

Joint response to questions raised by Examiner of the Broseley Neighbourhood Development Plan 13/1/21)

	Request / query from Examiner	Broseley Town Council response	Shropshire Council response
1	SEA Screening Please may I be sent copies of Environment Agency. Natural England and English Heritage's responses to being consulted on the conclusions of the SEA screening (as cited in paragraph 4.5)	<p>BTC have a response from Natural England to the Section 14 consultation. We will provide a copy of this response which raised no issues.</p> <p>BTC received no replies from other agencies.</p> <p>SC carried out a further consultation at Section 16</p>	DC
2	HRA Screening and appropriate Assessment - Please may I be sent evidence of Natural England having been invited to express a view on the HRA Screening and Appropriate Assessment (as referenced in paragraph 4.5.1 of the Appropriate Assessment) and have confirmation if no view has been received.	SC carried out the HRA and consultation as above for Section 16.	DC
3	Basic Conditions Statement - The Basic Conditions Statement is incomplete. A number of policies are omitted from the assessments in relation to the NPPF (Policy A1, DS1-10), development plan (Policy A1) and sustainable development (Policies A1, DS1-10, VE1, WA1, CH1-2). Please may I be sent a complete Basic Conditions Statement addressing these and any other omitted policies, or an explanation as to why they have not been included.	BTC have amended the Basic Conditions Statement to address the examiner's concerns. A copy is provided alongside this document. The new Statement is in conformity with the 2021 edition of the NPPF.	
4	Is there any evidence to support the statement in paragraph 5.1 of the Basic Conditions Statement that the Plan has regard to essential human rights obligations?	The BTC view is that the very extensive consultation carried out in the two year plan preparation period enables us to state with some confidence that we have met the Human Rights obligations	

		required.	
5	Consultation Statement - It would be helpful to have evidence of changes being made to the Plan as a result of the Regulation 14 Pre-Submission Consultation.	BTC have prepared a document setting out what changes took place between the BTC resolution approving the Section 14 version of the Plan in March 2020 and the regulation 15 version of the Plan.	
6	How were the landowners for the proposed "Valued Green Spaces" and for the site allocations and land proposed to be included within the development boundary consulted with on the Plan and is there any further correspondence reflecting their views?	BTC met with or spoke to the main landowners as part of the consultation process. The principal landowner is the Forester Estate and we had several meetings with the Estate CEO, particularly with regard to the Avenue Road allocation. Other landowners were consulted at the 2019 survey stage.	
7	Does Shropshire Council consider the submitted Plan to be in general conformity with the strategic policies of the development plan, including in relation to the location of the development boundary and the approach to supporting development outside the development boundary?		DC
8	Has Shropshire Council provided any comments on the Plan since those provided during the Regulation 14 public consultation?		DC
9	Is Shropshire Council content with the conclusions of the SEA Screening?		DC
10	Is Shropshire Council content that Policy WA1 deals with non-strategic matters appropriate to a neighbourhood plan?		DC
11	What is the status of the development granted on appeal off Avenue Road (Ref 16/02438/REF) and of the Dark Lane site identified in paragraph 8.3a		DC

12	What is the planning status of any design statement for Broseley?		DC
13	What is the planning status of the Town Plan for Broseley?	SC to provide a copy of the Cabinet minute as part of their response.	DC
14	What is the Town Plan and its relationship to the neighbourhood plan? Please may I be sent a copy	Already supplied to Examiner	
15	Who prepared the SEA screening statement?	Our consultant prepared this document. He is: Michael J. Barker MSc, BA, Dip TP, DMS, Dip M, MRTPI, FRGS	
16	What is the "Design Statement", how was it prepared and please may I be sent a copy?	The Design Statement in the NP mirrors the same statement in the Town Plan, which was accepted by SC as a material consideration for Planning matters in 2013. The design statement was originally drawn up for the Town Plan in 2012 and was prepared by BTC with the assistance of SC staff and local volunteers with professional expertise. It does not exist as a standalone document; it was integral to the Town Plan and is intended to be integral to the NP.	
17	What was the selection process for identifying and allocating the residential development site off Avenue Road? Did it include a call for sites to be included? What was the relationship with the site selection process for the Local Plan?	This site was selected after a consultation process with local residents and conversations with the landowner. There has been no formal 'call for sites' by BTC, but we have consulted landowners	

		<p>and/or potential developers for sites identified as possibilities.</p> <p>These sites were identified in the SC Local Plan site selection process, following a 'call for sites' process carried out by SC. Specifically, Avenue Road was so identified (see Appendix Five).</p>	
18	paragraph 8.3 - What is the evidence supporting a reduced rate of windfall developments	The BTC view is that the past ten years has seen a number of available 'windfall' sites developed with the result that the available sites inside the existing development boundary have been largely utilised.	
19	paragraph 8.4 - What is the definition of "infill" and "windfall" sites? Are all infill sites also windfall sites?	There is no strict definition. NPAG held the view that infill sites were within the development boundary and windfall were likely to be outside and probably exception sites.	
20	Where is the existing development boundary defined?	In the NP the boundary is as shown on page 44. SC can confirm this boundary is the same as is shown on the County SAMDEV document.	DC
21	The development boundary is proposed to be amended off Cockshutt Lane. There is a conflict between the new boundary shown on page 40 and on page 42 in respect of whether Valued Green Space is included or not? Which boundary is the Plan proposing?	This is an error. The correct version is as shown on page 40. This will be corrected in the final version of the Plan.	
22	Policy HO3 - What is the evidence for "severe constraints in the	This area is largely within the Broseley	

	road network"?	<p>Conservation Area and includes many of Broseley's 'jitties'. The 'jitties' (in particular Sycamore Road, Goughs Jitty, Crews Park) are essentially bridleways, with access only possible for pedestrians or small vehicles.</p> <p>Access to the whole area is via Balls Lane, Cobwell Road or Woodlands Road – all of which are single lane roads with no pavements. Representations have been made by local residents on this issue, both to NPAG and in response to planning applications.</p>	
23	Policy HO4 - What is the evidence/rationale for proposed sites being within "1200 metres of Broseley town centre" and where is the town centre boundary defined?	This was set after discussion by the NPAG group. It represents a 20 minute walk for a moderately fit adult.	
24	Policy HO4 - What is the definition of "local people"?	The definition of 'local people' or 'local connection' is set out by Homepoint, which is the SC agency responsible for social housing and manages the social housing waiting list. For exception sites in Broseley the definition would be specific to the Broseley area.	DC
25	Policy HO5 - What is the purpose of this policy over and above Policy HO4?	This was to distinguish between multi-unit developments and single plot. The latter are usually rural businesses and/or smallholdings and may be located outside the 1200 metres limit.	
26	paragraph 3.12 - Where is the Conservation Area status of the part	It's the Severn Gorge World Heritage Site.	

	of Ironbridge Gorge World Heritage Site in the neighbourhood area defined?	See CAA appraisal document. SC might expand on this in their answer.	
27	The boundary of the World Heritage Site 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 - which map is correct?	This is our error and needs to be corrected. The correct version is on page 5	
28	paragraph 8.11 & Appendix 4 - What is "Homepoint"? Is more recent evidence available and are figures available over a number of years?	Shropshire HomePoint provides a one-stop solution for people seeking housing and manages the Shropshire Housing Register, also known as the Housing Waiting List. https://www.shropshirehomepoint.co.uk/	DC
29	paragraph 9.5 - What is the justification and where is the supporting evidence for amending the development boundary off Cockshutt Lane for employment use?	This area was originally identified by SC as a potential employment site as part of the Strategic Land Availability Assessment in advance of the emerging Local Plan. Justification for inclusion is from consultation following a specific request from the employer (Syspal) who wished to be reassured that further expansion of their site, as facilitated by the allocation, would be possible in future. Support for local employers was also a consultation result, where respondents emphasised the need for support for employment in Broseley).	
30	Policies GR1 & GR2 - Is "Valued Green Space" intended to be the same as "Local Green Space" as described in the NPPF (paragraphs 101-103) and as inferred in the first paragraph on page 31?	Yes. The Basic Conditions Statement has been amended to make this clear.	

31	Does the Town Council consider the assessment of Valued Green Space in Appendix 3 addresses the considerations for Local Green Space set out in NPPF paragraph 102? I am happy to receive any additional information on how the sites address these considerations?	Yes. We provided an assessment matrix because we knew that we would need to justify the inclusion of these green spaces against objective criteria.	
32	Were any potential Valued Green Spaces assessed and found not to meet the criteria? Please may I be sent the results of any such assessment	<p>Yes. Three examples below.</p> <p>Penns Meadow (not within Broseley Boundary) Penns Meadow was a listed VGS in the Town Plan.</p> <p>Land between Pound Lane and Rough Lane to the east of the Tileries estate (farmland, no public access).</p> <p>Land to the north of GS8 as far as Ironbridge Road (farmland, no public access)</p>	
33	Please may I be sent a more detailed map/maps showing the boundaries of the proposed Valued Green Spaces	Maps have been sent to the examiner.	
34	policies GR4 and GR5 - Can any more details (including a map) of the "wider footpath network", "gaps" and/or opportunities to "improve existing provision" be provided, including those identified in Policy GR5	SC to provide map of footpaths and bridleways within the Plan area.	DC
35	Policies GR4 and GR5 - Is it the intention this also addresses routes for cyclists and horse riders?	Not specifically, though some (Pound Lane for example) are well used bridleways.	
36	Policy GR5 - what is the effect of being designated as a "green route" intended by this Policy	The intention is that planners and policy makers will in future seek to preserve and enhance these routes, possible using development monies.	

37	<p>paragraph 9.6 and Policy EJ4 - How does the "Primary Shopping Area" relate to the "Designated Retail Area" - are they the same and where have they been defined and designated? Is there a more detailed map showing the boundary of the Primary Shopping Area(s) than that on page 42? How does this relate to "Broseley town centre" as referenced in Policy HO4?</p>	<p>The 'Primary shopping area', 'Town Centre' and 'Designated Retail Area' are synonymous. It might be best in the final Plan for these three terms to be replaced by a single term.</p> <p>The retail areas in Broseley are defined in the SC SAMDEV document.</p> <p>The HO4 1200 boundary is 1200m from the area as defined in blue on the Policies map, i.e. the High Street designated retail area.</p>	DC
38	<p>Policy VE3 - Is the location of the countryside between Broseley and the World Heritage Site defined?</p>	<p>No. This area has not been defined.</p>	
39	<p>Policy VE4 - Where are the areas given they do not appear on the Policies map as indicated?</p>	<p>An omission. The areas are: Birchmeadow Fields, Cricket Club site, MUGA and Guest Road play-space.</p>	
40	<p>Policy SD1 - Is there a definition of "high standard of energy efficiency"?</p>	<p>EPC grade 'A' is one definition. We opted not to define this in the NP, but it could be so defined.</p>	
41	<p>Policy SD4 - What is the justification and evidence supporting the aim for an "excellent" standard?</p>	<p>BREEAM is an internationally recognised and long established process to assess the sustainability of buildings. 'Excellent' is the second highest category (outstanding is the highest). We thought it reasonable, given the various HMG and SC commitments to combating climate change, to expect that non-residential new</p>	

		build developments should achieve this standard. SC use similar criteria in their policy statements.	
42	Policy WA1 - This is not included within the Plan's nine policy areas. It appears to be a response to the Appropriate Assessment but this is not referenced in the justification. It would be helpful to understand the rationale for the Policy and what consideration has been given to its suitability for inclusion as a non-strategic policy in the neighbourhood plan	This policy was included in September 2020 after SC's very strong advice following the 2020 SC report into water resources. SC take the view that this is not a Strategic policy.	
43	Policies A1, DS1 and CH1 - There appears to be significant overlap between these policies - what is the intention behind having design policies in different parts of the plan?	We were aware that the NPPF warns against duplication in policy statements, but NPAG did not see any conflict in the wording, and thought that cross policy reinforcement was not necessarily a bad thing.	
	Additional Information in response to Examiner's questions received 2/2/22		
	Request / query from Examiner	BTC response	
44	what was the start date for the Regulation 14 consultation which concluded on 3 November 2020; what was done to publicise the consultation to local residents, businesses and landowners; and how were respondents asked to provide feedback	<p>The start date was September 12th.</p> <p>The consultation was publicised on the BTC website, in social media and on local noticeboards. Relevant documents were placed in the library.</p> <p>Specific businesses, agencies and groups were sent copies and a letter inviting them to respond. Details are given in appendix 5 of the NP Consultation document. .</p> <p>Respondents were asked to provide</p>	

		feedback via mail or email.	
45	how many responses were received to the Regulation 14 consultation?	Other than from Shropshire Council we received one response, from Natural England.	
46	the Consultation Statement references consultation with local businesses beginning on 1 December 2018 - what form did this take; how many businesses were involved; what feedback was provided; and were any changes made to the emerging Plan as a result?	<p>We held informal person to person consultation with as many local businesses as possible. BTC Councillors facilitated this informal programme. We also carried out a survey (using Survey Monkey) of local businesses. We received 7 responses to this survey.</p> <p>At a later date we contacted the largest businesses again, and it was this contact that led to the employment allocation.</p>	
47	what evidence is available to support the conclusion that the capacity of the site allocated by Policy HO2 is 20 dwellings?	The site is large enough for more than 20 dwellings. BTC took the view however that as a 'mixed use' site we should allow for some buffer space between the housing and the business units. There is also a possible heritage site inside the allocated land, and we felt that this might need to be protected. To the south east of the site there is any area of Japanese knotweed and we felt that, even after work to eradicate, it was important for minimal disturbance of this area.	
48	what evidence supports the assessment that Green Space GS3 is of high environmental value justifying its designation as a	VGS GS3 an area of unspoilt natural woodland with a water course running	

	protected green space - e.g. wildlife records?	<p>south to north and diverse flora and fauna. The east of the plot contains part of the nineteenth century cholera burial ground (associated with the Red Church, now a ruin being restored by a local heritage group).</p> <p>The land in the ownership of Mrs Hornsey who lives at the 'Fish House' neighbouring the GS3 area to the south. Her husband, now deceased, fenced off the area over 20 years ago to protect what he believed to be an invaluable natural resource from damage, dumping and trespass.</p>	
49	GS15 is not included in the Plan's Policies Map - was the boundary of this proposed Green Space included in the consultation on the submitted plan in another way?	BTC felt that including GS15 area on the policies map would have involved reducing the map scale and thereby making it difficult for people to properly assess policy proposals. The area is explained in text in the Plan and a map of the area was included in the public display in the library. Several consultees asked the same Q as yourself as to why it had not been included on the main policies map.	
50	Can the five "green routes" identified in Policy GR5 be identified on a map and do they use existing public rights of way or will this require the creation of new permissive paths?	The five green routes are public rights of way and could be included on a map. They were not separately identified on the Policies map to avoid a profusion of detail.	
51	Is it the intention of Policy VE1 that all three criteria must be	This is a wording error. Our intention would better expressed by the following	

met for development to be supported or can only one or two be met?

wording:

VE.1 Proposals for tourist related development, including areas outside the development boundary, will be supported subject to the proposal meeting at least ONE of the following criteria: