

# Cabinet Member for Housing and Planning Agenda

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<b>Date:</b>	<b>Friday, 13th October, 2017</b>
<b>Time:</b>	<b>11.30 am</b>
<b>Venue:</b>	<b>Room G1 - Ground Floor, Westfields, Middlewich Road, Sandbach CW11 1HZ</b>

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

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For requests for further information

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4. **Buerton Neighbourhood Plan** (Pages 3 - 24)

To consider the Examiner's recommendations with respect to the Buerton Neighbourhood Plan.

## Cheshire East Council

### Cabinet Member for Housing and Planning

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<b>Date of Meeting:</b>	13.10.17
<b>Report of:</b>	Director of Planning and Sustainable Development
<b>Subject/Title:</b>	Buerton Neighbourhood Plan – Decision to Proceed to Referendum
<b>Portfolio Holder:</b>	Councillor Ainsley Arnold

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#### 1. Report Summary

- 1.1. The Buerton Neighbourhood Development Plan (BNDP) was submitted to the Council in June 2017 and, following a statutory publicity period, proceeded to Independent Examination. The Examiner's report has now been received and recommends that, subject to some modifications, the Plan should proceed to referendum.
- 1.2. The Council must now consider the recommendations of the Examiner and decide how to proceed.

#### 2. Recommendation

- 2.1. That the Portfolio Holder accepts the Examiner's recommendations to make modifications to the BNDP as set out in the Examiner's report (at Appendix 1) and confirms that the BNDP will now proceed to referendum in the Buerton Neighbourhood Plan area.

#### 3. Other Options Considered

- 3.1. Not to proceed to referendum – the examiner has found that subject to modification, the plan meets the relevant tests and therefore there is no reason a referendum should not be held.

#### 4. Reasons for Recommendation

- 4.1. The Council is committed to supporting neighbourhood planning in Cheshire East. It has a legal duty to provide advice and assistance on neighbourhood plans, to hold an independent examination on

neighbourhood plans submitted to the Council and to make arrangements for a referendum following a favourable Examiner's Report.

- 4.2. The Council accepts the examiner's recommendations and subject to the modifications set out in the Examiner's Report, the BNDP is considered to meet the statutory basic conditions and procedural requirements set out in Schedule 10, paragraph 8, of the Localism Act and as such it can now proceed to referendum.

### **5. Background/Chronology**

- 5.1. The preparation of the Neighbourhood Plan began in 2015 with the submission of the Neighbourhood Area Designation which was approved in February 2015.
- 5.2. The location and extent of the Buerton Neighbourhood Area is shown on the map in Appendix 2.
- 5.3. The final Neighbourhood Plan and its supporting documents were submitted to Cheshire East Council in June 2017.
- 5.4. The supporting documents included:
  - 5.4.1. Plan of the neighbourhood area
  - 5.4.2. Consultation Statement
  - 5.4.3. Basic Conditions Statement
  - 5.4.4. Screening Opinion on the need to undertake Strategic Environmental Assessment
  - 5.4.5. Links to supporting documents and reports
- 5.5. Cheshire East undertook the required publicity between 05.07.17 – 18.08.17. Relevant consultees, residents and other interested parties were provided with information about the submitted Plan and were given the opportunity to submit comments to the Examiner.
- 5.6. The Borough Council appointed Nigel Payne BSc (Hons) Dip TP MRTPI MCMI to examine whether the Plan meets the necessary basic conditions and legal requirements and recommend whether the plan should proceed to referendum. The Examiner is a chartered town planner and former government Planning Inspector, with wide experience of examining development plans and undertaking large and small scale casework. On reviewing the content of the Plan and the representations received as part of the publication process, he decided not to hold a public hearing.
- 5.7. A copy of the Examiner's Report is provided at Appendix 1. A copy of the Neighbourhood Plan (as submitted to the Council prior to examination) is included at Appendix 3.

- 5.8. The Examiner's Report contains Nigel's findings on legal and procedural matters and his assessment of the Plan against the Basic Conditions. It recommends that a number of modifications be made to the Plan. These are contained within the body of the Report and summarised in a table at the end.
- 5.9. In addition there is a list of minor modifications for the purpose of correcting errors or for clarification which are set out at the end of the Report.
- 5.10. Overall it is concluded that the BNDP does comply with the Basic Conditions and other statutory requirements and that, subject to recommended modifications, it can proceed to a referendum.
- 5.11. The Examiner comments that the Plan *"is a straightforward, sound and sensible plan that suitably addresses the local land use planning issues that currently affect the parish. Whilst some modifications are necessary to meet the Basic Conditions and for clarity to facilitate implementation in practice, it is essentially well written, clear and concise, providing a set of local policies that should prove valuable and effective in considering planning proposals over the plan period. The Plan has clearly been the subject of considerable and commendable effort by the Parish Council in general and the local Steering Group in particular, in bringing it forward to this stage and it deserves to progress to the referendum."*

## 6. Wards Affected and Local Ward Members

- 6.1. Audlem Ward; Councillor Rachel Bailey

## 7. Implications of Recommendation

### 7.1. Policy Implications

7.1.1. Neighbourhood planning allows communities to establish land-use planning policy to shape new development. This is achieved through the formation of a vision and the development of objectives and policies to achieve this vision. If a neighbourhood plan is supported through a referendum and is 'made' it then forms part of the statutory development plan and becomes, with the adopted Local Plan, the starting point for determining relevant planning applications in that area.

7.1.2. The Buerton Neighbourhood Plan therefore contributes to the Councils corporate objectives to deliver high quality of place within a plan led framework and the strategic objectives of the Local Plan Strategy for Cheshire East.

### 7.2. Legal Implications

- 7.2.1. The Neighbourhood Plan is considered to meet the basic conditions and all relevant

legal and procedural requirements and this is supported in the Examiner's Report.

### **7.3. Financial Implications**

7.3.1. The referendum is estimated to cost circa £3,500. This will be paid for through government grant and the service's revenue budget.

### **7.4. Equality Implications**

7.4.1. The neighbourhood plan has been prepared in a manner which has been inclusive and open to all to participate in policy making and establish a shared vision for future development in Buerton. The policies proposed are not considered to disadvantage those with protected characteristics.

### **7.5. Rural Community Implications**

7.5.1. Buerton falls into the category of Rural and Other Villages for the purposes of the Local Plan Strategy. Buerton is a largely rural Parish and the BNDP addresses a number of rural issues including policies on the open countryside, environment and heritage. The policies in the plan have been developed by the community, with opportunities for the rural community to participate in the plan making process.

### **7.6. Human Resources Implications**

7.6.1. None

### **7.7. Public Health Implications**

7.7.1. Neighbourhood plans are an opportunity to promote public health in the statutory planning framework and the Buerton neighbourhood plan contains policies on community facilities and recreation which support physical wellbeing.

### **7.8. Implications for Children and Young People**

7.8.1. Neighbourhood plans are an opportunity to promote the safety, interests and well being of children in the statutory planning framework and the Buerton Neighbourhood Plan introduces policies to protect access to recreation and amenity facilities which support the wellbeing of children.

### **7.9. Other Implications (Please Specify)**

7.9.1. None.

## 8. Risk Management

- 8.1. The decision to proceed to referendum and subsequently to 'make' the Neighbourhood Plan is, like all decisions of a public authority, open to challenge by Judicial Review. The risk of any legal challenge to the Plan being successful has been minimised by the thorough and robust way in which it has been prepared and tested.

## 9. Access to Information/Bibliography

- 9.1. The background papers relating to this report can be inspected by contacting the report writer

## 10. Contact Information

Contact details for this report are as follows:

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Appendix 1: Examiners Report



## **Report on Buerton Neighbourhood Plan 2017 - 2030**

**An Examination undertaken for Cheshire East Council with the support of  
Buerton Parish Council on the August 2017 submission version of the Plan.**

Independent Examiner: Nigel Payne, BSc (Hons), Dip TP, MRTPI, MCMI

Date of Report: 3 October 2017

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### **Main Findings - Executive Summary**

From my examination of the Buerton Neighbourhood Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Buerton Parish Council;
- The Plan has been prepared for an area properly designated – the Buerton Neighbourhood Area designated by Cheshire East Council on 23 February 2015 (Figure A in the plan);
- The Plan specifies the period for which it is to take effect – 2017 to 2030; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and concluded that it should not.

## **1. Introduction and Background**

### *Buerton Neighbourhood Plan 2017 - 2030*

- 1.1 Buerton is a small, attractive, rural parish in the south of Cheshire lying just to the east of the town of Audlem and close to the border with Shropshire, within the unitary authority of Cheshire East. At present, it has a population of around 500 people. This small scale has helped the Parish Council, and particularly the local Steering Group preparing the Plan, to engage the wider community as it has developed through various consultation events since the process commenced in August 2014.
- 1.2 It represents three years work by those involved and sets out a vision for the future of the settlement and its surroundings. Having first described the history of the parish, the local landscape and the built character and design of the village, as well as providing relevant statistics on Buerton as it is today, the Plan then defines ten reasonable and realistic objectives. It also includes policies on the themes of natural and built environment, housing, local character and design, heritage, infrastructure and the rural economy, each of which is supported by relevant evidence and justification. The Plan covers the whole of the civil parish (Figure A), being the Designated Neighbourhood Area.

*The Independent Examiner*

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Buerton Neighbourhood Plan by Cheshire East Council, (CEC) with the agreement of Buerton Parish Council (the Parish Council).
- 1.4 I am a chartered town planner and former government Planning Inspector, with twenty years experience in that role and over forty years in the planning profession in total, in both the public and private sectors. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft plan.

*The Scope of the Examination*

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
  - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the Local Planning Authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;
    - it does not include provisions and policies for 'excluded development';
    - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;

- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 ('the 2012 Regulations').

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### *The Basic Conditions*

1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

## **2. Approach to the Examination**

### *Planning Policy Context*

- 2.1 The Development Plan for this part of Cheshire East Council, not including documents relating to excluded minerals and waste development, is the adopted Cheshire East Replacement Local Plan Strategy (CELPS) 2017 and the relevant saved policies from the Crewe and Nantwich Replacement Local Plan 2005. The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

### *Submitted Documents*

- 2.2 I have considered all policy, guidance and other reference documents that I consider relevant to the examination, including those submitted, which comprise:
- the draft Buerton Neighbourhood Plan 2017 -2030, August 2017;
  - Figure 1 of the Plan, which identifies the area to which the proposed neighbourhood development plan relates;
  - the Consultation Statement, July 2017;
  - the Basic Conditions Statement, July 2017;
  - all the representations that have been made in accordance with the Regulation 16 consultation; and
  - the Strategic Environmental Assessment Screening Opinion prepared by CEC (March 2017); and
  - the responses by the CEC and the Parish Council to questions set out in my letter of 30 August 2017<sup>1</sup>.

### *Site Visit*

- 2.3 I made an unaccompanied site visit to the Neighbourhood Plan Area on 17 September 2017 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

### *Written Representations or Public Hearing*

- 2.4 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated all the representations on the plan and no requests for a hearing were made. Both the Parish Council and CEC helpfully replied in writing to the initial questions that I put to them in a letter of 30 August 2017.

### *Modifications*

- 2.5 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications

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<sup>1</sup> View at: [http://cheshireeast.gov.uk/planning/neighbourhood\\_plans/buerton-neighbourhood-plan.aspx](http://cheshireeast.gov.uk/planning/neighbourhood_plans/buerton-neighbourhood-plan.aspx)

separately in the Appendix 1. I have also recommended a number of modifications to correct errors<sup>2</sup> (**PM 16 to PM 23**) and improve the clarity and accuracy of the document. These are listed in Schedule 2 of the Appendix.

### 3. Procedural Compliance and Human Rights

#### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The Buerton Neighbourhood Plan has been prepared and submitted for examination by the Parish Council, which is a qualifying body for an area that was designated by Cheshire East Council on 23 February 2015. It is the only neighbourhood plan for Buerton and it does not relate to land outside the designated neighbourhood area.

#### *Plan Period*

- 3.2 As submitted, the Plan does not clearly specify in writing the period for which it is to take effect, which is from 2017 to 2030, but this is easily rectified by a modification (**PM 1**) to ensure the period is stated upfront on the cover of the Plan. Paragraph 1.4 of the Foreword also needs to be updated to reflect the recent adoption of the CELPS for the same plan period (**PM 2**) and all other references to the “emerging” or “draft” plan replaced with “adopted” (**PM 16**).

#### *Neighbourhood Plan Preparation and Consultation*

- 3.3 As documented in the July 2017 Consultation Statement, through the use of public meetings, postal information and electronic media, residents of the village and all other interested parties have been kept fully informed of the Plan’s progress since inception in the latter part of 2014. Questionnaires (Jan/Feb 2015 and Aug/Sep 2015) have facilitated public consultation and encouraged local people to identify issues of concern in the parish. These have been properly documented and acknowledged, albeit as a land use document a neighbourhood plan is not able to address all of the full range of matters raised.
- 3.4 The 2016 Housing Needs Survey and the Open Day on 18 March 2017 have provided two further good examples of the level of consultation and engagement that has been evident throughout the plan preparation process, with appropriate detailed consideration given to all representations made, as set out in Appendix 1 of the July 2017 consultation statement. In the light of all of the above, I am satisfied that all the statutory requirements in the 2012 Regulations have been met and that public consultation, local participation, relevant research and necessary evidence collection have all been suitably and

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<sup>2</sup> Paragraph 10(3)(e) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) provides for the recommending of modifications for the purpose of correcting errors.

satisfactorily completed, having regard to the advice on plan preparation and engagement in the PPG.

### *Development and Use of Land/Excluded Development*

- 3.5 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act. It does not include any provisions or policies for “excluded development”.

### *Human Rights*

- 3.6 CEC is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment, I have no reason to disagree.

## **4. Compliance with the Basic Conditions**

### *EU Obligations*

- 4.1 The neighbourhood plan was screened for Strategic Environmental Assessment (SEA) by CEC, which found that it was unnecessary to undertake SEA. Having read the SEA Screening Opinion (March 2017), I see no reason to disagree. The Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. The site is not in close proximity to a European designated site and Natural England agreed with this conclusion (letter 17 March 2017). From my independent assessment of this matter, I have no reason to disagree.

### *Main Assessment*

- 4.2 Having considered whether the Plan complies with the various procedural and legal requirements, it is now necessary to deal with whether it complies with the Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution to achieving sustainable development and general conformity with the recently adopted strategic development plan policies in the CELPS. I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan’s policies.
- 4.3 However, I consider that the overall scope, tone and content of the Plan and its policies strike an appropriate balance between meeting the realistic local needs of a village of this size for new development and the protection of its local character and appearance, as well as its heritage and other significant assets. In short, subject to the modifications I recommend below to specific policies, the Plan meets the Basic Conditions, including by paying due regard to national policy and guidance and contributing to the achievement of sustainable development.

- 4.4 In having regard to national policy and guidance, I have to consider whether the policies are sufficiently clear and unambiguous, as they need to be drafted so that a decision maker can apply them consistently and with confidence when considering planning proposals. Each policy has to be precise, concise and supported by suitable evidence<sup>3</sup>. I have identified some that should be reworded for the above reasons and they are listed as proposed modifications (**PMs**) in the Appendix 1 to this report. Also Figure A, as submitted, needs to be replaced by a version with a clear Ordinance Survey (OS) base (**PM 3**).
- 4.5 **Policy ENV 1** deals with biodiversity and, amongst other things, seeks to protect and, where possible, enhance the local wildlife site at Long Wood (shown on Figure C). It accords with both national policies and guidance on this matter, as well as contributing to sustainable development. However, in order to achieve general conformity with the recently adopted strategic policies of the CELPS<sup>4</sup>, it is necessary that the wording of the second paragraph should be modified in relation to mitigation and compensation (**PM 4**). In addition, some of the sites shown on Figures C (Local Wildlife Sites), D (Habitat Distinctiveness) and E (Indicative Wildlife Corridors) are outside the designated neighbourhood area. As the Plan's policies can only relate to the designated area, the three figures have to be revised (**PM 5**).
- 4.6 Similar conclusions relating to national policies and guidance apply to both **Policy ENV 2**, concerning trees, hedges and watercourses and **Policy ENV 3** regarding access to the countryside, for the same reasons. Nevertheless, the detailed wording of the former also needs to be in general conformity with the relevant policies of the CELPS<sup>5</sup> and therefore to be amended accordingly and along the same lines as for Policy ENV 1 (**PM 6**). A minor change to paragraph 5.22 supporting Policy ENV 3 (deleting "by Buerton Parish Council") is necessary to clarify that the policy is also that of CEC and is consistent with the CELPS<sup>6</sup> (**PM 19**).
- 4.7 Relating to new housing, **Policy HOU 1** reflects the fact that Buerton is a small village in a rural area with no strategic need identified in the recently adopted CELPS to deliver new housing, beyond local needs, to meet the wider requirements of the district. As paragraph 6.9 of the Plan confirms, taking into account the Housing Advice Note for Buerton (August 2016), prepared by CEC, the residential completions since April 2010 and existing commitments, only a very limited number of additional dwellings is required to meet the local housing need over the remainder of the plan period to 2030. In the light of the above and consistent with the overall strategy and relevant

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<sup>3</sup> PPG Reference ID: 41-041-20140306.

<sup>4</sup> For example, CELPS Policy SE 3 Biodiversity and Geodiversity.

<sup>5</sup> CELPS Policy SE 5 Trees, Hedgerows and Woodland.

<sup>6</sup> CELPS Policy SE 6 Green Infrastructure.



policies of the CELPS<sup>7</sup>, as well as national policies and guidance concerning rural areas, it is reasonable to conclude that the Plan's approach limiting new housing in the village to small scale schemes is appropriate.

- 4.8 Moreover, bearing in mind that nearby Audlem, a much larger settlement, has a limit of ten homes in new housing schemes in its Neighbourhood Plan and that comparably sized villages to Buerton across the district have similar or lower figures, I am satisfied that up to six dwellings in any one scheme is a suitable limit for the locality over the plan period. Anything materially greater would risk harming the essentially rural character and appearance of the settlement by encroaching into the open countryside around it and/or giving rise to overdevelopment within the fairly loose knit form of the existing built up areas of the village.
- 4.9 However, for general conformity with the CELPS<sup>8</sup>, it is necessary to add a further criterion (g) to the policy to include reference to heritage assets (**PM 7**) and also to include minor rewording for clarity and accuracy (**PM 8**). With these modifications, the policy will provide a useful detailed addition to the list of applicable policies to be addressed by any new development schemes in the parish.
- 4.10 On the size and type of housing, **Policy HOU 2** seeks to help redress the present imbalance in the local stock, so that new developments should favour smaller homes. The available evidence clearly justifies such an approach to help meet the housing needs of the wider local community. As submitted, the policy is clear and in general conformity with CELPS Policy SC 4 Residential Mix and paragraph 12.37 of the accompanying justification for the policy and thus meets the basic conditions for inclusion in the Plan.
- 4.11 Pursuant to the Plan's objectives regarding the character of the village and the protection of local views and green spaces, **Policy LCD 1** provides a detailed list of factors to be taken into account in relation to new development. Each is reasonable in this local context and readily capable of implementation in practice, with one exception. Part i), as submitted, relates specifically to the location of new development and not its design or character. It also essentially repeats clause f) of Policy HOU 1, which is the appropriate place for this matter to be addressed. Accordingly, it should be deleted for accuracy and consistency with the rest of the Plan and the CELPS Policy SE 1 Design, as well as national policy and guidance (**PM 9**).
- 4.12 As submitted, Figure G requires an explanation of the blue arrows to be added to the key (**PM 10**) and in paragraph 7.9 the deletion of the word "Micro" from the start of bullet point 8 for clarity (**PM 11**).

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<sup>7</sup> CELPS Policy PG 2 Settlement Hierarchy and Policy PG 6 Open Countryside.

<sup>8</sup> Policy PG 6 Open Countryside.

- 4.13 The rural setting of Buerton is clearly one of the village's most important features. This is emphasised in certain locations by specific views and vistas, including at some specific "gateways" into and out of the main built up areas of the settlement (Fig H). These are listed in **Policy LCD 2** to help ensure that they are not lost over time and that any development proposals take them fully into account. However, to be generally consistent with national policies and guidance, as well as CELPS Policy SE 4 Landscape, and not inflexible as submitted, the policy wording needs slight amendment in the first sentence (**PM 12**).
- 4.14 Having seen the site, I am fully satisfied that the school playing field recreation area in the middle of Buerton meets each and all of the relevant criteria in paragraph 77 of the NPPF for designation as a Local Green Space under **Policy LCD 3**. It is very centrally located, obviously well used for its main purposes, including as a local meeting place, and is a visually attractive feature in the street scene with its surrounding mature trees that readily define its limited extent.
- 4.15 As the Plan states at paragraph 8.7, the considerable heritage assets of the parish are an important part of its character and they should be protected from inappropriate development and, where possible, enhanced. To that end **Policy HER 1** provides the necessary local policy wording that accords with paragraphs 126-129 of the NPPF, the PPG and the CELPS in this regard. However, Figure J needs to be replaced with a version that has a clear OS base and shows each Listed Building clearly marked (**PM 13**).
- 4.16 In order to ensure that new development does not have a negative impact on existing infrastructure, in line with the Plan's objectives, **Policy INF 1** properly expects that any such effects will be suitably and satisfactorily mitigated in connection with and at the expense of any new development scheme. Such requirements are entirely consistent with those in the adopted CELPS<sup>9</sup> and also national policy and guidance.
- 4.17 The relative inadequacy of the local water, drainage and sewerage systems have been recognised as a significant local concern in the Plan and it is therefore entirely reasonable for it to contain a policy on this subject (**Policy INF 2**). However, the wording in the submitted version is inflexible and does not recognise that the provision of sustainable drainage systems depends on various technical factors, including suitable ground conditions, and therefore, whilst desirable, is not always practical or viable. Thus, the policy needs to be modified accordingly so as to more accurately reflect the national policy position and the relevant guidance<sup>10</sup> concerning such matters (**PM 14**).

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<sup>9</sup> Policy IN 2 Developer Contributions.

<sup>10</sup> PPG Reference ID 7-080-20150323.

- 4.18 The value of high quality communications infrastructure for rural areas is specifically recognised in paragraph 42 of the NPPF and **Policy INF 3** properly and appropriately seeks to support delivery in Buerton.
- 4.19 Based on the Plan's objective to encourage a thriving rural economy, **Policy ECON 1** is positively worded and should help to ensure that the village's economy grows sustainably over the plan period, through support for the development of existing and new businesses and enterprises. It is essentially in tune with national policy and guidance but requires the addition of "unacceptable" to part b) to make the wording clear and consistent with paragraph 28 of the NPPF, as well as implementable in development management terms (**PM 15**). A minor rewording is also required to paragraph 10.6 for accuracy (**PM 23**).

## 5. Conclusions

### *Summary*

- 5.1 The Buerton Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have considered all the responses made following consultation on the neighbourhood plan and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, thus requiring the referendum to extend to areas beyond the plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated neighbourhood plan area.
- 5.4 This is a straightforward, sound and sensible plan that suitably addresses the local land use planning issues that currently affect the parish. Whilst some modifications are necessary to meet the Basic Conditions and for clarity to facilitate implementation in practice, it is essentially well written, clear and concise, providing a set of local policies that should prove valuable and

effective in considering planning proposals over the plan period. The Plan has clearly been the subject of considerable and commendable effort by the Parish Council in general and the local Steering Group in particular, in bringing it forward to this stage and it deserves to progress to the referendum.

*Nigel Payne*

Examiner

## Appendix: Modifications

### SCHEDULE 1: Modifications to meet the Basic Conditions and other legal requirements

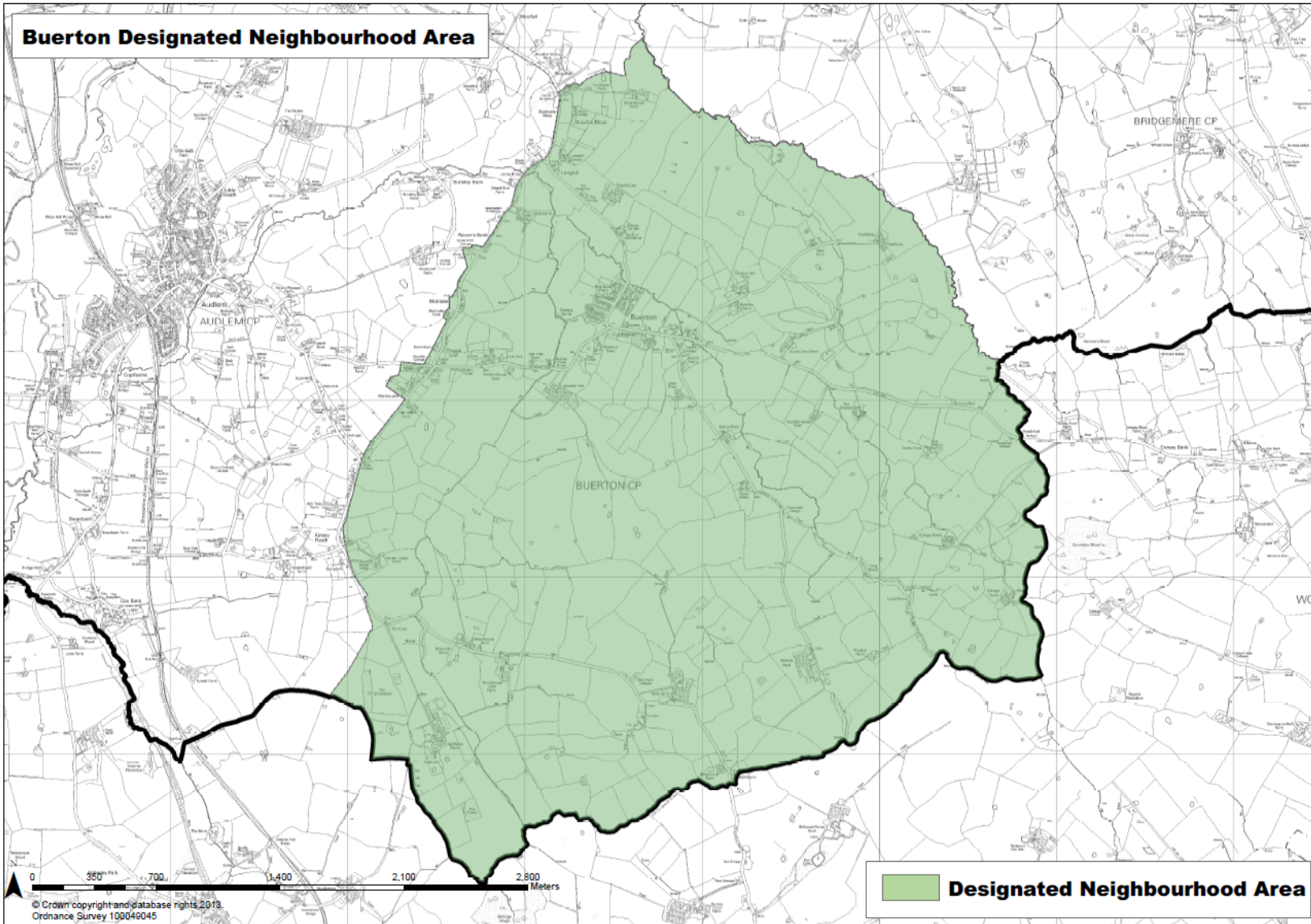
Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Front Cover	Insert “2017 to 2030”
PM2	Paragraph 1.4	Delete first sentence and replace “draft” with “adopted” in second sentence.
PM3	Figure A	Replace submitted figure with a version that has a clear OS base.
PM 4	Policy ENV 1	Replace second part of policy with “Where development proposals are likely to have a significant impact on these sites, development will only be permitted where suitable mitigation and/or compensation is provided to address the adverse impacts, or where any residual harm, along with any other harm, is clearly outweighed by the benefits of the development.”
PM 5	Figures C, D and E	Replace submitted figures with versions showing only sites within the Buerton NP designated area.
PM 6	Policy ENV 2	Replace “must” with “should, if at all possible,” in first sentence.
PM 7	Policy HOU 1	Add criterion g) at end of second part “are essential for the conversion or enhancement of a heritage asset”.
PM 8	Policy HOU 1	Add “and/or” after criteria d), e) and f).
PM 9	Policy LCD 1	Delete criterion i) and renumber j) to i).
PM 10	Figure G	Add an explanation of the blue arrows to the key.
PM 11	Paragraph 7.9	Delete “Micro” in bullet point 8.
PM 12	Policy LCD 2	Replace first sentence with “Development will not be permitted if it materially interrupts or significantly interferes with the views and vista shown on Figure H”.
PM 13	Figure J	Replace submitted figure with a version that has a clear OS base and with each Listed Building clearly marked.
PM 14	Policy INF 2	Replace “must” with “should, if at all possible, “.

PM 15	Policy ECON 1	Add “unacceptable” before “visual” in part b).
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**SCHEDULE 2: Modifications to correct errors (and update)**

<b>Proposed modification number (PM)</b>	<b>Page no./ other reference</b>	<b>Modification</b>
PM 16	Whole Plan	Update all references to the CELPS by replacing “emerging” or “draft” with “adopted”.
PM 17	Paragraph 2.3	Add capitals for “Education Acts”.
PM 18	Paragraph 3.12	Delete “comments notes that” in second sentence.
PM 19	Paragraph 5.22	Delete “by Buerton Parish Council” at end of second sentence.
PM 20	Policy LCD 2	Replace “lane” with “Lane”.
PM 21	Paragraph 7.25	Reword third and fourth sentences of table for clarity “The recreation area provides a community facility for all and is surrounded by mature trees. It includes.....”.
PM 22	Paragraph 8.6	Replace “destroyed” with “damaged” in first line.
PM 23	Paragraph 10.6	Delete “It is hoped that”.

Appendix 2: Neighbourhood Area



Appendix 3: Buerton Neighbourhood Plan

[Link to Regulation 15 Neighbourhood Development Plan](#)