



Intelligent Plans
and examinations

Report on Coleshill Neighbourhood Plan 2015 - 2030

**An Examination undertaken for North Warwickshire Borough Council
with the support of the Coleshill Town Council on the October 2016
submission version of the Plan.**

Independent Examiner: Mary O'Rourke BA (Hons) DipTP MRTPI

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Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 3 Portwall Lane, Bristol BS1 6NB

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Main Findings - Executive Summary

From my examination of the Coleshill Neighbourhood 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 – Coleshill Town Council;
- The plan has been prepared for an area properly designated – the Parish of Coleshill as shown on Plan A¹;
- The plan specifies the period to which it is to take effect – from 2015 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 have concluded that it should not.

1. Introduction and Background

Coleshill Neighbourhood Plan 2015 – 2030 (the Plan)

- 1.1 Coleshill is a historic market town lying some 8 miles east of Birmingham city centre. The parish extends north to south either side of the M42 and M6 Toll roads, with the intersection of the M42/M6 Toll/M6 and A446 to the south. Much of the parish is within the North Warwickshire Green Belt.
- 1.2 Work on the Plan began in 2012 with the establishment by the Town Council of the Neighbourhood Plan Steering Group. Progress on the preparation of the Plan and engagement with the local community is described in Document Two attached to the Consultation Statement.

¹ The addition of Plan A is a proposed modification (PM1), as the neighbourhood plan as submitted did not include a plan showing the designated area.

The Independent Examiner

1.3 As the plan has now reached the examination stage, I have been appointed as the examiner of the Coleshill Neighbourhood Plan by North Warwickshire Borough Council, with the agreement of the Coleshill Town Council.

1.4 I am a chartered town planner with some 40 years of experience in the public and private sector, latterly as a government Planning Inspector determining major planning applications and examining development plans and national infrastructure projects. 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). 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 North Warwickshire Borough Council, not including documents relating to excluded minerals and waste development, is currently the Core Strategy, adopted in October 2014, and the saved policies

of the 2006 Local Plan. Together they provide the relevant strategic policy background for assessing general conformity.

- 2.2 The Borough Council is in the process of preparing a new Local Plan. It will bring together into one single plan the adopted Core Strategy, the draft Site Allocations Plan and draft Development Management Plan, pre-submission versions of which were consulted on in 2014 and 2015 respectively. The August 2016 Draft Local Plan was published in November 2016 for consultation until the end of March 2017 and it is not expected to be adopted until summer/autumn 2017². This is clearly a 'best case' scenario given the typical duration of local plan examinations
- 2.3 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. PPG makes clear that whilst a draft neighbourhood plan is not tested against the policies in an emerging Local Plan, the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. It cites, as an example, that up-to-date housing needs evidence is relevant to the question of whether the housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development³. On this basis, I make reference to the emerging Local Plan in this report.

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Coleshill Neighbourhood Plan 2015-2030, October 2016;
 - the Consultation Statement, July 2016;
 - the Basic Conditions Statement, 2016;
 - all the representations that have been made in accordance with the Regulation 16 consultation; and
 - the Strategic Environmental Assessment (SEA) Screening Opinion.⁴
- 2.5 Subsequently⁵, the Steering Group provided a plan showing the boundary of the Neighbourhood Plan area which covers the parish of Coleshill, the area properly designated by the Borough Council. I have appended it to this report as Plan A.
- 2.6 I have also had regard to the detailed responses of the Steering Group and the Borough Council submitted in response to my letter of 22 November 2016 and the attached annexes. These have been placed on their websites.

² North Warwickshire Local Development Scheme approved in September 2016.

³ PPG Reference ID: 41-009-20160211.

⁴ The Screening Opinion is contained in the Introduction to the Basic Conditions Statement 2016.

⁵ In the Steering Group's response of 10 January 2017 to my letter of 22 November 2016. Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 3 Portwall Lane, Bristol BS1 6NB

Site Visit

2.7 I made an unaccompanied site visit to Coleshill on 23 November 2016 to familiarise myself with it and I visited relevant sites and areas referenced in the plan and evidential documents.

Written Representations or Public Hearing

2.8 This examination has been dealt with by written representations. As set out above, I sought further information from the Borough Council and the Steering Group and I refer to their responses later in this report. These responses, together with other consultation responses and the supporting evidence have been sufficient to enable me to reach my conclusions on the Neighbourhood Plan. Hearing sessions have, therefore, not been necessary and no requests were made for such sessions.

Modifications

2.9 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 also listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

3.1 The Coleshill Neighbourhood Plan (NP) has been prepared and submitted for examination by Coleshill Town Council which is a qualifying body, for an area which is the whole parish of Coleshill. Approval of the designated area for the NP was granted by North Warwickshire Borough Council on 26 June 2013.

3.2 It is the only NP for the designated area of the parish of Coleshill, and I am satisfied that it does not relate to land outside that area.

3.3 In the interests of clarity and so that the reader is certain as to the area covered, **the NP should include a plan on an OS base clearly showing the extent of the designated area in which the policies of the NP have effect**. Proposed modification **PM1** would secure this and should be made.

Plan Period

3.4 The NP specifies clearly the period to which it is to take effect, which is from 2015 to 2030.

Neighbourhood Plan Preparation and Consultation

- 3.5 The Consultation Statement prepared by the Town Council's Neighbourhood Plan Steering Group sets out the consultation strategy and a diary of contact with the Coleshill community, other authorities and local groups, including the business community. With the establishment of the Steering Group in late 2012, diverse methods were used to spread news about the NP including the local press; the Town Council website; leaflets and posters in the library, Town Hall and High Street shops; the Coleshill School termly newsletter; and the Love Coleshill marketing group. Presentations were made to local groups and organisations and the NP Steering Group set up its own website, as well as Facebook and Twitter accounts.
- 3.6 In June/July 2013 questionnaires were delivered to every household in Coleshill, asking for views on key issues, with an exhibition and public drop-in sessions and an open top bus toured the town for a day to raise awareness of the plan and to encourage residents to complete their questionnaires. Businesses and workers were also asked for their views, as well as local sixth formers and the Coleshill Post ran a 4-page supplement on the NP.
- 3.7 Following this major consultation exercise, the steering group met monthly through 2014 and 2015 to agree, draft, fine-tune, edit and design the final draft plan which was formally consulted on under Regulation 14 of the 2012 Regulations from 25 November 2015 to 23 January 2016. A variety of measures were used (online, paper and face-to-face) to publicise the draft plan and to ask for comments from residents, local organisations, businesses, workers and statutory consultees.
- 3.8 Although the Steering Group found the number of written responses received to be lower than anticipated, they were considered rightly to be important and resulted in amendments to the content and design of the plan⁶. The final version of the NP was published in August 2016. It was consulted on under Regulation 16 for six weeks in September and October 2016. I have taken account of all the responses received in my assessment of the NP.
- 3.9 I confirm that I am satisfied that the consultation process has met the legal requirements for procedural compliance on neighbourhood plans.

Development and Use of Land

- 3.10 For reasons that I set out below, I do not consider that policies TCLENP5, ICLENP3, TPMNP1 to TPMNP4, ENP4, ENP6 and ENP9 relate to the development and use of land and I have recommended modifications in paragraphs 4.53, 4.57, 4.61, 4.68, 4.70 and 4.72 to delete these policies. However, in several other cases I have been able to recommend modifications to policies to ensure they apply to the use of land, thus making

⁶ Document 5 of the Consultation Statement July 2016.

them legally compliant. Subject to these modifications, the plan sets out policies in relation to the development and use of land in accordance with section 38A of the 1990 Act.

Excluded Development

3.11 I am satisfied that the plan does not include provisions and policies for 'excluded development'.

Human Rights

3.12 The Basic Conditions Statement states that the Coleshill NP has been developed and presented to be compatible with European Union obligations on Human Rights. Those commenting on the NP, including North Warwickshire Borough Council, have not alleged that the plan breaches Human Rights (within the meaning of the Human Rights Act 1998), and I see no reason to disagree.

4. Compliance with the Basic Conditions

Main Issues

4.1 I have approached the assessment of compliance with the Basic Conditions of the Coleshill Neighbourhood Plan as two main matters:

- General issues of compliance of the NP, as a whole; and
- Specific issues of compliance of the NP policies.

General issues of compliance

Regard to national policy and advice

4.2 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities⁷.

4.3 The NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 6) and there should be a presumption in favour of sustainable development (paragraph 14). Importantly, this means that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to support local development (paragraph 16). They should not promote less development than set out in the Local Plan or undermine its strategic policies (paragraph 184).

⁷ NPPF Introduction paragraph 1.

- 4.4 The Basic Conditions Statement describes the NP as having been written in accordance with the NPPF, with the community plan led process having the twin aims of empowering local people to shape and protect their local area and fulfilling the requirements of the core planning principles set out in the NPPF. The NP has been developed through extensive consultation with the local community and appropriate bodies. It is distinctive and reflective of the concerns, needs and priorities of that community.
- 4.5 The Basic Conditions Statement summarises the NP's main aims which I am satisfied generally align with national policy in the NPPF on sustainable development, housing, the Green Belt, the historic environment, sustainable transport and promoting healthy communities.
- 4.6 Having regard to the Basic Conditions Statement and to the issue of general compliance, I conclude that in preparing the NP, regard was had to current national planning policy and advice. However, there are a number of points in relation to detailed compliance that I address in the Specific Issues section below. In particular, I have two areas of concern which are rooted in national planning policy.
- 4.7 The first is that there is an emerging Local Plan which promotes more development than set out in the Core Strategy and NP, and representations have been made on the NP that as drafted, it does not comply with paragraph 184 of the NPPF. I deal with this in detail below.
- 4.8 The second concern relates to the PPG's advice that neighbourhood plan policies should be clear and unambiguous. They should be concise, precise and supported by appropriate evidence which reflects and responds to the context and characteristics of the area⁸. I consider whether various NP policies have regard to this guidance, as required by the relevant Basic Condition⁹, in the Specific Issues section below. Where I consider due regard has not been taken to the PPG, I make recommended modifications in the interests of achieving clarity.

Achievement of sustainable development

- 4.9 The NP sets out a vision for Coleshill till 2030. The Basic Conditions Statement refers to the overarching element as being the preservation and, where appropriate, development of the town to ensure that Coleshill is still recognisable as a standalone market town that caters for local needs. The NP sets out the overall aim as being 'to ensure the sustainable growth of Coleshill while protecting our historic assets and ensuring the town is a safe and attractive place to live'. This is consistent with the achievement of sustainable development.

⁸ PPG Reference ID: 41-041-20140306.

⁹ Paragraph 8(2)(a) of Schedule 4B to the 1990 Act.

4.10 Sustainable development is described in the NPPF as having three dimensions: economic, social and environmental¹⁰. I am satisfied that the NP provides for the economic dimension to sustainable development through its promotion of a strong local economy, support for the town centre and protection of current and future employment opportunities. By providing for an appropriate level of new housing, and encouraging the creation of a high quality built environment, the NP supports a strong, vibrant and healthy local community in Coleshill; the social dimension to sustainable development. In proposing policies to protect and enhance the town's open spaces, the NP addresses the environmental dimension to sustainable development.

4.11 I am satisfied that, subject to the detailed points and associated modifications recommended in the Specific Issues section below, the NP would contribute to the achievement of sustainable development.

General conformity with the strategic policies in the development plan

4.12 The legal requirement is that neighbourhood plans must be in general conformity with the strategic policies of the extant Local Plan, which in North Warwickshire is the 2014 Core Strategy and the saved policies of the 2006 Local Plan. Strategic policies include, but are not limited to, those delivering homes and jobs, providing retail, leisure and commercial development, providing infrastructure, addressing climate change, and conserving and enhancing the natural and built environment.

4.13 Coleshill is identified in the Core Strategy as a market town tightly constrained by the Green Belt. The Basic Conditions Statement summarises the NP's main aims which include protecting the Green Belt and support for the Core Strategy's proposed new housing sites. The NP does not propose housing or employment allocations outside the current settlement boundary, and I am satisfied that it is in general conformity with adopted strategic housing, Green Belt and employment policy.

4.14 However, the Borough Council, along with others, is of the view that the NP should be amended in places to be consistent with and confirm support for the increased housing numbers proposed in the emerging Local Plan. I deal with this matter in more detail in the Specific Issues section below

4.15 The NP includes policies on the town centre, local employment and business, transport and the natural and historic environment. Whilst I am recommending, for the reasons explained in the following section, various modifications to the NP policies, I find that the objectives of the NP generally align with the strategic development policies of the extant Core Strategy on sustainable development, the historic environment, sustainable transport and promoting healthy communities. As such, and subject to detailed points and associated modifications set out in the Specific Issues section below, I

¹⁰ NPPF paragraph 7.

am satisfied that the NP would be in general conformity with the strategic policy in the extant Local Plan.

Compatibility with EU obligations

- 4.16 The NP has been screened for SEA by North Warwickshire Borough Council, which found that, in its current form, it would not have significant negative effects on the environment and it was unnecessary to undertake SEA. Having regard to the criteria for determining the likely significance of effects, I see no reason to demur from this assessment.
- 4.17 The Basic Conditions Statement also states that 'this view was upheld by the Environment Agency'¹¹. However, the Borough Council, in response to my question, clarified that in fact the Environment Agency had never commented on the need, one way or the other, for SEA, despite being consulted a number of times on the plan.
- 4.18 Whilst disappointing, it was not unreasonable for the Steering Group to assume that if the draft plan had raised issues about which the Environment Agency had concerns, it would have made these known to itself or to the Council by way of the numerous opportunities that have been presented. In these circumstances, given that we are dealing with a government agency with statutory duties in relation to the environment, I think one can reasonably assume that its lack of response implies an acceptance that the plan would not have any significant negative environmental effects. I therefore support the conclusion of the Borough Council that full SEA is not required.
- 4.19 No consultees have raised issues in relation to any other European Directives. In particular, in terms of the relevant prescribed condition under Paragraph 8(2)(g) of Schedule 4B to the 1990 Act¹², the plan area is not close to a European designated nature site. Natural England confirmed in its consultation response¹³ that it did not have any specific comments on the draft NP. I have no reason to disagree with that assessment.

Specific issues of compliance of the NP policies

- 4.20 Before I turn to address the individual policies in the NP, I have some general comments to make about the NP. In considering the policies, I have found that some do not address the issue of the use or development of land. Some set out what are aspirations of the community and where this is the case, I am recommending that they should be moved to a different section of the plan where they can be set out in a way that does not have to meet the requirements of the Basic Conditions. I note that in its January 2017 response, the Steering Group appeared to accept the suggestion of a new Community Aspirations section as a useful way forward.

¹¹ The Basic Conditions Statement 2016 first page, second paragraph.

¹² Set out in Regulation 32 of the 2012 Regulations.

¹³ Email to NWBC 10 October 2016.

- 4.21 When made, the NP will form part of the development plan. As advised in the PPG, NP policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Policies should be concise, precise and supported by appropriate evidence. In a number of cases, I find that the policies in the Coleshill NP lack the necessary clarity and are ambiguous. Whilst it is common practice to put policies in bold, for some of the NP policies the emboldened text is so brief as to read like the title of the policy rather than the policy itself and the actual detail of the policy, policy criteria, and appropriate supporting evidence have to be searched for in the supporting text. In these instances, I have given careful thought to the extent I am able to modify these policies, without undermining the submitted plan and the prior engagement and consultation processes, to enable the NP to meet the Basic Conditions. Whilst at first sight a number of my recommended modifications to the policies may appear extensive, they do in practice largely draw upon supporting text already in the plan and/or clarifications that have been provided by the NP Steering Group. However, I have had to also recommend deletions where there is not appropriate evidence to support the policy.
- 4.22 The NP includes 'bubbles' variously colour coded to indicate where they come from. Whilst these seek to make the document more reader friendly and demonstrate the involvement of the community, I am not persuaded that they usefully add anything to the NP which, if made, will be part of the statutory development plan for some years to come. In particular, I have serious concerns about those purporting to be 'additional explanation from the Steering Group to support some proposals', the status of which is unclear.
- 4.23 As an example, the bubble on page 22 states that 'any significant development should have a focus in south east Coleshill'. Any such development would require the release of land from the Green Belt, is not supported by any adopted or emerging Local Plan policy nor by any appropriate evidence as to sustainability. I note the Steering Group's comments in response to my query about this but I remain of the view that there is no place for such an unsubstantiated assertion in the NP. It fails the Basic Conditions, is misleading and ***I recommend its deletion. (PM2)***
- 4.24 Similarly the bubble on page 34 makes a contentious suggestion about the route of a by-pass, unsupported by any transport assessment or strategic policy and outside the approved designated area of the NP. In response to my query the Steering Group have accepted it should be removed from the NP and ***I recommend its deletion. (PM3)***
- 4.25 There are two other 'note from the steering group' bubbles on pages 29 and 39. That on page 29 refers to the desirability of encouraging residential use of the upper floors above shops. As this is already addressed in policy TCLENP4, ***I recommend its deletion. (PM4)***. The note on page 39 refers

to illegal use by heavy goods vehicles of the Cole End Bridge. This is a matter for traffic regulations enforcement and as a non-land use planning issue I recommend **the deletion of the note from the plan. (PM5)**

4.26 As submitted, the NP includes a precis (page 16), a 4-page summary (pages 55 to 58) and a final statement (page 61). The Steering Group contends that the summary adds nothing to the Plan that is not already covered. However, my concern is that the summary could place subtly different interpretations on the policies and proposals in the plan. Indeed, the summary describes its purpose as giving 'insight on the main points'. If any 'insight' is needed, in my view it should be found within the main body of the plan. In my view, the inclusion of this lengthy summary in the plan undermines its clarity and **I recommend its deletion. (PM6)**

4.27 To improve the plan's readability and usability, I strongly advise that all pages are numbered and consideration is given to paragraph numbering, albeit I recognise it goes beyond my remit to set out a recommended modification in this regard. However, to align with the Regulations and to assist the reader, **I recommend that the NP when made includes a plan showing the designated area (PM1) and a plan showing the settlement boundary and the Green Belt. (PM7)**

Housing

Policy HNP1

4.28 Policy HNP1 supports the allocation of land for a minimum of 275 new dwellings as approved in the NWBC Core Strategy. With 186 new homes already permitted, and sites allocated in the NP for a further 82 dwellings, there would be a small shortfall on this minimum requirement. With the town tightly constrained by the Green Belt and opportunities for further redevelopment being described in the text on page 19 as limited, the NP appears to expect the shortfall to be delivered by windfall development.

4.29 The NP includes at pages 18, 19, 20 and 21 text, a schedule and plan of housing allocations taken from the draft Site Allocations document. This document was not taken forward to examination by the Borough Council but, along with the Core Strategy, is now effectively incorporated into the draft Local Plan 2016. The Borough Council, in its response on the NP, asked that the housing chapter should be amended to reflect the new Local Plan figures. The Steering Group together with the Borough Council has provided alternative text, a schedule and plans.

4.30 Overall, the emerging Local Plan looks to deliver a minimum of 5,280 dwellings between 2011 and 2031, with an aspiration to deliver an additional 3,790 to address unmet need from Birmingham, the Black Country and Tamworth. Coleshill is designated as a Category 1 Market Town but, unlike the other two market towns in the Borough, the Local Plan only proposes a small increase in its housing allocation, with one further site identified within

the settlement boundary in addition to the three sites carried forward from the draft Site Allocations document to provide around 94 dwellings.

- 4.31 Various respondents to the Regulation 16 consultation on the NP have drawn attention to parcels of land, some substantial in size, on the outskirts of Coleshill which it was argued would be capable of accommodating significant sustainable new housing development. They contend that the NP in its current form does not reflect the fact that Coleshill represents one of the more sequentially preferable options for growth in the Borough. The view put forward is with higher housing numbers proposed in the emerging Local Plan, the NP as submitted for examination is not flexible enough to address the potential for more growth to be directed to Coleshill to contribute to the achievement of sustainable development.
- 4.32 These arguments about the direction of growth in North Warwickshire go to the heart of the locational strategy of the emerging Local Plan. Whilst Coleshill is one of three market towns identified in the emerging Local Plan, being at the top of the settlement hierarchy, the emerging Local Plan at paragraph 7.6 notes that development there will be smaller in scale 'due to the Green Belt wrapping around the settlement'. It is long standing national policy, reaffirmed in the NPPF at paragraph 83, that once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. As part of the emerging Local Plan process, there have been recent studies of the Green Belt around Coleshill and other than a minor allocation for an extension to the existing cemetery, there are no proposals in the emerging Local Plan to review the Green Belt boundaries around Coleshill to release land for housing.
- 4.33 Paragraph 184 of the NPPF is clear that neighbourhood plans should not promote less development than set out in the Local Plan, but nor should they propose more development that would undermine its strategic policies. Paragraph 16 of the NPPF confirms that the strategic elements of the Local Plan are outside the scope of neighbourhood planning. I do not accept the suggestion of one respondent that whilst the NP cannot make strategic allocations, it could outline the potential opportunities for strategic growth to come forward. Not only would such an approach not be evidence based, it would undermine the strategic policies of the emerging Local Plan. The locational distribution of the Borough's housing requirement and whether this justifies development within the Green Belt are strategic matters which are properly to be tested at the Local Plan examination. I am not persuaded to make any modifications to the NP in this regard.
- 4.34 The Steering Group, in consultation with the Borough Council, has proposed new wording for policy HNP1, deleting the minimum requirement for 275 new dwellings and simply giving support to new dwellings as approved in the Core Strategy and the emerging draft Local Plan. In addition, the three paragraphs on page 18 below the policy have been slightly reworded and are now shown in bold, although in a smaller font size.

- 4.35 The latter change highlights a problem I have found throughout the NP as to what is policy and what is supporting text. This is a concern I raised with both the Steering Group and the Borough Council about the Plan's lack of clarity, but regrettably I do not consider this has been satisfactorily addressed in the suggested amendments to policy HNP1.
- 4.36 Nonetheless, what is clear is that the NP is supportive of the adopted and proposed housing allocations which are all within the settlement boundary of the town. In that the Core Strategy proposed a minimum of 275 new dwellings (of which 186 were permitted as of March 2015), there is sufficient flexibility to cover the emerging Local Plan proposed allocations for 94 dwellings (which includes 30 units on the allotments site) which if added to the permitted units would be a small increase of 5 units.
- 4.37 In the interests of clarity, I therefore propose to modify the housing objective on page 17 to make clear that 'the chapter supports the allocation of **land in the extant 2014 Core Strategy** for a minimum of 275 dwellings and in the second sentence that 'they would be spread over a number of sites (**including those allocated in the emerging Local Plan**).....' (PM8). Further, I recommend Policy HNP1 is modified to read: **To support the housing allocations in the North Warwickshire Core Strategy 2014 and those proposed in the North Warwickshire Local Plan Draft August 2016. (PM9)**
- 4.38 As to the status and content of the three paragraphs underneath the embolden words on page 18, they are not supporting text for policy HNP1 but seek to describe what are seen as deficiencies in the current housing stock. The second paragraph refers to there being a shortage of one and two bedroom properties within the town. However, I have not seen sufficient appropriate and up to date evidence of a local need that would justify an additional policy to require new housing developments in Coleshill to provide 1 and 2 bedroom dwellings. **I recommend the deletion of the second paragraph on page 18 starting 'There is ...' . (PM10)**
- 4.39 The emergence of the draft Local Plan has rendered pages 19, 20 and 21 out of date as well as the green bubble on page 18. In the interests of clarity, **I recommend that the NP is modified by their deletion and the insertion of new text, derived from paragraphs 15.23 to 15.29 of the draft Local Plan, with the schedule and map of the allocations for Coleshill in the draft Local Plan at policy LP39. (PM11)**

Policy HNP2

- 4.40 This policy is a design policy in that it seeks to ensure that new housing is integrated into the town. However, there is nothing in the bold wording to say how this might be achieved. In the paragraph underneath, there is a reference, in the future tense, to a housing design guide but with no further detail. Having sought clarification, I understand that there is no proposal for the Town Council to produce a Coleshill design guide. There is an extant

Borough Council Design Guide which deals with extensions but not new builds.

4.41 The Steering Group has proposed alternative wording for policy HNP2. However, it seems to me that the text on page 22 includes other design criteria that, in the interests of clarity, should be added to policy HNP2. In addition, the text on page 23 refers to affordable housing being well integrated with and being virtually indistinguishable from market housing. This is a design criterion which should be included in the modified policy HNP2. I recommend that the policy is modified to read: ***HNP2 New housing development should: be well designed and use materials in keeping with the character of the surrounding area; be well integrated into the existing area and complement their immediate environment; provide a mix of housing types and densities; make imaginative use of open space that connects new development with existing housing; ensure that any affordable housing is well integrated with the market housing; and where possible, provide access to public transport. (PM12)***

4.42 With the design criteria now included in the modified policy I recommend ***the deletion of the text on page 22 from A housing design Starter homes. (PM13)***. Housing tenure is considered in terms of policy HNP3. As the evidence in Appendices 6a and 6b does not indicate any capacity issues in respect of either education or health services, there is no justification for the last paragraph on page 22.

Policy HNP3

4.43 As drafted, policy HNP3 seeks to 'provide for a greater range of social and shared ownership housing'. Both the Core Strategy and the emerging Local Plan include policies on affordable housing (policy NW6 and policy LP9 respectively). However, it is not clear whether the use of the word 'greater' in policy HNP3 means that the NP is seeking more affordable housing than those plans require to be provided. Other than some anecdotal evidence, I have seen nothing to justify a higher percentage of affordable housing being provided on new housing sites in Coleshill than elsewhere in North Warwickshire. In response to my query, the Steering Group has proposed the deletion of the word 'greater' from the policy.

4.44 The NPPF at paragraph 50, 2nd bullet point, requires local planning authorities to 'identify the size, type, tenure, and range of housing that is required in particular locations, reflecting local demand'. Paragraph 8.10 of the emerging Local Plan refers to affordable housing need in the Borough remaining high at 112 units per annum. Paragraph 8.16 outlines a cascade of eligibility for any local affordable housing from local ward up to Borough level. It is clear that any affordable housing provided on sites in Coleshill would first be offered to those already living and working in the town.

4.45 The policy refers to provision of social and shared ownership housing, however there are a number of other affordable housing products including social rented housing and starter homes. In order to have regard to national policy and meet the clarity advised in guidance, policy HNP3 should be modified to read: ***HNP3 Development of affordable housing should meet local needs in terms of tenure, type and size of dwellings, to suit the needs of different groups of the population and be allocated according to the cascade of eligibility set out in the emerging Local Plan. (PM14)***

4.46 Providing these modifications are made, I conclude that the policies for housing in the NP meet the Basic Conditions.

Town centre and local economy

Policies TCLENP1 to TCLENP5

4.47 Coleshill is a small town and changing shopping and working patterns have resulted in a decline in the vitality of the High Street. The NP seeks through a raft of policies to arrest that decline, to maintain and enhance a vibrant local economy and to ensure the vitality and viability of the town centre. This is consistent with national policy in the NPPF and generally conforms with policy in the Core Strategy and emerging Local Plan which define a Town Centre Boundary and Core Shopping Frontage zone for Coleshill.

4.48 I am broadly supportive of policies TCLENP1 to TCLENP5 concerning the town centre and local economy, but recommend that some modifications are needed to meet the Basic Conditions. In particular, whilst the Steering Group has proposed some amendments to policies TCLENP1 to TCLENP4 in response to my queries, further redrafting is needed to ensure that the policies are sufficiently clear so that a decision maker can apply them consistently and with confidence when determining planning applications.

4.49 Policy TCLENP1 should be modified to read: ***TCLENP1 Proposals that maintain and enhance the viability and vitality of the town centre will be supported. New retail development of an appropriate scale will be encouraged on the High Street. The retail function of the High Street frontages will be retained and enhanced and the introduction of non-retail uses such as offices, building societies and restaurants will be controlled. Retail development outside the High Street that threatens the vitality of the town centre will be resisted. (PM15)***

4.50 The NP recognises the sensitive nature of the High Street within the Conservation Area and the need to retain, where possible, the traditional style of the shop fronts. Policy TCLENP2 should be modified to read: ***TCLENP2 Proposals for alterations to or redevelopment of shop fronts in the High Street should be in keeping with the area's character and distinctiveness. The traditional style and scale of shop fronts in the town centre should be retained, subject to appropriate***

consideration being given to the needs of the current and proposed use and to some flexibility in the materials used. In considering proposals to alter or redevelop shop fronts, regard should be had to the North Warwickshire Borough Council's Shop Front Design Guide 2003. (PM16)

4.51 Policy TCLENP3 supports the establishment of a regular market day in the town. The Steering Group, in response to my queries, have referred to the weekly Farmers' Market which has stalls on Church Hill. The NPPF at paragraph 23 6th bullet point identifies the value, where appropriate, of re-introducing or creating new markets to improve the vitality of town centres. As drafted the policy does not relate to either the development or use of land ('road space' is a highways matter not one of land use) and I recommend it is modified to read: **TCLENP3 The Coleshill Town Council supports the introduction of regular markets in the town. (PM17).**

4.52 The NP, in line with existing Borough Council policy, supports the residential use of upper floors above premises in the High Street. This accords with the NPPF which recognises that residential development can play an important role in ensuring the vitality of centres. I recommend that policy TCLENP4 should be modified to read: **TCLENP4 Proposals for the residential conversion of upper floors above premises in the High Street will be supported. (PM18)**

4.53 Coleshill serves a hinterland of small villages and rural areas and I appreciate how important local bus services can be. However as drafted policy TCLENP5 does not address the development or use of land and the Steering Group has accepted it should be deleted from the plan. **Policy TCLENP5 should be deleted. (PM19)**

Industrial and commercial local economy

4.54 North of the Cole End bridge there is a large industrial area with a number of distribution businesses benefiting from the area's accessibility to the national motorway network. To the north and outside the designated NP area, the emerging Local Plan proposes the allocation of 20ha at Hams Hall, the former Power Station B site, for employment purposes and removal from the Green Belt.

4.55 Through policies ICLENP1 to ICLENP 3, the NP seeks to ensure that current and future employment and business opportunities are supported. To achieve this objective, I recommend that policy ICLENP1 is redrafted to delete the reference to protecting jobs and, instead, refer to sites and to include the policy criteria supporting proposals to upgrade or redevelop existing employment premises and sites that are presently mixed in with the supporting text below the bold policy. Policy ICLENP1 should be modified to read: **ICLENP1 Non employment use of existing employment sites outside the town centre will be resisted. Proposals to upgrade or redevelop existing employment premises or sites will be supported,**

subject to there being no adverse impacts on the amenities of the surrounding area, on pedestrian safety, on vehicle access, or on public transport accessibility. (PM20)

4.56 The existing industrial estate is the main employment area within the town. It has a mix of B class uses, is recognised as essential for the viability of the town and the NP supports its growth so long as existing issues, like HGV traffic along the High Street, are not aggravated. But as drafted the policy does not provide the necessary clarity. Policy ICLENP2 should be modified to read: ***ICLENP2 Employment opportunities and future redevelopment proposals within the existing industrial estate are supported subject to consideration of their impact on local traffic conditions. (PM21). The policy should be accompanied by an up to date plan showing the industrial estate. (PM22)***

4.57 The text underneath policy ICLENP3 describes a surplus of office space in the town. Policy TCLENP3 supports the conversion of upper floors in the town centre to residential use. Permitted development rights exist for the change of use of purpose built offices to housing. Given these matters, I am unclear as to why policy ICLENP3 is considered to be needed and what the NP is seeking to achieve in requiring applicants to demonstrate a local need for residential use against an employment/economic need. As drafted both the objective of the policy and its wording are ambiguous, lack sufficient clarity and are imprecise and ***policy ICLENP3 should be deleted. (PM23)***

Transport and pedestrian movement

4.58 It is clear from the consultation statement and from this chapter of the NP that traffic management, pedestrian safety and parking are matters of great concern to local residents. However, as I set out in my queries to the Steering Group, as drafted policies TPMNP1 to TPMNP4, and the solutions put forward, such as parking regulation, controlling HGV movements, highway signage, are not related to the development or use of land. As such, I would have to recommend their deletion through a modification to the NP.

4.59 In so doing, I am very conscious that this will be a considerable disappointment. These are major issues in Coleshill. A lot of effort was invested during the preparation of the NP in considering how to improve traffic management, pedestrian safety and parking and it would be remiss if those who in the future might be considering development in the town centre were not appraised of this work.

4.60 As a way forward the suggestion was made to the Steering Group that this section of the NP (and any other non-land use policies) could be identified separately and moved to the end of the plan, in a section entitled Community Aspirations. This transfer has been accepted by the Steering Group as a solution to ensure their inclusion somewhere in the NP. But such a section would have to be clearly identified as to its status and that it did not comprise part of the statutory neighbourhood plan.

4.61 I recommend ***the deletion of policies TPMNP1 to TPMNP4 and the deleted policies and associated text are moved to a new Community Aspirations section. (PM24)***

Environment

4.62 The objective of this chapter of the NP is the preservation and enhancement of the local environment, including green open spaces and the historic core, whilst providing flexibility for sustainable growth within the town. It accords with national policy in the NPPF and with local planning policies in the emerging Local Plan.

4.63 As drafted policy ENP1 seeks to ensure the preservation of the existing Conservation Area. The text underneath sets out various means to secure this which I am recommending should be included as policy.

4.64 Thus policy ENP1 should be modified as follows: ***ENP1 The Conservation Area should be preserved and where possible enhanced. Proposals for new development in the Conservation Area should be in keeping with the character and appearance of the area; maintain the area's historic character; protect the historic buildings including any that are subsequently locally listed; and protect its setting including views into and out of the Conservation Area. (PM25)***

4.65 Coleshill is rightly proud of its green and open spaces which are valuable assets for the community and which policy ENP2 seeks to preserve. However, I have seen no evidence and certainly not the detailed evidence that would be needed, to indicate that these are intended to be considered as Local Green Space in the terms of paragraphs 76 to 78 of the NPPF. I have redrafted the policy to clarify the spaces to which the policy applies. Policy ENP2 is modified to read: ***ENP2 Existing green open spaces set out in the schedule below will be preserved. All current school fields will be protected from development. (PM26)***

4.66 There are discrepancies between the hard copy and electronic version of the NP in respect of the list, schedule and plan of the open spaces which need to be rectified in the final version. There are also discrepancies in the hard copy of the plan itself. Seventeen spaces are shown on the two maps of existing green spaces (on pages 43 and 45) whereas the list on page 42 and the schedule on pages 44 and 45 only identify 15 spaces and omit the spaces to the east of the High Street, marked as 16 and 17 on the map. This section will also need modifying to remove reference to the allotment site 2 which is proposed for housing development in the emerging Local Plan. ***I therefore recommend that the plan is modified to add to the list on page 42 and the schedule on pages 44 and 45 the two spaces, annotated as 16 and 17 on the map on page 43; the deletion of the allotment site 2 from the list, schedule and plan; and the renumbering of the spaces to which policy ENP2 will apply. (PM27)***

- 4.67 It is Government policy to promote sustainable transport and policy ENP3 seeks to improve options for cycling through the creation of new cycle paths and cycle parking facilities. I am satisfied that the projects listed on page 47 relate to the use or development of land and are appropriate to include in the NP. I recommend that they are referenced in the policy which should be modified to read: **ENP3 The creation of new cycle parking facilities and new cycle paths will be supported. Proposals currently being considered include: Add in bullet points. (PM28)**
- 4.68 Whilst policy ENP4 seeks to preserve and enhance public footpaths, it is the responsibility of the appropriate rights of way authority to deal with any diversion or alteration to public rights of way, their maintenance and signage. I recommend that **Policy ENP4 should be deleted and the deleted policy and associated text are moved to a new Community Aspirations section. (PM29)**
- 4.69 The current cemetery is nearing capacity and policy ENP5 requires land to be reserved for its extension. This is now addressed in the emerging Local Plan (paragraph 15.32 onwards) which proposes that approximately 2.5ha of land north of Maxstoke Lane, south of St Peters and St Pauls cemetery, will be released from the Green Belt and allocated for cemetery use. I recommend policy ENP5 is modified to support the emerging Local Plan allocation. Policy ENP5 should read: **ENP5 The Town Council support the proposal in the emerging Local Plan to release approximately 2.5 hectares of land from the Green Belt as an extension to the existing cemetery. (PM30)**
- 4.70 The River Cole runs through the town of Coleshill. Appendix 5e is the Environment Agency Flood Map of May 2015 indicating the main river and those areas in Flood Zones 1, 2 and 3. Policy ENP6 refers to the preservation of current flood prevention measures. However, it is unclear from the following text whether the policy requires there to be no development within the flood plain or is referring to physical measures to prevent flooding, such as flood gates or weirs. Water Management is dealt with in the emerging Local Plan (paragraph 13.20 onwards) and in accord with the NPPF, policy LP35 sets out the sequential approach to development in flood risk areas. In the absence of any clarification from the Steering Group as to what policy ENP6 is seeking to achieve, and therefore how it would be applied, I cannot be certain that as drafted it can be considered clear and unambiguous, having regard to the PPG. I recommend that **policy ENP6 is deleted. (PM31)**
- 4.71 Policy EN7 supports enhancements that the Town Council is proposing to the Memorial Park which lies at the heart of the town. It is consistent with NPPF's paragraph 9 on pursuing sustainable development, including improving the conditions in which people take leisure. The parish is affected by the line of HS2 which will run to the west of the town. Policy ENP8 proposes the establishment of a woodland corridor between the A446 and

the motorway network, for which funding has been sought from the HS2 Community Fund. It is consistent with the NPPF's paragraph 118 on encouraging opportunities for biodiversity. I am satisfied that both policies meet the Basic Conditions.

4.72 Policy ENP9 seeks to protect views into Coleshill. However, no evidence has been provided of any landscape appraisal that identifies where there are important views of the town and the significant features in those views that warrant protection. Without that evidence, I cannot see how any decision maker could apply the policy consistently or with confidence. For this reason, I recommend that **policy ENP9 should be deleted. (PM32+)**

5. Conclusions

Summary

5.1 The Coleshill 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 had regard for 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 Coleshill Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, 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 I appreciate the significant amount of hard work which the Town Council and its Neighbourhood Plan Steering Group have undertaken over more than three years to prepare a Neighbourhood Plan that reflects local opinion and will influence development of the area in a positive way. I commend the Steering Group for their effort in producing this plan which, subject to some modifications, should influence development management decisions over the next 13 years.

Mary O'Rourke

Examiner

Appendix: Modifications

Proposed modification number (PM)	Report Page no.	Modification
PM1	Page 7	Include in the Plan a map on an OS base showing the extent of the designated area.
PM2	Page 13	Plan Page 22 Delete the note from the Steering Group.
PM3	Page 13	Plan Page 34 Delete the note from the Steering Group.
PM4	Page 13	Plan Page 29 Delete the note from the Steering Group.
PM5	Page 14	Plan Page 39 Delete the note from the Steering Group.
PM6	Page 14	Delete the summary.
PM7	Page 14	Plan Page 15 Include a plan showing the settlement boundary and the Green Belt.
PM8	Page 16	Plan Page 17 Modify the housing objective on page 17 to read: 'the chapter supports the allocation of land in the extant 2014 Core Strategy for a minimum of 275 dwellings' and in the second sentence that 'they would be spread over a number of sites (including those allocated in the emerging Local Plan).....'
PM9	Page 16	Modify Policy HNP1 to read To support the housing allocations in the North Warwickshire Core Strategy 2014 and those proposed in the North Warwickshire Local Plan Draft August 2016.
PM10	Page 16	Deletion of the second paragraph on page 18 starting 'There is'
PM11	Page 16	Deletion of pages 19, 20 and 21 and the green bubble on page 18 and insertion of

		new text, derived from paragraphs 15.23 to 15.29 of the draft Local Plan, with the schedule and map of the allocations for Coleshill in the draft Local Plan at policy LP39.
PM12	Page 17	<p>Modify policy HNP2 to read</p> <p>New housing development should: be well designed and use materials in keeping with the character of the surrounding area; be well integrated into the existing area and complement their immediate environment; provide a mix of housing types and densities; make imaginative use of open space that connects new development with existing housing; ensure that any affordable housing is well integrated with the market housing; and where possible, provide access to public transport.</p>
PM13	Page 17	<p>Plan Page 22</p> <p>Delete text from 'A housing design starter homes.'</p>
PM14	Page 18	<p>Modify policy HNP3 to read</p> <p>Development of affordable housing should meet local needs in terms of tenure, type and size of dwellings, to suit the needs of different groups of the population and be allocated according to the cascade of eligibility set out in the emerging Local Plan.</p>
PM15	Page 18	<p>Modify policy TCLENP1 to read</p> <p>Proposals that maintain and enhance the viability and vitality of the town centre will be supported. New retail development of an appropriate scale will be encouraged on the High Street. The retail function of the High Street frontages will be retained and enhanced and the introduction of non-retail uses such as offices, building societies and restaurants will be controlled. Retail development outside the High Street that threatens the vitality of the town centre will be resisted.</p>

PM16	Page 18	<p>Modify policy TCLENP2 to read</p> <p>Proposals for alterations to or redevelopment of shop fronts in the High Street should be in keeping with the area's character and distinctiveness. The traditional style and scale of shop fronts in the town centre should be retained, subject to appropriate consideration being given to the needs of the current and proposed use and to some flexibility in the materials used. In considering proposals to alter or redevelop shop fronts, regard should be had to the North Warwickshire Borough Council's Shop Front Design Guide 2003.</p>
PM17	Page 19	<p>Modify policy TCLENP3 to read</p> <p>The Coleshill Town Council supports the introduction of regular markets in the town.</p>
PM18	Page 19	<p>Modify policy TCLENP4 to read</p> <p>Proposals for the residential conversion of upper floors above premises in the High Street will be supported.</p>
PM19	Page 19	<p>Delete policy TCLENP5.</p>
PM20	Page 19	<p>Modify policy ICLENP1 to read</p> <p>Non-employment use of existing employment sites outside the town centre will be resisted. Proposals to upgrade or redevelop existing employment premises or sites will be supported, subject to there being no adverse impacts on the amenities of the surrounding area, on pedestrian safety, on vehicle access, or on public transport accessibility.</p>
PM21	Page 20	<p>Modify policy ICLENP2 to read</p> <p>Employment opportunities and future redevelopment proposals within the existing industrial estate are supported subject to consideration of their impact on local traffic conditions.</p>
PM22	Page 20	<p>Plan Page 32.</p>

		Include an up to date plan showing the industrial estate
PM23	Page 20	Delete policy ICLENP3.
PM24	Page 20	Delete policies TPMNP1 to TPMNP4 and the deleted policies and associated text are moved to a new Community Aspirations section.
PM25	Page 21	Modify policy ENP1 to read The Conservation Area should be preserved and where possible enhanced. Proposals for new development in the Conservation Area should be in keeping with the character and appearance of the area; maintain the area's historic character; protect the historic buildings including any that are subsequently locally listed; and protect its setting including views into and out of the Conservation Area.
PM26	Page 21	Modify policy ENP2 to read Existing green open spaces set out in the schedule below will be preserved. All current school fields will be protected from development.
PM27	Page 21	Plan Pages 43, 44 and 45 Modify the plan to add to the list on page 42 and the schedule on pages 44 and 45 the two spaces, annotated as 16 and 17 on the map on page 43; the deletion of the allotment site 2 from the list, schedule and plan; and the renumbering of the spaces to which policy ENP2 will apply.
PM28	Page 22	Modify policy ENP3 to read The creation of new cycle parking facilities and new cycle paths will be supported. Proposals currently being considered include: And add bullet points.
PM29	Page 22	Policy ENP4 should be deleted and the deleted policy and associated text moved to a new Community Aspirations section.
PM30	Page 22	Modify policy ENP5 to read

		The Town Council support the proposal in the emerging Local Plan to release approximately 2.5 hectares of land from the Green Belt as an extension to the existing cemetery.
PM31	Page 22	Delete policy ENP6.
PM32	Page 23	Delete policy ENP9.