJ2 conflicts with the strategic intent of the Development Boundary and is not supported by appropriate evidence. It does not meet the Basic Conditions.

- **M21 – Delete Policy EJ2**

124. **Policy EJ3** – This retains existing employment land and allocates a new site for employment related development consequent on an alteration in the Development Boundary.

125. The two limbs of the Policy serve distinctly different purposes and I recommend they are provided as separate policies.

126. The first part of Policy EJ3 is not supported by evidence as to the particular significance of an existing employment site on King Street/Duke Street. This will in any case fall within the ambit of the general policy for retaining existing employment land. It is notable that the King Street/Duke Street employment area is not included on the Local Plan policies map for Broseley and the boundaries of all the existing employment areas shown on the Plan's Policies map are different to those on the Local Plan policies map. I am content with the addition of the land on Kings Street/Duke Street but no evidence has been provided to amend the boundaries shown in in the Local Plan policies map. This should be clarified by referencing a map of the existing employment areas consistent with the Local Plan as part of the addition of the King Street/Duke Street site.

127. The Policy's support for "*more effective use*" of existing employment sites is unclear and it is not addressed in the supporting text.

128. The second part of Policy EJ3 allocates a new site for employment use consequent on an adjustment to the Development Boundary. I have separately recommended that the Development Boundary is addressed in a separate policy, supported by appropriate maps showing the changes and a justification. The proposed site is adjacent to an existing employment site which was extended through a planning consent in 2019.

129. There is an inconsistency in the proposed location of the new Development Boundary. This is shown differently in the Plan's Policies Map and the map in Appendix 6 where it runs down the entire western edge of the site such that Green Space 5a lies outside it. I sought clarification on this difference and Broseley Town Council acknowledges an error in the Policies Map and that the intention is for Green Space 5a to be outside the Development Boundary.

130. The strategic planning context is provided by the emerging Local Plan that provides for an additional 3ha employment land in Broseley, to be delivered through "*any employment development allocated within the Broseley Neighbourhood Plan*" (Policy S4.1) among other sources. Appendix 6 of the Plan incorrectly identifies this as being within the period to 2036 rather than 2038. The relationship between the Local Plan and the

neighbourhood plan is both positive and appropriate. The proposed allocation responds to a specific request from the business occupying adjacent land and owning the site wish certainty over future expansion. It also reflects wider public support for local employers evident in the public consultation.

131. Appendix 6 states that the proposed allocation provides either an additional 0.74 ha or an additional 1.70 acres. 0.74 ha equates to 1.83 acres and 1.70 acres to 0.69 ha. These are not insignificant differences and the area of the proposed allocation should be clarified and used consistently.

132. I visited the site and it provides an appropriate location. There is a strong relationship to the existing employment land which is under the same ownership. The landowner is supportive of the proposed allocation. The site includes important water features and is adjacent to Stocking Mound, an important heritage asset related to the area's mining history and included on Shropshire's Historic Environment Record. The Policy seeks to take account of these and other planning considerations by referencing "*site allocation restrictions*" in an Annex. The criteria relate to the site's development rather than being restrictions. They are broadly appropriate although they fail to include the expected access to the site and include a cryptic reference to "SC" and further clarity would be provided by including them under a separate heading, as for the residential site allocation in Appendix 5.

133. Policy EJ3 does not meet the Basic Conditions.

- **M22- Replace Policy EJ3 with "Existing employment land shown in Map ? will be retained in employment use where possible and development proposals which maintain or enhance existing employment use will be supported."**
- **M23 – Insert a new Policy "Land off Cockshutt Lane is allocated for employment use [see Figure ?]. Development proposals for this site should have regard to the criteria in Appendix 6."**

- M24 – In Appendix 6:
 - Replace “2036” with “2038” in the first line
 - Replace sub heading “*New Boundary*” with “Site Development Criteria and:
 - Add “meet all the following criteria:” after “*Proposals for development of this site*” and move this to after the second paragraph
 - Replace the third paragraph with “1) Access will be via the existing access point off Cockshutt Lane”
 - Replace the first criterion with “All development proposals should be accompanied by appropriate assessments of their impact on heritage, wildlife and trees”
 - Renumber the remaining criteria
 - Clarify the area of the proposed allocation and use consistently throughout the Plan
 - Replace all references to “SC” with “Shropshire Council
 - Make other changes consequent on the recommended Modifications,

- M25 – Amend the Policies Map to depict the Development Boundary as shown in Appendix 6

134. **Policy EJ4** – This supports appropriate proposals for new retail floor space in the Primary Shopping Area.

135. The Policy is positively worded and supported by an unreferenced map showing the location of each “*Designated Retail Area*”. On seeking clarification I was informed that these are the same as the Primary Shopping Areas referenced in the Policy. The Local Plan identifies a single Primary Shopping Area which falls almost entirely within the designated Broseley Town Centre. The other shopping areas identified in the Plan are not recognised in the Local Plan.

136. On visiting each location I am satisfied that it is appropriate for them all to be recognised in the Plan. To avoid confusion with the Local Plan it is appropriate for the Plan

to identify them as “Retail Areas” and the Policy and supporting map should be amended appropriately.

137. Policy EJ4 does not meet the Basic Conditions.

- **M26 – Amend Policy EJ4 to replace “the Primary Shopping Area” with “a Retail Area (see Map ?)”**

138. **Policy EJ5** – This supports proposals for home working and home-run businesses subject to their impact on local amenity.

139. Policy EJ5 meets the Basic Conditions.

140. **Policy EJ6** – This supports conversion of existing buildings for business where it does not have a significant impact.

141. The Policy is consistent with the Plan’s support for creating new economic opportunities. Policy EJ6 meets the Basic Conditions.

Green spaces and green infrastructure, sport and recreation

142. This section of the Plan relates only to green spaces and green infrastructure and should be retitled accordingly consistent with other recommended modifications to the Plan’s structure. The Plan does not include any policies directly to deliver its objectives relating to sport and recreation.

143. **Policies GR1 and GR2** – These protect 11 areas of “valued green space” identified in the Broseley Town Plan and identify 5 additional areas of valued green space for the same protection.

144. The evidence supporting these designations is a reference to the Town Plan, a map showing the location of each green space and an Appendix which scores each of the areas against five criteria (Existing designation, Public Access, Heritage Value, Environmental

Value, Visual Amenity). There is also evidence of strong public support for recognising and protecting green space and the additional areas were included as a result of public consultation conducted when preparing the Plan. Representations from Sally Bonser noted that not all the proposed green spaces have public access. Public access is not a requirement for designation provided that there are other public benefits provided by the green space. Each green space had to achieve a minimum score to be included. None of the areas included in the analysis failed to meet this standard. I was informed that three locations had been assessed for designation but not taken forward as they failed to meet the standard.

145. I visited each of the 16 green spaces and, with exceptions, I concur with the assessment provided in Appendix 3. The most suitable boundary for GS6, GS10 and GS11 could be the subject of debate. GS7 is designated on grounds of its recreational value for sport but also includes a significant area of woodland. GS8 is described as having open views across the “east” Midlands rather than the West Midlands. GS3 is designated on the grounds that it is of high environmental value without supporting evidence and some additional information was provided on request.

146. Most significantly GS15 is not included in the Plan’s map and so its location has not been subjected to public consultation on the submitted Plan. I was informed that the boundary was included on a map placed in the public library but this would not have been known to a majority of those who engaged with the Plan. A verbal description of the location of GS15 is not sufficient and it cannot be included in the Plan.

147. On request I was provided with some further information supporting designation and detailed boundary maps for each Green Space. These should be available in the final Plan. I was also informed that a significant part of GS1 has been consented for development and the boundary should be amended to exclude the area permitted for development. I am also content with the more minor changes to the boundary of GS3.

148. The numbering of the green spaces is unhelpful. GS5a is distinct from GS5 and they should be number sequentially. The larger scale maps also confirm the merit in separating

GS6 into two and these should also be differently numbered. It would also be helpful to provide short names for those green spaces which do not have them

149. On request Broseley Town Council confirmed consultation had taken place with landowners and that it had met or spoken to the main landowners as part of the consultation process and involved other landowners in a survey in 2019.

150. The Plan's approach to "Valued Green Spaces" aligns with the expectations of national planning policy for designating "Local Green Spaces" and I note this is the approach taken by the Broseley Town Plan on which a majority of the proposals are based. The distinction is an important one because of the added protection afforded designated Local Green Space. On request an updated Basic Conditions Statement was provided that confirmed that *"the term, 'Valued Green Space' is synonymous with the NPPF term 'local green space'. The phrase 'valued green space' has been used in the Plan because this term was used in the predecessor Town Plan and therefore has a local resonance"*. I respect the intention to secure maximum public recognition of these green spaces but recommend the Plan aligns with the terminology of national planning policy. This is to ensure maximum clarity over the high level of protection afforded by the designation.

151. To be afforded a level of protection consistent with them being Green Belt Local Green Spaces need only by designated by the Plan. This follows a Court of Appeal case with relating to a Local Green Space policy in a neighbourhood plan (*Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council*, [2020] EWCA Civ 1259) which means it is inappropriate to include any wording that sets out how development proposals should be managed.

152. Policies GR1 and GR2 do not meet the Basic Conditions.

- **M27 – Replace Policies GR1 and GR2 with “The following areas are designated as Local Green Space (see Map?):**
 - **GS1 – Land north of Balls Lane.....etc**

- **M28 – Delete GS15 in the World Heritage Site on the edge of the neighbourhood area from the Plan**
- M29– Include the updated and detailed boundary maps for each Local Green Space provided for the Examination in addition to a single map depicting them all
- OM3 – [Provide brief names for each Local Green Space which does not have one and correct the description of open views for GS8 to the West Midlands]

153. **Policy GR3** – This addresses the importance of formal and informal open space when considering development proposals.

154. The Policy is broad in its approach and will require an assessment of the importance of particular open spaces to be made on a case by case basis. It is unduly restrictive in stating what will “*only*” be supported and removing support from development with only a minor adverse impact.

155. Policy GR3 does not meet the Basic Conditions.

- **M30 – Amend Policy GR3 to:**
 - Delete “*only*”
 - Replace “*adversely affect*” with “**have a significant adverse impact on**”

156. **Policy GR4** – This encourages development which creates wider accessibility to the local footpath network, which closes gaps and which improves existing provision.

157. The Policy is not supported by evidence of the location of the footpath network or where gaps and priorities for improving existing provision exist. On request I was provided with a map of the existing footpath and bridleway network and recommend this is included in the Plan. National planning policy supports policies to “*protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks*” (paragraph 100, NPPF). This

approach is more precise in defining the network and addressing other users such as horse riders and cyclists on bridleways.

158. Policy GR4 does not meet the Basic Conditions.

- **M31 – Amend Policy GR4 to replace “footpath” with “rights of way”**
- OM4 – [Include a map and/or link to the existing rights of way network in the neighbourhood area]

159. **Policy GR5** – This identifies a series of five “green routes” to be protected and to benefit recreation and tourism.

160. The Policy is not supported by evidence supporting the designation of the five “green routes” and no information on their location beyond a brief written description is provided. I was informed this could be provided on a map. It is unclear whether these routes use existing rights of way. Policies GR4 and GR5 are inconsistent in their approach with the former limited to footpaths and the latter including bridleways. A common approach to public rights of way should be used.

161. The Policy includes a statement of the Plan’s intentions for creating a “*walking culture*”, improving links to the World Heritage site and encouraging development of a permissive path network. This is best located in the supporting text.

162. Policy GR5 does not meet the Basic Conditions.

- **M32 – Amend Policy GR5 to replace the first three sentences with:
“Public rights of way through green spaces in Broseley will be protected and, where possible enhanced. Development proposals will be supported which improve the network, including through the provision of permissive paths and the delivery of green routes in the following locations (see Map?):”**

- OM5 – [Provide a map showing the location of the five green routes]

163. **Policy GR6** – This supports protection and improvement of the area’s green infrastructure of trees, hedgerows and woodland.

164. The Policy requires only minor drafting changes to meet the Basic Conditions.

- **M33 – Amend Policy GR6 to replace “will be expected to” with “should”**

165. **Policy GR7** – This states that the Town Council will work with landowners to identify a space for allotments close to the town centre.

166. As drafted the Policy is a statement of intent and not a planning policy relating to the determination of a planning application. It is appropriate for it to be included in the supporting text. The Policy should relate to planning considerations and the supporting text should also reference the location of the Town Centre as designated in the existing Local Plan and consider identifying the boundary on a map.

167. Policy GR7 does not meet the Basic Conditions.

- **M34 – Replace Policy GR7 with “Proposals for allotments close to the town centre will be supported.”**
- M35 – Provide details of the location of the Town Centre as designated in the Local Plan in the supporting text

Conservation, Heritage, Landscape and the Environment

168. **Policy CH1** – This seeks development in the Conservation Area that is consistent with the Broseley Design Statement and Conservation Area Appraisal.

169. Policy CH1 does not address any issues not already included in recommended Policy D1. It is restricted to development in Conservation Areas and appropriate consideration of the Town Plan and any relevant Conservation Area Appraisal is provided by the recommended modifications to the Design section of the Plan. This also addresses the lack of clarity about what constitutes the Broseley Design Statement. Retaining Policy CH1 duplicates another Plan policy and reduces the Plan's clarity.

170. Policy CH1 does not meet the Basic Conditions.

- **M36 – Delete Policy CH1**

171. **Policy CH2** – This supports development with a positive impact on the countryside surrounding Broseley.

172. The Policy is positively worded and meets the Basic Conditions. Policy CH2 contributes to the Green Spaces and Green Infrastructure Objective 5.4b) and should be relocated into this section of the Plan.

- **M37 - Relocate Policy CH2 into the Green Spaces and Green Infrastructure section as a GR policy**

173. As a consequence of these changes the section on "*Conservation, Heritage, Landscape and the Environment*" should be deleted as recommended in modifications to the Plan's structure.

Community Resources

174. **Policy CR1** – This supports development resulting in the loss of community resources subject to specific criteria.

175. The Policy is supported by examples of community resources in the neighbourhood area. Limited detail is provided and it is a non-exhaustive list.

176. National and strategic planning policy is to protect existing facilities and support new ones that make a positive contribution. Policy CR1 takes a different approach that supports the loss of facilities unless specific criteria are met. This is not consistent with either Local Plan Policy CS15, national planning policy (paragraph 93, NPPF) or the Plan's own objective *"to secure and retain community facilities"*.

177. Policy CR1 does not meet the Basic Conditions.

- **M38 – Replace Policy CR1 with:**

"Development proposals that would result in the loss of community resources and facilities in Broseley should demonstrate that:

- a) **The community resources and facilities are no longer required; or either**
- b) **That alternative appropriate provision exists or will be provided elsewhere in the community to serve local people; or**
- c) **Suitable alternative resources and facilities are included in the proposal."**

178. **Policy CR2** – This supports new or improved community facilities subject to criteria relating to their impact on the local area.

179. Policy CR2 meets the Basic Conditions

Supporting the visitor economy, tourism and leisure

180. This section should be retitled "Supporting the Visitor Economy" as recommended in the modifications to the structure of the Plan. This aligns it with the Plan's objectives.

181. The policies are supported by evidence of visitors choosing to stay overnight in other locations despite Broseley's location near to Ironbridge Gorge. As a result the Plan supports an approach which supports tourist-related development and protects Broseley's rural character.

182. **Policy VE1** – This supports tourist related development that enhances an existing business, brings positive conservation benefits and does not harm neighbouring residential

areas. It adopts the same approach whether or not the development proposal is within the Development Boundary.

183. The effect of the Policy is dependent on whether all of the criteria must be met. Given the Plan's objective to support tourist related development while protecting its rural character I have understood the Policy intention to be for any one of the criteria to be met. This was confirmed by Broseley Town Council. The Policy's approach could support significant development and I therefore recommend that the Plan's intention to protect the countryside around Broseley is directly addressed.

184. Policy VE1 does not meet the Basic Conditions.

- **M39 – Amend Policy VE1 to:**
 - **Delete *areas***
 - **Replace *“subject to”* with *“when”***
 - **Insert *“or”* at end of b)**
 - **Replace *“an”* with *“a significant”* in c)**
 - **Insert *“or the quality and visual appearance of the countryside around Broseley”* at end of c)**

185. **Policy VE2** – This supports proposals for holiday accommodation that satisfy existing Local Plan policies.

186. The Policy duplicates existing development plan policy which will be used to determine any planning application for holiday accommodation in the neighbourhood area. The specific Local Plan policies will also be replaced shortly given the advanced review of the Shropshire Local Plan, resulting in the Policy becoming out of date.

187. Policy VE2 does not meet the Basic Conditions.

- **M40 – Delete Policy VE2**

188. **Policy VE3** – This does not support development adversely affecting the character of the countryside between Broseley and the Ironbridge Gorge World Heritage Site.

189. The Policy is not supported by evidence defining the location of the countryside where it will be relevant and Broseley Town Council confirmed this area has not been defined. There is no evidence provided of what contributes to this countryside's "*unspoilt character*". This reduces its clarity. The Policy is negatively worded and would not support development with only a minor impact.

190. Policy VE3 does not meet the Basic Conditions.

- **M41 – Replace Policy VE3 with:**

"Development proposals should avoid any significant adverse impact on the character of the countryside between the Broseley Development Boundary and the Ironbridge Gorge World Heritage Site."

191. **Policy VE4** – This seeks to protect and enhance defined areas used for outdoor recreation, sport and leisure.

192. The areas to be protected and enhanced do not appear on the Policies Map as indicated and as a result the Policy lacks both clarity as to where it applies and an evidence base justifying the approach. On request I was informed this was an omission and the areas are "*Birchmeadow Fields, Cricket Club site, MUGA and Guest Road play-space*".

193. Policy VE4 does not meet the Basic Conditions.

- **M42 – Replace Policy VE4 with "The following areas used for outdoor recreation, walking, sport and recreation identified on the Policies Map will be protected and where possible enhanced:**

- **Birchmeadow Fields;**
- **Cricket Club site;**
- **Multi-use Games Area; and**

- **Guest Road play-space.”**

Achieving sustainable development and responding to the challenge of climate change

194. **Policy SD1** – This seeks development which achieves high standards of energy efficiency and proposals to be supported by a statement showing how they will achieve this.

195. The Policy is consistent with national and strategic policy to improve energy efficiency and renewable energy provision. The Policy lacks clarity as to what constitutes “a high standard” of energy efficiency although I was informed by Broseley Town Council “EPC grade 'A' is one definition. We opted not to define this in the NP, because we wished to retain some flexibility in anticipation of emerging changes to national standards and recommendations”. It is also unclear what is meant by “a high and sustainable level of design and construction”. It is unduly onerous in requiring every planning application to be accompanied by a statement as to how it will set high standards of energy efficiency and sustainability regardless of the scale of development or its significance. It should be clear that all the issues identified for being included in the accompanying statement should be provided only where relevant.

196. The scope of the Policy overlaps with other provisions, including Building Regulations. These address the thermal efficiency of building materials and compliance with construction and other standards. The drafting should be more consistent with other policies.

197. Policy SD1 does not meet the Basic Conditions.

- **M43 – Replace Policy SD1 with:**

“New development proposals should be designed to be energy efficient and sustainable. Relevant planning applications should include a statement setting out how the development will achieve this, including as appropriate:

- **Siting and orientation to optimise passive solar gain, and**
- **The use of energy efficient measures such as loft and wall insulation and double glazing.”**

198. **Policy SD2** – This seeks development involving existing buildings to be designed to reduce energy use and meet other standards, including the expectations of Policy SD1.

199. The Policy is less clearly drafted than Policy SD1 and duplicates its provision. Policy SD1 covers all development associated with existing buildings and compliance with other standards is not a matter of planning policy.

200. Policy SD2 does not meet the Basic Conditions.

- **M44 – Delete Policy SD2**

201. **Policy SD3** – This supports measures to reduce energy demand and generate renewable energy in heritage buildings providing it safeguards their historic character and for this to be done with the involvement of relevant organisations.

202. The main policy consideration is largely addressed by Policy D1 although there is some merit in explicitly addressing the desired approach to such energy measures in historic buildings. In the absence of a definition of *“heritage properties”* the clarity of the Policy will be improved by addressing *“heritage assets”* which are defined in national planning policy and which also addresses their significance as well as character.

203. The need for development to be *“carried out with the active engagement with and permission of the relevant organisations”* is unclearly drafted, ambiguous as to which organisations are relevant and not an appropriate planning consideration.

204. Policy SD3 does not meet the Basic Conditions.

- **M45 – Amend Policy SD3 to:**

- **Replace *“heritage properties”* with *“heritage assets”***
- **Replace *“building”* with *“asset”***
- **Delete from *“and the development”* to the end**

205. **Policy SD4** – This states that non-residential development should aim for BREEAM Excellent.

206. National planning policy is that *“any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards”* (NPPF, paragraph 154) and the Plan can support but not require development to deliver higher voluntary standards. BREEAM Excellent is also an onerous expectation to place on small scale non-residential developments.

207. Policy SD4 does not meet the Basic Conditions.

- **M46 - Replace Policy SD4 with:**
“Non-residential development meeting the Building Research Establishment (BREEAM) “excellent” standard will be supported.”

Water Infrastructure

208. **Policy WA1** – This requires development to demonstrate adequate provision is made for water, foul drainage, wastewater and sewerage, including where phasing is required or capacity improvements are provided via agreement.

209. The Policy is a response to the need identified in the Appropriate Assessment for mitigation against unacceptable impacts on the Severn Estuary European Marine Site. It will be helpful to explain this context in the supporting text.

210. I note that the Environment Agency has *“no concerns”* with the Policy and that Severn Trent Water raises no issues in its represent

211. The infrastructure addressed by the Policy is being considered as part of the Local Plan review which is at Examination. The Plan is proceeding ahead of the Local Plan review and it is necessary, therefore, for it to include appropriate mitigations. Planning Practice Guidance is supportive of neighbourhood plans addressing infrastructure (Paragraph: 045

Reference ID: 41-045-20190509). I agree with Shropshire Council's view, provided on request, that it "*considers that draft Policy WA1 is a non-strategic policy*".

212. As a result of its preparation late in the preparation of the Plan Policy WA1 is located in a separate section of the Plan. It is more logical for it to be included within the previous section as a SD policy related to sustainable development.

213. Policy WA1 meets the Basic Conditions.

- OM6 – [Move Policy WA1 into the Sustainable Development section of the Plan as a SD policy and provide an explanation in the supporting text of its role as a mitigation measure identified in the Appropriate Assessment.]

DRAFT

8. Recommendation and Referendum Area

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

DRAFT