

WOODFORD NEIGHBOURHOOD PLAN 2018-2033

Woodford Neighbourhood Plan Examination,
A Report to Stockport Metropolitan Borough Council

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1. Summary

- 1 Subject to the recommendations within this Report, made in respect of enabling the Woodford Neighbourhood Plan to meet the basic conditions, I confirm that:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.
- 2 Taking the above into account, I find that the Woodford Neighbourhood Plan meets the basic conditions¹ and I recommend to Stockport Metropolitan Borough Council (referred to in this Report as Stockport MBC) that, subject to modifications, it should proceed to Referendum.

¹ It is confirmed in Chapter 3 of this Report that the Woodford Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

2. Introduction

The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the Woodford Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by the Woodford Neighbourhood Forum.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. Were a Referendum to be held and were more than 50% of votes to be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Stockport MBC. The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Woodford Neighbourhood Area.
- 5 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”

(Paragraph 183, National Planning Policy Framework)

- 6 As confirmed in Paragraph 2.1 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Woodford Neighbourhood Forum is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 7 The Neighbourhood Plan relates only to the designated Woodford Neighbourhood Area and there is no other neighbourhood plan in place in the Woodford Neighbourhood Area.
- 8 The above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012²) and Planning Practice Guidance (2014).

² A replacement National Planning Policy Framework was published in July 2018. Paragraph 214 of the replacement document establishes that the policies of the previous National Planning Policy Framework apply for the purpose of examining plans, where those plans are submitted on or before the 24th January 2019.

Role of the Independent Examiner

- 9 I was appointed by Stockport MBC, with the consent of the Qualifying Body, to conduct the examination of the Woodford Neighbourhood Plan and to provide this Report.
- 10 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the Local Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 11 I am a chartered town planner and have seven years' direct experience as an Independent Examiner of Neighbourhood Plans. I also have thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 12 As the Independent Examiner, I must make one of the following recommendations:
 - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 13 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Woodford Neighbourhood Area to which the Plan relates.
- 14 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

Neighbourhood Plan Period

- 15 A neighbourhood plan must specify the period during which it is to have effect.
- 16 The inside cover of the Neighbourhood Plan sets out the “Duration of the plan” as 2018-2033. For clarity, I recommend that the plan period replaces the date provided on the front cover of the Neighbourhood Plan:
 - **Change title of front cover to “*Woodford Neighbourhood Plan 2018-2033*”**
- 17 In addition to the above, Paragraph 2.3 of the Basic Conditions Statement states that:

“The proposed Woodford Neighbourhood Plan states the period for which it is to have effect. That period is from the Plan being made (2018) up to 2030.”
- 18 Taking the above into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.

Public Hearing

- 19 According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 20 However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 21 Further to consideration of the information submitted, I confirmed to Stockport MBC that I would not be holding a public hearing as part of the examination of the Woodford Neighbourhood Plan.
- 22 In order to clarify a number of points in respect of the examination, I wrote to the Qualifying Body and to Stockport MBC. My letters and the responses provided were published on the Stockport MBC website.

3. Basic Conditions and Development Plan Status

Basic Conditions

- 23 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*³ following the Localism Act 2011. Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 24 Regulations 23 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28th December 2018, applies to neighbourhood plans:
- 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.⁴

³ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

⁴ *ibid* (same as above).

- 25 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
 - has been prepared for an area that has been properly designated for such plan preparation (under Section 61G of the Localism Act);
 - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that:
 - its policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
- 26 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁵
- 27 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

⁵ The Convention rights has the same meaning as in the Human Rights Act 1998.

European Convention on Human Rights (ECHR) Obligations

- 28 Paragraph 6.3 of the Basic Conditions Statement submitted alongside the Neighbourhood Plan sets out why, in the Qualifying Body's view, the Neighbourhood Plan is compatible with the ECHR.
- 29 I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.
- 30 In the above regard, I also note that Information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Many comments were received during the plan-making process and the Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses and resulting changes.

European Union (EU) Obligations

- 31 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment (SEA). In this regard, national advice states:

"Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects."
(Planning Practice Guidance⁶)
- 32 This process is often referred to as a "*screening*" assessment⁷. If likely environmental effects are identified, an environmental report must be prepared.

⁶ Paragraph 027, Ref: 11-027-20150209, Planning Practice Guidance.

⁷ The requirements for a screening assessment are set out in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 33 The Basic Conditions Statement confirms that a Strategic Environmental Assessment (SEA) screening report was prepared. The screening report was submitted alongside the Neighbourhood Plan. It concluded that a full SEA was not required, a conclusion supported by Stockport MBC.
- 34 The statutory bodies, Historic England, Natural England and the Environment Agency, have been consulted. None of these bodies has raised any concerns in respect of the Neighbourhood Plan meeting European obligations.
- 35 In addition to SEA, a Habitats Regulations assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information⁸. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.
- 36 Chapter 6 of the Basic Conditions Statement refers to the Habitats Regulations Assessment screening report undertaken for the Neighbourhood Plan. This concludes that:
- “...the Woodford Neighbourhood Plan will not have a significant effect on a European site and that further assessment under the Habitats Regulations is not required.”*
- 37 This conclusion was supported by Stockport MBC and as above, none of the statutory bodies has raised any issues in respect of European obligations.
- 38 Further to the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:
- “It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)”* (Planning Practice Guidance⁹).

⁸ Planning Practice Guidance Paragraph 047 Reference ID: 11-047-20150209.

⁹ *ibid*, Paragraph 031 Reference ID: 11-031-20150209.

- 39 In carrying out the work that it has and in reaching the conclusions that it has, Stockport MBC has not raised any concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.
- 40 In addition to all of the above, I note that, in April 2018, in the case *People Over Wind & Sweetman v Coillte Teoranta ("People over Wind")*, the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a habitats assessment, an *Appropriate Assessment* of those effects must be undertaken.
- 41 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.
- 42 The changes to regulations allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an Appropriate Assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application.
- 43 These changes came into force on 28th December 2018. This post-dated the submission of the Neighbourhood Plan and the subsequent consultation period.
- 44 In the light of all of this, Stockport MBC has stated that:
- "The Council is satisfied that the Neighbourhood Plan (NP) is compatible with European obligations."*¹⁰
- 45 Taking everything into account, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

¹⁰ Ref: Stockport MBC letter of 6th March 2019, in response to Examiner's "*Request for clarification*" letter to Stockport MBC and Woodford Neighbourhood Forum of 28th February 2019.

4. Background Documents and the Woodford Neighbourhood Area

Background Documents

- 46 In undertaking this examination, I have considered various information in addition to the Woodford Neighbourhood Plan.
- 47 I draw attention to the fact that a replacement version of the National Planning Policy Framework was published in July 2018, after the submission of the Neighbourhood Plan. The previous National Planning Policy Framework was published in 2012 and the replacement version differs from it in a number of ways.
- 48 However, as noted earlier in this Report, Paragraph 214 of the replacement document establishes that the policies of the previous National Planning Policy Framework apply for the purpose of examining relevant plans submitted prior to the 25th January 2019.
- 49 A number of representations refer to emerging planning policy. Some representations assert that the Neighbourhood Plan is “*premature*” in respect of coming forward ahead of other emerging policies.
- 50 As set out earlier in this Report, the Woodford Neighbourhood Plan must be examined against adopted planning policies. There is no legal requirement for neighbourhood plans to “*wait*” for emerging strategic policies to come into force before they can be made. In this regard, Planning Guidance is explicit:

“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan.”¹¹

¹¹ Planning Practice Guidance Paragraph 009 Reference ID: 41-009-20160211.

- 51 Planning Practice Guidance does advise that the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which the Plan is tested. For example, up to date housing needs evidence is relevant to the question of whether a housing land supply policy in a neighbourhood plan contributes to the achievement of sustainable development.
- 52 Consequently, it is considered good practice for Qualifying Bodies and Local Planning Authorities to aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance¹².
- 53 In the case of the Woodford Neighbourhood Plan, there is evidence to demonstrate that positive, collaborative working between the Neighbourhood Forum and Stockport MBC has taken place. The Consultation Statement submitted alongside the Neighbourhood Plan states that:
- "A good working relationship was established with SMBC which has included regular dialogue and several meetings."*
- 54 Stockport MBC has not expressed any concerns in respect of the Neighbourhood Plan being "*premature*" or in respect of the Neighbourhood Plan failing to conform to the strategic housing needs of the District based on the latest available information. Rather, Stockport MBC is satisfied that:
- "The proposals in the NP are reflective of the strategic housing requirements as they stand in the adopted Core Strategy for the borough."*¹³
- 55 In this regard, I am also mindful that neither the emerging Stockport Local Plan nor the Greater Manchester Spatial Framework (GMSF) has reached an advanced stage.

¹² Paragraph: 009 Reference ID: 41-009-20160211.

¹³ Ref: Stockport MBC letter of 6th March 2019, in response to Examiner's "*Request for clarification*" letter to Stockport MBC and Woodford Neighbourhood Forum of 28th February 2019.

- 56 Information considered as part of this examination has included (but has not been limited to) the following main documents and information:
- National Planning Policy Framework (referred to in this Report as "*the Framework*") (2012)
 - Planning Practice Guidance (2014, as updated)
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - Stockport Core Strategy Development Plan Document (2011) (referred to in this Report as "*Core Strategy*")
 - Stockport Unitary Development Plan Review (2006) (Saved Policies) (referred to in this Report as "*UDP*")
 - Basic Conditions Statement
 - Consultation Statement
 - Sustainability Appraisal (Incorporating Strategic Environmental Assessment)

Also:

- Representations received
- 57 In addition, I spent an unaccompanied day visiting the Woodford Neighbourhood Area.

Woodford Neighbourhood Area

- 58 The boundary of the Woodford Neighbourhood Area is shown on a plan provided on page 6 of the Neighbourhood Plan.
- 59 Stockport MBC formally designated the Woodford Neighbourhood Area on 17th October 2013. The Woodford Neighbourhood Forum was subsequently re-designated by Stockport MBC on 18th October 2018.
- 60 This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

5. Public Consultation

Introduction

- 61 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 62 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Woodford Neighbourhood Plan Consultation

- 63 A Consultation Statement was submitted to Stockport MBC alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*¹⁴.
- 64 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Woodford Neighbourhood Area, having regard to Paragraph 183 of the National Planning Policy Framework ("*the Framework*").
- 65 Woodford Neighbourhood Forum commenced community engagement with a Residents' Questionnaire in 2014. The results of this were analysed and presented to residents at an Annual General Meeting of the Neighbourhood Forum held in September 2014 and attended by 58 people.
- 66 A Workshop, two Surveys and an Exhibition took place during 2015 and further to these, the vision and objectives of the emerging plan were presented to residents, the local MP and a representative from Stockport MBC at the Neighbourhood Forum's 2015 Annual General Meeting.

¹⁴ Neighbourhood Planning (General) Regulations 2012.

- 67 The Neighbourhood Forum presented an overview on progress to Stockport MBC's South Area Committee in February 2016 and outline draft policies were presented to residents, the local MP and a representative from Stockport MBC during that year's Annual General Meeting. Following this, during October and November 2016, the Neighbourhood Forum undertook public consultation on draft policies. Draft policies were also submitted to Stockport MBC for comment and were subsequently reviewed with officers during 2017.
- 68 Pre-submission consultation took place during May and June 2018. More than 200 comments were received, including from more than 100 local residents, from 13 businesses and from 8 landowners. The representations were considered and led to changes being made to the Neighbourhood Plan.
- 69 The Consultation Report provides evidence to demonstrate that public consultation formed an important part of the overall plan-making process. Consultation was well-publicised. Matters raised were considered, some in considerable detail and that the reporting process was transparent.
- 70 The Neighbourhood Forum website provided a considerable ongoing information resource, providing direct access to relevant information, including supporting evidence and the minutes of meetings.
- 71 Taking all of the above into account, I am satisfied that the consultation process was robust and complied with the neighbourhood planning regulations referred to above.

6. The Neighbourhood Plan – Introductory Section

- 72 A made Neighbourhood Plan forms part of the development plan for the Neighbourhood Area. For clarity, I recommend:
- **Page 5, delete third para (which has been overtaken by events) and change fourth para to *"Once made, the Neighbourhood Plan forms part of Stockport's development plan. Together with other adopted planning policies, it forms the legal basis for planning decisions across the whole of the Neighbourhood Area."***
 - **Page 7, delete first heading and sentence, which have been overtaken by events**
 - **Page 7, para 2.1.1, first sentence, delete "...to create this version."**
- 73 The Basic Conditions Statement and the relevant screening opinions set out how the Neighbourhood Plan meets European obligations. There is no need to seek to repeat this information and I recommend:
- **Page 7, para 2.1.3, retain first sentence and delete rest of paragraph**
 - **Page 8, delete para 2.3 and Notice, which have been overtaken by events**
 - **Page 9, retain first sentence and delete rest of text, which has been overtaken by events**
- 74 The Neighbourhood Plan clearly sets out its Vision, Objectives and Aspirations. However, para 6.4, which refers to the *"Aims of Policies"* largely sets out the title of each Policy. It appears unnecessary, repetitive and potentially confusing, detracting from the Policies themselves. I recommend:
- **Page 25, delete para 6.4 and change title on page 24 to *"Vision, Objectives and Aspirations"***

7. The Neighbourhood Plan – Neighbourhood Plan Policies

- 75 Neighbourhood Plan Appendix 2 contains the justification, evidence and references for the Policies contained in the Neighbourhood Plan. This is a useful reference resource.
- 76 However, the Policy section of the Neighbourhood Plan also includes numbers in parentheses after each Policy title and tables of *“Supporting Evidence and References.”* The inclusion of these detracts from the clarity of the Policies and comprises unnecessary repetition, as Appendix 2 purposefully provides for this information.
- 77 I recommend:
- **Delete the brackets/numbers after each Policy title. Delete the “Supporting Evidence and References” tables from each Policy Section**
 - **Page 28, para 7.1, change third sentence to “...numbers in brackets in the “Rationale” refer to references which can be found in Appendix 2.”**
- 78 The following phrases occur in the Policies in the Neighbourhood Plan: *“will be permitted...shall be permitted...shall be refused...would only be permitted...development to be permitted...shall be granted...”*
- 79 The Neighbourhood Forum is not the Local Planning Authority and has no statutory powers in respect of the determination of applications for development. The Neighbourhood Plan cannot grant or refuse planning permission.
- 80 I also note that the use of such phrases runs the risk of effectively bypassing the planning process, such that it fails to provide for the balanced consideration of the benefits and harm that may arise from a development proposal.

- 81 Subsequently to bringing the above to the attention of the Local Planning Authority and the Qualifying Body, it was confirmed by the Neighbourhood Forum that in general, the intent of Policy-wording to the effect that development "*will be permitted*" was to provide a supportive land use planning policy framework. Conversely, the Neighbourhood Forum also confirmed that the intent of Policy wording to the effect that development "*will not be permitted*" was to provide a preventative land use planning policy background.
- 82 I have taken this into account in considering the Policies of the Neighbourhood Plan against the basic conditions.

Policy ENV 1: Protecting views and vistas

- 83 National Green Belt policy is set out in Chapter 9 of the National Planning Policy Framework 2012 (referred to in this Report as *"the Framework"*), *"Protecting Green Belt land."*
- 84 Great importance is attached to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework states establishes that the essential characteristics of Green Belts are their openness and permanence.
- 85 However, national policy does not prevent all development in the Green Belt. Rather, it recognises forms of development that are not inappropriate in the Green Belt and in addition, it even provides for inappropriate development in the Green Belt, where very special circumstances exist – i.e. where the benefits of development clearly outweigh the harm.
- 86 If development is likely to result in harm, then, in line with national policy:
- "...local planning authorities should ensure that substantial weight is given to any harm to the Green Belt."*
(Para 88, the Framework)
- 87 Development in the Green Belt where no development exists is very likely to harm openness and according to national policy, such harm must be afforded substantial weight in any planning balance. However, this does not equate to the same thing as Green Belt policy simply preventing any form of development that harms openness. Rather, national policy is explicit in providing for the balanced consideration of the harm and benefits arising from a development proposal in the Green Belt.
- 88 The first part of Policy ENV 1 only supports development that does not *"affect the openness of the Green Belt."* Taking the above into account, such an approach is in direct conflict with national policy and does not meet the basic conditions.
- 89 Policy ENV 1 goes on to require development in the Neighbourhood Area to *"maintain"* local views and vistas regarded as *"important,"* as well as maintain rural skylines.

- 90 As set out, the requirements of Policy Env 1 appear unduly onerous. Whilst the list of views and the Map supporting Policy Env 1 do not distinguish between what is an “important” view and what is any other form of view, they do, together, effectively sweep across large swathes of the Neighbourhood Area, as well as beyond it.
- 91 In failing to distinguish between “important” and other views, the Policy is ambiguous. As such, it does not have regard to national planning guidance¹⁵, which states 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.”*
- 92 Further, in the absence of detailed information, it is not clear how any development might take place within the extensive areas of land covered by the identified views and vistas whilst “maintaining” views and vistas. Views can change on an annual, seasonal, monthly, daily and even hourly basis, regardless of whether or not development occurs. No detailed information is provided to establish precisely what the views are that must be “maintained.” This adds to the ambiguous nature of the Policy.
- 93 Also, the identified views include land that falls outside the Neighbourhood Area. The Neighbourhood Plan cannot impose a Policy that seeks to control the use of land outside the Neighbourhood Area. However, development outside the Neighbourhood Area, but visible from within it will, inevitably, result in changes to views of it. It is not clear how development within the Neighbourhood Area might “maintain” a view that would change as a result of any such development.
- 94 Policy Env 1 does not identify precisely what the “rural skylines” that need to be maintained are and consequently this part of the Policy appears imprecise and does not have regard to national guidance.

¹⁵ Planning Policy Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

- 95 The final part of the Policy would, as set out, support any form of development that would “*enhance access*” to a view from a public right of way. This appears confusing. Firstly, it is not clear why any form of development might be deemed appropriate, simply because it enhances access. A new industrial estate might, for example, provide a new stile connecting to an existing footpath, but it is not clear, in the absence of any evidence, why such development would necessarily contribute to the achievement of sustainable development.
- 96 Secondly, by their very nature, views from public rights of way are accessible. No information has been provided to demonstrate why enhancing access to access that already exists should be “*encouraged*.” A third and related point is that there is nothing in the Neighbourhood Plan or its evidence base to demonstrate what form this “*encouragement*” might take, on what basis, or of who the encouraging parties might be.
- 97 In making the recommendations below, I note that Policy ENV 2 considers public rights of way.
- 98 Notwithstanding the above, it is clear from all of the evidence presented that Woodford’s views and vistas are very important to the local community. The Framework recognises the intrinsic character and beauty of the countryside and requires planning policies to ensure that developments:

“...respond to local character and history, and reflect the identify of local surroundings...”

(Paragraph 58, the Framework)

- 99 Taking all of this into account, I recommend:
- **Policy ENV 1, change the Policy text to “*Development should respect local character. In doing so, it should recognise and take into account the importance of the views and vistas listed in the Table and indicated on the Map below.*”**
 - **Policy ENV 1, change title to “*Respecting Views and Vistas*”**

Policy ENV 2: Protecting the countryside and green spaces

- 100 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 76 of the Framework states that:

“Local communities...should be able to identify for special protection green areas of particular importance to them. By designating land as local Green Space local communities will be able to rule out new development other than in very special circumstances.”

- 101 The Framework requires policies for managing development within a Local Green Space to be consistent with those for Green Belts (Paragraph 78, the Framework). A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.
- 102 The designation of land for Local Green Space must meet the tests set out in Paragraph 77 of the Framework. These are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.
- 103 In addition to the above, Paragraph 76 of the Framework requires that the designation of land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.
- 104 Whilst Policy ENV2 seeks to prevent any development that would have a detrimental impact on “*countryside or green spaces*,” it does not seek to designate Local Green Space. Further, Policy ENV 2 does not distinguish between “*countryside and green spaces*,” which are listed together on a Table and shown on a Map below the Policy.

105 Neither Green Belt nor Local Green Space policy seeks to prevent any form of development that would have a detrimental impact. As noted earlier in this Report, Green Belt policy provides for the balanced consideration of development proposals. Policy ENV2 is not supported by any evidence justifying its departure from and conflict with, Green Belt policy.

106 In the absence of detailed justification, it is unclear upon what basis the Policy is seeking to designate land in conflict with existing policy designations. Both Green Belt policy and Local Green Space policy allow for appropriate sustainable development to come forward, by providing for circumstances such that benefits might be weighed against harm. The approach set out in Policy ENV 2 does not provide for this and consequently, it does not have regard to national policy. It does not meet the basic conditions.

107 Further to the above, I note that, relative to the size of Woodford, many of the fields that Policy ENV 2 seeks to protect comprise extensive tracts of land that would, in any case, fail to meet the tests for Local Green Space set out in national policy.

108 The second part of Policy ENV 2 states that improved access to the countryside and green spaces will be encouraged. Whilst no indication is provided in respect of how such access might be encouraged, who by, or on what basis, proposals to improve public rights of way do have regard to national policy, which states:

"Planning policies should protect and enhance public rights of way and access."

(Paragraph 75, the Framework)

109 Taking this and the above into account, I recommend:

- **Delete part a) of Policy ENV 2. Re-draft part b) so that the Policy reads: *"The enhancement of public rights of way throughout the Neighbourhood Area will be supported."***
- **Change title of Policy ENV 2 to *"Enhancing public rights of way"***
- **Delete Table and Map below Policy ENV 2**

Policy ENV 3: Protecting natural features which are a key aesthetic component of the landscape

- 110 As noted above, national planning policy, in Paragraph 58 of the Framework, supports development that responds to local character and reflects local identity. The Framework, in Chapter 11, "*Conserving and enhancing the natural environment*," goes on to support planning for and the promotion of, biodiversity and geodiversity.
- 111 Generally, Policy ENV 3 is supportive of the protection and enhancement of natural features and to some considerable degree, has regard to national policy.
- 112 However, as set out, the Policy seeks to permit any form of development so long as it "*protects and enhances natural features*." In the absence of any information, it is not clear why, for example, any form of development that also happens to protect and enhance a natural feature, would be appropriate in all circumstances. This could result in the Neighbourhood Plan promoting inappropriate forms of development and thus failing to contribute to the achievement of sustainable development.
- 113 The phrase "*key aesthetic component*" appears subjective and detracts from the clarity and concise nature of Policy ENV 3, contrary to planning guidance¹⁶.
- 114 Given the above, I recommend:
- **Policy ENV 3, change to "*The protection and/or enhancement of Woodford's natural features, including those identified in the Table below, will be supported.*"**
 - **Change title of Policy ENV 3 to "*Protecting Woodford's natural features*"**

¹⁶ Planning Policy Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

Policy ENV 4: Supporting biodiversity

- 115 Core Strategy Development Management Policy SIE-3 (*"Protecting, Safeguarding and Enhancing the Environment"*) seeks to protect biodiversity; and UDP policies NE1.1 (*"Sites of Special Nature Conservation Importance"*) and NE1.2 (*"Sites of Nature Conservation Importance"*) afford protection to local biodiversity.
- 116 National policy, as set out in Chapter 11 of the Framework (*"Conserving and enhancing the natural environment"*) protects sites of biodiversity or geological value in a manner commensurate with their statutory status. This Chapter of the Framework establishes clear principles to be applied when planning applications are determined and also provides clear references in respect of the statutory requirements that relate to biodiversity.
- 117 In general terms, Policy ENV 4 seeks to promote biodiversity. As set out, the Policy applies to all development, regardless of relevance. In the absence of information, it is not clear why a household application, say for an extension, or an application for an advertisement, or say, an ATM cash machine, must demonstrate a net gain in biodiversity or be able to demonstrate that *"the mitigation hierarchy"* has been followed.
- 118 Such a requirement fails to have regard to Paragraph 193 of the Framework which requires that:
- "...information (requirements)...should be proportionate to the nature and scale of development proposals."*
- 119 The Policy goes on to require that net gains in biodiversity will be achieved by all development through the application of nine specific measures. No evidence has been provided to demonstrate that it would be viable and deliverable for all, or even any development proposals to apply the measures set out. Consequently, this part of Policy ENV 4 does not have regard to Paragraph 173 of the Framework, which states that:
- "Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable."* (Paragraph 173, the Framework)

- 120 Further, the various criteria in Policy ENV 4 seek to impose various obligations upon developers, but no justification has been provided, for example to demonstrate why the obligations would, in all circumstances, be necessary and related to development. In this regard, the Policy fails to have regard to Paragraph 204 of the Framework which states that:

“Planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.”

- 121 Taking account of the Neighbourhood Plan and its supporting evidence, it is clear that the local community is keen to protect biodiversity and to support significant net gains in biodiversity. In making the recommendations below I am mindful that, whilst Policy ENV 4, as set out, fails to meet the basic conditions, the Neighbourhood Plan can and should still recognise the aims of the community and the significant work undertaken in respect of biodiversity.

- 122 I recommend:

- **Policy ENV 4, change to *“The conservation, restoration and enhancement of biodiversity, including that found in open spaces, trees and hedgerows, in order to promote and support wildlife and other forms of biodiversity will be supported. Development should, where viable and deliverable, achieve net gains in biodiversity.”***
- **Move the nine bullet points from the deleted Policy ENV 4 to form a new third paragraph of supporting text on page 31. Form a new paragraph above the nine bullet points: *“The Neighbourhood Forum will seek to work with other individuals and organisations to protect and enhance Woodford’s biodiversity. In so doing, it will support all of the following measures: (nine bullet points here)”***
- **Change bullet v) to *“The creation of a protective buffer zone around areas identified on the CWT...Corridor Map.”***
- **Change bullet vi) to *“Encouraging provision of a comprehensive ecological evaluation of areas identified as supporting high distinctiveness, medium distinctiveness and wildlife corridors, should they be put forward for development.”***

- Change bullet vii) to *“Promoting provision of compensatory hedgerows wherever hedgerows are removed and seeking to ensure that proposals involving removal of hedgerows and their associated features are supported by an assessment to ascertain their status in relation to the Hedgerow Regulations.”*
- Change bullet ix) to *“Seeking to ensure compensatory measures where there are unavoidable losses of biodiversity once the mitigation hierarchy has been applied.”*
- Page 31, line 7, change to *“...importance, which the Neighbourhood Forum is keen to ensure the retention of wherever possible when land is developed...”*
- Page 31, line 14, change to *“...Neighbourhood Area and the Neighbourhood Forum is keen to ensure that these are taken into account when planning decisions are made.”*
- Page 31, line 15, change to *“These are priority habitats recognised locally as being of Principal Importance.”*
- Page 31, penultimate line *“CWT would like to see the corridor protected from any form of development.”*
- Page 32, line 7, change “he” to “the”
- Page 32, line 10, delete sentence “The River...ENV 4.”
- Page 33, delete the three paragraphs of supporting text above Policy ENV 1 (“Policies ENV 1...Environment Section”) (which contain general, unnecessary and repetitive information).

Policy ENV 5: Reducing Light Pollution

- 123 It is neighbourly to ensure that external lighting, for security or other purposes, does not cause disturbance through intensity or direction. Many people suffer extreme disturbance due to excessive or poorly designed lighting.
- 124 However, whilst a neighbour might take the owner of external lighting to court if there is evidence of negligence or nuisance, light itself and domestic light fittings are not subject to planning controls.
- 125 Consequently, the Neighbourhood Plan is limited in respect of its aspiration to extend planning controls to the use of lighting.
- 126 The first part of Policy ENV 5 is ambiguous, in that it requires development to “*minimise light pollution.*” No information is provided in respect of precisely what light pollution comprises, what level light pollution needs to reach in order to be “*minimised,*” or of who would be the arbiter of this and on what basis. Consequently, this part of the Policy appears vague and fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework, which states that:
- “Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.”*
- 127 Part b) of the Policy seeks to “*encourage*” environmentally-friendly floodlighting. Whilst no indication is provided in respect of how this might be encouraged, certain forms of floodlighting, for example at sports grounds, do require planning permission and seeking to apply some controls over such development is in general conformity with the purpose of Core Strategy Development Management Policy SIE-1 (“*Quality Places*”), which seeks to ensure that development meets the highest standards.
- 128 The final part of Policy ENV 5 seeks to impose a requirement upon the Local Planning Authority. This goes beyond the capabilities of the Neighbourhood Plan. However, I note that bats are, in any case, protected species and as such, development affecting them is already subject to statutory requirements.

129 I recommend:

- Policy ENV 5, delete parts a) to d) and replace with *“Proposals for floodlights requiring planning permission should demonstrate how the potential for overspill will be controlled to a level whereby it will not cause significant harm to the amenity of neighbouring occupiers.”*

Policy EMP 1: New Business within the Area

- 130 Chapter 3 of the Framework, *“Supporting a prosperous rural economy,”* supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It goes on to support:

“...the sustainable growth and expansion of all types of business and enterprise in rural areas...the development and diversification of agricultural and other land-based rural businesses...sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.”

(Paragraph 28, the Framework)

- 131 The whole of Woodford is located in the Green Belt. As noted earlier, whilst national Green Belt policy seeks to keep land permanently open, it does not prevent all development that impacts or even harms openness. Chapter 9 of the Framework, *“Protecting Green Belt land,”* identifies forms of development that are not inappropriate in the Green Belt and also provides for *“inappropriate”* development to come forward, where very special circumstances can be demonstrated.
- 132 The supporting text to Policy EMP 1 suggests a supportive approach to business and employment in Woodford. However, as set out, Policy EMP 1 is highly restrictive, to the extent that it fails to have regard to national policy.
- 133 As set out, Policy EMP 1 only supports extensions and the *“promotion of existing employment opportunities,”* whatever such promotion might be, subject to there being no harm to the environment, no prejudice to the openness of the Green Belt, no harm to local character or residential amenity, a requirement to provide for high speed broadband and other communication networks, no *“unacceptable”* traffic impacts, good access to public transport and provision for cycles.
- 134 Taking the above into account, Policy EMP 1 seeks to severely limit the scope for employment related development, without regard to national policy and then to impose a series of requirements upon such development, that would, in the absence of any evidence to the contrary, impose significant hurdles in respect of viability and deliverability, contrary to Paragraph 173 of the Framework.

135 As a consequence of the approach set out, Policy EMP 1 fails to contribute to the achievement of sustainable development.

136 The Neighbourhood Plan and its supporting evidence indicate a local willingness to support the provision of high quality communications infrastructure. This is recognised in national policy as being essential for sustainable economic growth and the Framework goes on to recognise that:

"The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services."

(Paragraph 42, The Framework)

137 Further, the supporting text to Policy EMP 1 states:

"The Neighbourhood Plan sets out to maintain, support and encourage the sustainable growth of small businesses and enterprises, rural tourism and local facilities...which respect the character of the area, comply with Green Belt policy and will benefit the local economy and the wider community."

138 Taking this and all of the above into account, I recommend:

- **Policy EMP 1, delete and replace with *"The sustainable growth of local businesses and facilities, including the development and diversification of agricultural and other land-based rural businesses, will be supported, subject to development respecting local character, highway safety and residential amenity. The development of high quality communications infrastructure will be supported, subject to any such development respecting local character through sympathetic design and camouflage, where appropriate."***
- **Page 51, line 6, delete "...the addition of an office...other planning requirements" (which is not reflected in the Policy)**
- **Page 51, delete lines 10 and 11 ("The policies...Employment section.")**

Policy EMP 2: Loss of Employment

139 Paragraph 22 of the Framework states that:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.”

140 To some degree, Policy EMP 2 seeks to protect existing employment sites and in this way, has regard to national policy. However, as set out, the Policy strays well beyond the realms of planning controls by requiring any change of use proposals to be supported by evidence of business details without any evidence or justification in respect of demonstrating that such requirements are relevant land use planning policy matters.

141 In the absence of any justification, it is not clear, for example, why evidence including marketing strategies, business plans, or details of consultations with bank managers, accountants, solicitors or HR consultants, should be provided to support a planning application, or of who would judge such information and on what basis.

142 Further, it is not clear, in the absence of any information, why land use should be tied to a specific business, such that, in order to support a change of use, evidence of attempts to sell any existing business as a “going concern” should be provided with a planning application.

143 In the above regard, the Policy fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework, which states that:

“Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.”

144 However, in addition to Paragraph 22 of the Framework, national policy promotes the retention of local services and facilities (Paragraph 28, the Framework) and taking supporting information into account, the aim of Policy EMP 2 has regard to this.

145 Taking the above into account, I recommend:

- **Policy EMP 2, change wording to *“Proposals for the change of use of employment land should be supported by evidence that the existing land use is no longer viable.”***

Policy EMP 3: Use of Rural Buildings

- 146 National policy encourages the re-use of brownfield land (Paragraph 17, the Framework). It does not, however, “*prioritise*” the re-use of redundant buildings over new-build. Consequently, the opening sentence of Policy EMP 3 does not have regard to national policy.
- 147 In the absence of a detailed justification, it is not clear upon what basis Policy EMP 3 requires all “*reconstruction/improvement works*” to provide evidence for proposed low carbon technologies. This is not a national or local planning policy requirement and there is nothing to demonstrate that such a requirement would, in all cases, be viable or deliverable, having regard to Paragraph 173 of the Framework.
- 148 The Policy goes on to state that certain forms of development “*will/will not be permitted.*” As noted earlier, such an approach goes beyond the capabilities of a neighbourhood planning policy.
- 149 Paragraph 89 of the Framework recognises the alteration or replacement of a building and the redevelopment of previously developed sites as not inappropriate development in the Green Belt. Taking this and the above into account, I recommend:
- **Policy EMP 3, change to “*Proposals for the re-use of redundant buildings and the replacement of buildings, provided the new building is in the same use and not materially larger than the one it replaces, will be supported. Such development should not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*”**

Policy COM 1: Provision of new community facilities

150 Chapter 8 of the Framework, *"Promoting healthy communities,"* requires planning policies to:

"...plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship)..."

151 In addition, Core Strategy Development Management Policy AS-2 (*"Improving Indoor Sports, Community and Education Facilities and their Accessibility"*) supports the provision of community facilities.

152 Policy COM 1 seeks to provide a positive policy framework for the provision of community facilities in Woodford. As such, the Policy has regard to national policy and is in general conformity with the Core Strategy.

153 However, as set out, the Policy appears unclear. It refers to the *"constraints"* of Green Belt policy and *"significant harmful impacts"* without providing any detail of what these might be in respect of the provision of new community facilities. In this respect, the Policy is vague and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

154 I recommend:

- **Policy COM 1, change wording to *"The provision of new community facilities that respect local character and the amenity of neighbouring occupiers will be supported."***

Policy COM 2: Development of Community Facilities

155 Whilst Policy COM 2 seeks to pre-determine development proposals contrary to the scope of neighbourhood planning policies, its general aim of protecting community facilities has regard to Paragraph 28 of the Framework, which states that:

"...neighbourhood plans should...promote the retention and development of...community facilities...."

156 I recommend:

- **Policy COM 2, change to *"Development should not result in the loss of an existing community facility, including any of the Features of Value to the Community listed below, unless it can be demonstrated that the harm arising from any such loss would be mitigated by the provision of an equal or greater benefit to the community."***

Policy COM 3: Woodford heritage assets

157 National planning policy recognises the country's heritage assets as irreplaceable.

158 Chapter 12 of the Framework, *"Conserving and enhancing the historic environment,"* sets out national heritage policy and requires that all heritage assets should be conserved:

"...in a manner appropriate to their significance."
(Paragraph 126, the Framework)

159 In accordance with national policy, Core Strategy Development Management Policy SIE-3 (*"Safeguarding and Enhancing the Environment"*) seeks to protect heritage assets and welcomes development that results in enhancement.

160 Part a) of Policy COM 3 states that all heritage assets and their settings will be promoted, protected and enhanced. However, no indication of how this might occur is provided and consequently, the Policy appears ambiguous. The Policy goes on to state that the significance of heritage assets will be sustained and enhanced, but again, fails to set out how this might happen.

161 Further to the above, I note that there is no indication of how the requirements of the Policy would be paid for. This fails to have regard to Paragraph 173 of the Framework, which states that:

"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable."

162 Parts b) and c) of Policy COM 3 relate to the Neighbourhood Forum supporting future designation of heritage assets. This is not a land use planning policy matter, but rather, is a statement of intent. Whilst an important matter, of relevance to the Neighbourhood Plan, this is something that is more appropriate to the supporting text and is addressed as such in the recommendations below.

163 The final part of Policy COM 3 is confusing. It states that any new development affecting a heritage asset *"should be appropriately conserved in a manner appropriate to the significance of the asset."* In the absence of any relevant information, it is not clear why it might be appropriate for any new development to be conserved, how this might be appropriately managed, or why the conservation of a new development as proposed will always be necessary. I note that national and local heritage policy is concerned with conserving heritage assets, rather than conserving new development.

164 I recommend:

- **Policy COM 3 change to *"New development affecting a heritage asset, including the setting of that asset, should conserve or enhance the asset in a manner according to its significance."***
- **Page 56. Paragraph 4, delete last sentence ("This is...COM 3 a.")**
- **Page 56. Paragraph 5, delete last sentence ("This is...COM 3 b.")**
- **Page 56. Paragraph 6, change end of last sentence to "...an appropriate list of its local heritage assets. *Given this, the Woodford Neighbourhood Forum will support Stockport Council's review of Local List Buildings on the following basis:* (provide the four bullet points from deleted Policy COM 3 (c) here."**
- **Page 56. Delete from "COM 3 d) seeks to..." to the end of the first paragraph on page 57 "...Policies, Community Section."**

Policy DEV 1: Exceptions for new housing development

- 165 National Green Belt policy is set out in Chapter 13 of the Framework, *“Protecting Green Belt land.”* Great importance is attached to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework establishes that the essential characteristics of Green Belts are their openness and permanence.
- 166 As noted earlier in this Report, Green Belt policy does not simply prevent development, but establishes an appropriate policy framework for the balanced consideration of development proposals. This includes identifying types of development that are not inappropriate in the Green Belt, as well as providing for other forms of development in very special circumstances.
- 167 The first line of Policy DEV 1, which states that development is not allowed in the Green Belt, apart from certain exceptions, fails to properly reflect Green Belt policy and is in direct conflict with it.
- 168 The Policy goes on to set out what it considers to comprise *“allowable development.”* Again, such an approach fails to have regard to national policy, which does not *“allow”* forms of development, but simply identifies types of development that are *“not inappropriate”* in the Green Belt.
- 169 In addition to the above, Policy DEV 1 conflicts with itself. Whilst it states that certain forms of development are *“allowable,”* it goes on to set out that these *“may be considered acceptable as rural exceptions.”* In effect, the Policy seeks to allow development, whilst at the same time, use of the word *“may”* presents uncertainty in respect of whether or not such development would be acceptable. Consequently, the Policy appears ambiguous and fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 170 Notwithstanding the above, Policy DEV 1 states that *“limited infilling”* should comprise no more than one dwelling. This approach conflicts with that set out in Policy DEV 2 of the Neighbourhood Plan, which equates limited infilling to *“one or two dwellings only.”* This is indicative of both a confused and a confusing approach.

- 171 In response to my letter to the Local Planning Authority and the Qualifying Body seeking clarification on a number of matters, Woodford Neighbourhood Forum confirmed that the intention of the Neighbourhood Plan's approach to infilling is to limit development so as to afford protection to the openness of the Green Belt. The Neighbourhood Forum referred to the importance to the local community of infill development being "*consistent*" with adjacent homes.
- 172 As noted above, openness is an essential characteristic of the Green Belt. Further, Paragraph 89 of the Framework recognises that "*limited infilling in villages*" is not inappropriate development in the Green Belt.
- 173 Woodford is a scattered, linear settlement in largely rural surroundings. Plan-makers have made it clear that they wish to limit infill development and have provided evidence of the Neighbourhood Area's open, rural character. National Green Belt policy is explicit in stating that infilling in the Green Belt (excluding brownfield land) should be "*limited*" and in general terms, Policy DEV 1 has regard to this.
- 174 In providing for limited development, the Policy contributes towards sustainable development and does so in a manner that delivers the sustainable development the community needs, having regard to Paragraph 183 of the Framework.
- 175 However, in referring to one or two dwellings, Policy DEV 2 provides evidence that plan-makers recognise that there might be some circumstances where infill development could appropriately comprise two dwellings and for clarity, I take this factor into account in making my recommendations below.
- 176 The remaining criteria set out in Policy DEV 1 partly repeat national policy, but include confusing and unjustified additions that result in confusion and/or conflict. For example, part b) refers to "*appropriate safeguards and mitigation*" without setting out what might or might not be considered appropriate, who by and on what basis. Part c) refers to "*the preservation*" of the countryside. Neither national nor local planning policy requires the "*preservation*" of the countryside. Part d) of the Policy is reliant upon other policies and is unnecessary.
- 177 Given that national policy provides clarity in these respects, the recommendations below will not alter in any way, the appropriate protection of the Green Belt across the Neighbourhood Area.

178 I recommend:

- Delete Policy DEV 1 policy text and replace with ***“Limited infilling in the Neighbourhood Area, comprising the development of a relatively small gap between existing dwellings for one or two dwellings, will not be inappropriate development in the Green Belt, subject to such development respecting local character.”***
- Change title of Policy DEV 1 to ***“Limited Infilling”***

Policy DEV 2: Limited Infilling in Woodford Village

- 179 As above, Policy DEV 1 addresses limited infilling in the Neighbourhood Area. Taking into account the recommended changes to that Policy, I recommend below that Policies DEV 1 and DEV 2 be combined to provide a single limited infilling Policy.
- 180 The opening paragraph of Policy DEV 2 does not comprise a land use planning policy, but sets out general background information. The Policy goes on to set out a number of criteria to apply to limited infilling in the Neighbourhood Area.
- 181 National Green Belt policy does not require development to “*preserve the openness of the Green Belt.*” New development, by its very nature, will almost inevitably reduce openness, as built volume replaces open space. As noted earlier in this Report, Green Belt policy provides for the appropriate protection of openness by allowing for the balanced consideration of the impacts, positive or negative, of development. The first criterion of Policy DEV 2 fails to do this and does not have regard to national policy.
- 182 Criteria b), d) and e) set out land use planning policy requirements that provide for a degree of certainty in respect of how limited infilling should be considered within the Neighbourhood Area. This approach takes into account the Neighbourhood Plan's evidence base and its emergence through community engagement and helps to provide a decision maker with a clear indication of how to react to a development proposal having regard to Paragraph 154 of the Framework. I note that criterion e) does not allow for all situations to be taken into account, including for example when an adjacent dwelling may be set well back of the general building line and my recommendations below take this into account.
- 183 Criteria c), which refers to limited infilling comprising one or two dwellings, is a matter considered as part of the examination of Policy DEV 1, above. Criteria f) refers to “*low density areas,*” which are imprecisely and vaguely defined as “*areas where gaps between dwellings from part of the character of the area and contribute to its openness.*” Such a definition could apply to practically any gap anywhere in the Neighbourhood Area and as such, conflicts with the Neighbourhood Plan's aim of providing for sustainable development.

184 I recommend:

- Delete Policy DEV 2
- Taking into account the recommended changes to Policy DEV 1, above, add to that Policy: *"...respecting local character. Limited infilling should comprise the completion of an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene where the scale of development is compatible in character to that of adjoining properties. Limited infilling should be built along similar building lines as adjoining properties."*
- Page 62. Development is precisely that. It is not the role of the Neighbourhood Plan to seek to redefine development. Delete first line of text below title on page 62
- Page 62. Paragraph 3. Delete "(including housing)." Some forms of residential development are not inappropriate in the Green Belt
- Page 63. Paragraph 1, delete *"The dwellings being provided...type"* which is factually incorrect and change last sentence to *"It is felt by the Neighbourhood Forum that development supported by the Neighbourhood Plan will, together with allocated development sites, provide for a mix of housing types, sizes and tenures in Woodford."*
- Page 63. Paragraph 2, change second line to *"...set out in the NPPF along with their constraints. For example, limited infilling or the...(brownfield land) are appropriate, provided..."*
- Page 63, delete Paragraph 5 ("These policies reflect...section")
- Page 64, second line, change to *"...controlled waters can be addressed by..."* (this is not a Neighbourhood Plan Policy)

Policy DEV 3: Affordable Housing

- 185 Policy DEV 3 requires the provision of 50% affordable housing on sites of more than 5 dwellings.
- 186 Whilst this approach is in conflict with the Core Strategy, which seeks a 40% affordable housing contribution, more recently, a Written Ministerial Statement of 28th November 2014 set out a threshold which established that developments of ten dwellings or fewer, and/or a maximum combined gross floor space of no more than 1,000 square metres, should not be subject affordable housing contributions. Policy DEV 3 does not have regard to this and does not meet the basic conditions.
- 187 Policy DEV 3 goes on to set out a “*Woodford connection*” requirement in respect of “*rural exception sites*.” However, the Policy states that rural exception sites “*shall be provided*” without any indication of where, how and who by. There is no evidence to demonstrate that the Policy is viable and deliverable in this respect, having regard to Paragraph 173 of the Framework.
- 188 Further to the above, I also note that Policy DEV 3 is not supported by up to date housing needs information, or any detailed evidence setting out why the “*Woodford connection*” is necessary, how it would work in practice, or whether it is even capable of being implemented.
- 189 Whilst I recognise that the Neighbourhood Forum would like to introduce a mechanism whereby people with a local connection to Woodford are prioritised in respect of affordable housing provision, Policy DEV 3 is not justified by a detailed, relevant, up to date evidence base and is not supported by a clear, deliverable and viable planning policy framework.
- 190 I recommend:
- **Delete Policy DEV 3**

Policy DEV 4: Redevelopment of farm buildings or a farm complex

- 191 Paragraph 90 of the Framework establishes that, within the Green Belt, the re-use of buildings, provided that the buildings are of permanent and substantial construction, is not inappropriate development. In addition, Paragraph 89 of the Framework provides for the extension or alteration of buildings, provided that this does not result in disproportionate additions; as well as for the replacement of buildings, provided that the new building is in the same use and not materially larger than the building it replaces.
- 192 Paragraph 89 of the Framework also provides for the redevelopment of brownfield land, where it would not have a greater impact on the openness of the Green Belt, and the purpose of including land within it, than the existing development.
- 193 Taking the above into account, Green Belt policy already provides scope for redevelopment. However, Policy DEV 4 seeks to go well beyond the provisions of Green Belt policy by supporting the complete redevelopment of any agricultural building anywhere for the development of a mix of dwellings, subject only to being sympathetic to and having “*minimal*” impacts on, local character.
- 194 No substantive evidence has been provided in justification of such a departure from Green Belt policy. Further, there is nothing to demonstrate, for example, that all such development in the Neighbourhood Area would necessarily comprise sustainable development and as a consequence, it is not possible to conclude that Policy DEV 4 would contribute to the achievement of sustainable development.
- 195 Policy DEV 4 does not meet the basic conditions. In making the recommendation below I am mindful that existing national and local policy does provide for sustainable development within the Green Belt.
- 196 I recommend:

- **Delete Policy DEV 4**

Policy DEV 5: Replacement of existing dwellings

197 As set out above, existing policy already provides for the replacement of a dwelling in the Green Belt. Paragraph 89 of the Framework identifies an exception to inappropriate development in the Green Belt as being:

"...the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces..."

198 Thus, whilst Policy DEV 5 is somewhat ambiguous, in that it states that replacement "*may be allowed*," it is in any case, unnecessary for the Policy to set out that it supports a form of development already provided for by national policy.

199 The criteria set out in Policy DEV 5 attempt to provide detailed guidance in respect of the replacement of dwellings. The first of these is unclear. It states that a new development "*would be sited within the house and garden*." In the absence of information, it is not clear how a replacement dwelling might be sited within a dwelling that it replaces, or within both the house and the garden.

200 The Policy is concerned with the replacement of existing dwellings. It is therefore unclear, in the absence of information, why criterion d) refers to "*any additional freestanding buildings*" within the Green Belt. No detailed justification has been provided in this respect, which in the absence of any evidence to the contrary, would comprise inappropriate development in the Green Belt.

201 The remaining criteria of the Policy generally relate to the protection of local character and residential amenity, aspects of design that national and local policy seek to protect.

202 I recommend:

- **Policy DEV 5, change Policy text to: "*Development comprising the replacement of a dwelling should not be materially larger than the dwelling that it replaces and must have regard to local character and residential amenity.*"**

Policy DEV 6: Extensions to existing dwellings

203 As set out earlier in this Report, the Neighbourhood Plan cannot grant planning permission. However, whilst Policy DEV 6, as set out, attempts to do this, I note that it is a Policy aim to ensure that householder applications for residential extensions take local character into account. National policy, in Paragraph 58 of the Framework and local policy, in Core Strategy Policy SIE-1 ("*Quality Places*") seek to achieve this.

204 Taking this into account, I recommend:

- ***Policy DEV 6, change to "Residential extensions should be in keeping with the host property and its surroundings. Development that would reduce an existing gap between should not create an incongruous "terracing" effect."***

Policy DEV 7: Subdivision of existing houses

205 Policy DEV 7 is a highly prescriptive policy which seeks to direct the Local Planning Authority in respect of how planning applications should be determined, as well as prescribe what information must be provided alongside a planning application. These are matters that are beyond the scope of the Neighbourhood Plan.

206 I recommend:

- **Delete Policy DEV 7**

Policy DEV 8: Design of new development

- 207 National planning policy dedicates a Chapter of the Framework to good design, Chapter 7 *“Requiring good design.”* Within this Chapter, Paragraphs 56 and 58 state that:

“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

...plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.”

- 208 In addition to the above, Core Strategy Policy SIE-1 (*“Quality Places”*) states that positive consideration will be given to development designed to *“the highest contemporary standard.”*
- 209 Policy DEV 8 seeks to ensure that development in the Neighbourhood Area achieves as high standard of design and in this respect, the Policy has regard to national policy and is in general conformity with the development plan.
- 210 As set out, the Policy requires *“compatibility”* with various guidance and information.. Whilst it is appropriate, in the light of the national and local policy aims in respect of achieving high quality development, for development proposals to recognise and take account of relevant information, an approach requiring *“compatibility”* runs the risk of seeking to treat guidance and information in the same way as adopted statutory planning policies. I find that such an approach could serve to prevent the achievement of sustainable development and there is no substantive evidence to the contrary.
- 211 Policy DEV 8 requires development to achieve *“high environmental and energy standards”* but does not set out what these might be and as a consequence, appears as a vague requirement. It is also unclear, in the absence of substantive evidence, how all residential development might retain or enhance existing landscape, wildlife and coherent ecological network features.

- 212 The final criterion of Policy DEV 8 is very prescriptive and no detailed evidence has been provided to demonstrate that the requirement to maximise surface water retention will, without exception, be the most appropriate – and sustainable - approach in all cases in respect of residential development. In the absence of detailed evidence, this and the prioritised approach set out appear to fail to allow for relevant factors relating to individual circumstances to be taken into account and as such, could place a barrier in the way of sustainable development.
- 213 I note that the Policy reflects local aspirations and some of the general aims of the Environment Agency and I recommend, below, that some of this information be retained in the Neighbourhood Plan, within the supporting text.
- 214 Taking all of the above into account, I recommend:
- **Policy DEV 8, change to “All new development in Woodford Neighbourhood Area should achieve a high standard of design. New residential development proposals should demonstrate how they respect and respond to the Neighbourhood Area’s rural character, to its ecology and to its landscape. Where appropriate and viable, the development of sustainable drainage systems, the retention and enhancement of landscape, wildlife and ecological networks and the achievement of high environmental and energy standards will be supported.”**
 - **Page 64, add new paragraph after last paragraph: “Further to consultation with the Environment Agency, the Neighbourhood Forum would like to see new development being designed to maximise the retention of surface water on the development site and measures to minimise runoff; for surface water drainage to be considered in liaison with the Local Lead Flood Agency, the public sewerage undertaker and the Environment Agency; and for surface water to be discharged in the following order of priority: (four bullet points from deleted Policy here)”**

Policy DEV 9: Backland and tandem development

215 Policy DEV 9 effectively provides a supportive policy framework for the development of rear gardens and private open space. It is not clear, in the absence of any substantive evidence, why the Neighbourhood Plan seeks to introduce a Policy which contradicts the evidence that was submitted alongside the Neighbourhood Plan, as well as the supporting text of the Neighbourhood Plan itself, which together establish that gardens enhance the quality and character of the Neighbourhood Area – something that residents are keen to maintain.

216 Further to the above, providing for the development of gardens in the Green Belt would run contrary to national Green Belt policy, which considers such development inappropriate in the Green Belt.

217 Policy DEV 9 does not have regard to national policy.

218 Taking this into account, I recommend:

- **Delete Policy DEV 9**

8. The Neighbourhood Plan: Other Matters

219 The recommendations made in this Report will also have a subsequent impact on Contents, Policy, paragraph and page numbering, as well as the content of Appendices.

220 I recommend:

- **Update the Contents, Policy, paragraph and page numbering, and Appendices to take into account the recommendations contained in this Report.**

9. Referendum

- 221 I recommend to Stockport MBC that, subject to the recommended modifications, **the Woodford Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

- 222 I am required to consider whether the Referendum Area should be extended beyond the Woodford Neighbourhood Area.
- 223 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.
- 224 Consequently, I recommend that the Plan should proceed to a Referendum based on the Woodford Neighbourhood Area approved by Stockport MBC on the 17th October 2013.

Nigel McGurk, March 2019
Erimax – Land, Planning and Communities

