



**A REPORT TO WOLVERHAMPTON CITY COUNCIL OF THE  
EXAMINATION  
of the  
HEATHFIELD PARK NEIGHBOURHOOD PLAN 2014-2026  
by  
LOUISE BROOKE-SMITH, BSc(HONS), DIP TP, FRICS, MRTPI  
INDEPENDENT EXAMINER**

**MAY 2014**



**CONTENTS:**

**(i) SUMMARY AND OVERALL RECOMMENDATION**

**1.0 INTRODUCTION**

- 1.1 The Neighbourhood Plan Regime**
- 1.2 Background to the Heathfield Park Neighbourhood Plan**
- 1.3 Appointment and Role of the Independent Inspector**

**2.0 THE EXAMINATION PROCESS**

**3.0 COMPLIANCE WITH MATTERS OTHER THAN THE BASIC CONDITIONS**

**4.0 THE BASIC CONDITIONS**

- 4.1 National Policy Advice and guidance**
- 4.2 Sustainable Development**
- 4.3 The Development Plan**
- 4.4 EU Obligations**
- 4.5 European Convention on Human Rights**

**5.0 ASSESSMENT OF THE HEATHFIELD PARK NEIGHBOURHOOD PLAN**

- 5.1 Overview**
- 5.2 Overall Presentation and Form of the Plan**
- 5.3 - 5.9 Preface, Introductory and Explanatory Sections of the Plan**
- 5.10 Managing Future Development Policies for Heathfield Park**
- 5.11 Policy Area A – Identity and Image**
- 5.12 Policy Area B – Housing and Environment**
- 5.13 Policy Area C – Employment and Skills**
- 5.14 Policy Area D – Assets and Buildings**
- 5.15 Policy Area E – Transport and Traffic**
- 5.16 Policy Area F - Healthy Living**

**6.0 REFERENDUM**

**7.0 RECOMMENDATION**

**APPENDICES**

**Appendix A– Examiner's use of Abbreviations**

**Appendix B – Additional documents reviewed as part of the Examination process**

**Appendix C - Hearing Programme and Discussion Topics**

**Appendix D – Proposed Referendum Area**

---

### **Summary and Overall Recommendation**

*As the Independent Examiner into the Heathfield Park Neighbourhood Plan, I have been requested by Wolverhampton City Council to present my professional assessment of the Plan, in terms of its compliance with the 'Basic Conditions' as set out in extant legislation, regulations and guidance.*

*I confirm that I am independent of the Qualifying Body, namely the Heathfield Park Neighbourhood Forum and the Local Planning Authority. Furthermore, I do not have any interest in any land or property that may be affected by the Plan.*

*I hold professional qualifications and have relevant experience of the planning regime, gained over the past 25 years in both the public and private sectors, to enable an independent judgement of the documents before me. I am also a member of the National Panel of Independent Examiners Referral Service, endorsed by the Department of Communities and Local Government.*

*Further to a thorough examination of the Heathfield Park Neighbourhood Plan, which has comprised a review of all lodged documents and the holding of a Neighbourhood Plan Public Hearing on the 13<sup>th</sup> May 2014, it is my considered opinion that, subject to minor modifications, the said Plan meets the Basic Conditions, as set out in the respective legislation and guidance.*

*My report presents some areas where I contend that a small number of specific policies should be modified, and where some text could be amended or illustrations improved, in order to make the document clearer and remove ambiguity.*

*My proposed changes have been made in such a way so as not to detract from the essence of the Plan nor its aim and ambitions, but I consider they should be taken into account before it proceeds to a Referendum.*

*Hence, subject to the recommended modifications being completed I consider that the Heathfield Park Neighbourhood Plan will; have regard to national policies and advice contained in current legislations and guidance; contribute to the achievement of sustainable development; be in general conformity with the strategic policies of the development plan for the area; not breach, but be compatible with European Union obligations and the European Convention of Human Rights; and not likely have a significant effect on a European Site or a European Offshore Marine Site either alone or in combination with other plans or projects.*

*I contend that, further to the recommended modifications, the Neighbourhood Plan complies with the legal requirements set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 and can proceed to a Referendum.*

*I have no concerns over the defined Plan area or the manner of its confirmation but with regard to the area of designation for any Referendum, I contend that a small area to the south west of the defined Plan area, should be included. This area would be directly affected by policies contained within the Plan and hence qualifying parties should be given the opportunity to vote on the issue of its confirmation.*

*Finally, I refer to a number of abbreviations throughout my Report. For the avoidance of any confusion these are set out in Appendix A.*

*Louise Brooke-Smith, BSc(Hons), DipTP, FRICS, MRTPI*

*Brooke Smith Planning Consultants Ltd - May 2014*

---

## **1.0 INTRODUCTION**

### **1.1 NEIGHBOURHOOD PLANNING**

- 1.1.0 The Neighbourhood Planning regime provides local communities with the ability to establish specific land use or planning policies which can influence how future development comes forward in their area. It not only provides the opportunity for local people to shape their locality, it also provides guidance for developers and landowners when considering new proposals.
- 1.1.2 Any Neighbourhood Plan should therefore be clear not only in its goals and ambitions but also in how any policies are presented. The background behind how policies have emerged should be easy to understand and robust in terms of justification.
- 1.1.3 This Report provides the findings of an Examination into the Heathfield Park Neighbourhood Plan, which is hereafter referred to as the Plan or the Neighbourhood Plan.
- 1.1.4 The Plan was prepared by the Heathfield Park Neighbourhood Forum, referred to as the Forum, working in consultation with the local planning authority, namely Wolverhampton City Council and a range of interested parties, major employers, landowners and other local stakeholders.
- 1.1.5 It provides a recommendation as to proceeding to a Referendum. If this took place and the Plan was endorsed by more than 50% of votes cast, then it would be 'made' by Wolverhampton City Council and would be used to assist in the determination of any subsequent planning applications.

### **1.2 BACKGROUND TO THE HEATHFIELD PARK NEIGHBOURHOOD PLAN**

- 1.2.1 Heathfield Park comprises an urban area lying to the east of Wolverhampton City centre. It extends to circa 156ha and reflects the Heathfield Park Local Neighbourhood Partnership area which concerns the neighbourhoods of Heath Town, Springfield, New Park Village and Heath Park.
- 1.2.2 Wolverhampton City Council confirmed Heathfield Park Local Neighbourhood Partnership as a Neighbourhood Forum in December 2012, following a formal application in July 2012. A Neighbourhood Plan Steering Group was duly established and engaged with the community and stakeholders, with the assistance of the Council's Neighbourhood Services Team, the Princes Trust Foundation and a consultation consultancy; Measurement, Evaluation, Learning (MEL).
- 1.2.3 Subsequent to an Issues and Options Paper, a draft version of the Plan was presented to the Council in September 2013 where all representations to the document to that point were explained in full. The Draft Plan was endorsed by the WCC Cabinet and subsequently proceeded to a pre-examination consultation period in October 2013.
- 1.2.4 The background to the Plan is set out in a Statement of Consultation, prepared by the Forum. I note that a number of different forms of community liaison were adopted. The consultation

activity was extensive and resulted in twenty seven written responses from residents, businesses and stakeholders.

- 1.2.5 The Statement of Consultation summarises the matters raised by these parties together with the subsequent response from the steering group, whether this be agreement to issues or justification for cases of disagreement to representation comments.
- 1.2.6 The Plan was subject to some changes and an Examination Version was duly prepared and submitted to the Council on January 17th 2014, when it was subsequently the subject of a further period of public consultation which concluded on March 14<sup>th</sup> 2014.
- 1.2.7 Representation to the Examination Version of the Plan were received from 18 parties, all of whom had made previous representations. I note that no new matters were raised over and above those raised previously.
- 1.2.8 I further note that the Plan proceeded to Examination following a final validation by the Council (under delegated powers) in January 2014 and is accompanied by a Statement of Basic Conditions prepared by the Forum. This states that, in the view of the Forum, the Heathfield Park Neighbourhood Plan meets all procedural requirements as set out in legislation.

### **1.3 APPOINTMENT AND ROLE OF THE INDEPENDENT EXAMINER**

- 1.3.1 In accordance with current regulations, I was appointed by Wolverhampton City Council, with the support of the Neighbourhood Forum as the Examiner of the Neighbourhood Plan in March 2014. My role has been to consider whether the Plan meets the 'Basic Conditions', as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004.
- 1.3.2 In order to meet the Basic Conditions, the making of any 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; and*
  - *Not breach, and must be otherwise compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.*
- 1.3.3 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further basic condition for Neighbourhood Plans, in addition to those set out in primary legislation and referred to in the paragraph above;
- *The making of the Neighbourhood Plan is not 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, &c.) Regulations 2007) either alone or in combination with other plans or projects.*

- 1.3.4 In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, (TCPA) to establish whether:
- *The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.*
  - *The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA).*
  - *The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area).*
  - *The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the PCPA.*
- 1.3.5 Having examined the Plan against the Basic Conditions, as set out above, and as the Independent Examiner, I am required to make one of the following recommendations:
- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;*
- b) that the Plan should be subject to modification but will then meet all relevant legal requirements and should proceed to Referendum;*
- c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.*
- 1.3.6 If recommending that the Plan should go forward to Referendum, I am also required to consider whether or not the Referendum Area should extend beyond the defined Heathfield Park Neighbourhood Area. On this matter, I contend that the Referendum Area should be extended and I explain my considerations and findings on this matter within the concluding section of this Report.
- 1.3.7 As noted above, the role of any Independent Examiner is to assess a Plan in terms of compliance with the Basic Conditions. While it is not to specifically comment on whether the Plan is sound, I consider that where changes can be made that would result in removing ambiguity, and make the document more user friendly for all parties, this should be considered.
- 1.3.8 I have adopted this approach and have suggested a number of amendments which the Forum and Council may wish to consider. These complement a number of Proposed Modifications, which in my opinion need to be addressed in order for the Plan to be compliant.
- 1.3.9 I have distinguished between recommendations that are considered necessary to meet Basic Conditions and legal requirements and those that are advisory to provide for a clearer expression of policies and explanation of associated matters. I am led on this by the recommendations for neighbourhood plan policies as contained within the Planning Practice Guidance (March 2014).

## **2.0 THE EXAMINATION PROCESS**

- 2.1 It is advised that Neighbourhood Plan examinations should proceed without a public hearing i.e. by written representations only, unless 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. In such cases, a public hearing may be held.
- 2.2 A public hearing provides for the Independent Examiner to further consider matters against the Basic Conditions, as set out earlier in this report. It is specific to neighbourhood planning and is different to a planning inquiry, an examination in public or a planning appeal hearing. Invited parties are asked to consider specific parts of the Plan in more depth and to clarify points made during consultation.
- 2.3 In this case and further to review and consideration of all the evidence before me, I was able to consider much of the Plan by way of the salient background information, supporting reports and written representations. However, I was of the opinion that some matters were ambiguous and required clarification.
- 2.4 While it might have been possible to resolve these matters through correspondence with the parties concerned, I considered that a more transparent approach was to allow all parties to clarify the matter in a public forum where the community was able to hear the points made.
- 2.5 I advised the local planning authority on the 19<sup>th</sup> March 2014, that I felt it was necessary for there to be a Hearing into the Plan to allow certain parties the opportunity to clarify points made during the consultation stages and for the Council and Forum to explain specific matters. The holding of the Hearing was advertised in the local press and on the Forum and Council Websites from April 2014.
- 2.6 I requested that a number of parties were invited to speak and the Hearing itself was held in public with the local community invited to attend. It was explained in advance that only specific matters would be the subject of review and discussions at the Hearing. It was not an opportunity for the whole Plan and its ensuing policies to be the subject of debate.
- 2.7 The Hearing took place on Tuesday May 13<sup>th</sup> 2014 and was held at Holy Trinity Church Hall, Bushbury Rd, Heath Town, Wolverhampton WV10 0LY, which lies within the Plan area.
- 2.8 Appendix B contains; the formal Notice advising of the details of the Hearing; the Agenda; Questions raised in my capacity as Examiner; and names of attendees.
- 2.9 While a representative of New Cross Hospital was invited to attend, this was not taken up but a written statement was submitted. Correspondence was also issued by agents representing Mitchells and Butlers plc and a representative was present at the Hearing who addressed Policy 5. A representative from The Canal and River Trust also attended the Hearing commenting on Policy 15. The Hearing was observed by a further 3 people, who attended for the full session.
- 2.10 The proceedings allowed specific matters to be discussed and ambiguity clarified where this related to compliance to the Basic Conditions. Where I have felt it important to make specific reference to any representations made, this is highlighted in the appropriate sections below. I am grateful to those parties attending the Hearing for clarifying matters of concern.

- 2.11 My examination findings reflect the discussion at the Hearing and the written submissions in response to my specific queries of named parties and are in addition to my review of the following documents which set out extant legislation, regulation and guidance;
- National Planning Policy Framework (The Framework) (2012)
  - Town and Country Planning Act 1990 (as amended)
  - The Planning and Compulsory Purchase Act 2004 (as amended)
  - The Localism Act (2011)
  - The Neighbourhood Planning (General) Regulations (2012)
- 2.12 In addition to the Examination Version of the Heathfield Park Neighbourhood Plan (Jan 2014), I have also reviewed the documents as set out at Appendix C. These comprise the evidence base of the Plan and key committee reports issued at the Hearing.
- 2.13 Finally, I confirm that I undertook a series of unaccompanied site visits to the Plan area and its immediate surroundings between March and May 2014.

### **3.0 COMPLIANCE WITH MATTERS OTHER THAN THE BASIC CONDITIONS**

- 3.1 I now report on the procedural tests, as set out earlier in this Report, and find as follows;

- **The Qualifying Body**

- 3.2 From the documentation before me, I conclude that the Heathfield Park Neighbourhood Forum is a properly constituted body, i.e. a Qualifying Body for the purposes of preparing a Neighbourhood Plan, in accordance with the aims of neighbourhood planning as set out in the Localism Act (2011) and recognised in the National Planning Policy Framework (2012). Accordingly, I find this addresses the necessary requirements.

- **The Plan Area**

- 3.3 The Heathfield Park Neighbourhood Area coincides with much of the boundary of Heathfield Park Neighbourhood Partnership Area. The rationale for not completely encompassing the Partnership Area was the subject of discussion and clarification at the Hearing and I accept the decision to exclude some areas from the formal Partnership designation.
- 3.4 I had specific concerns over property at New Waverly Close, to the north east, but am assured that the omission of this aligns with the boundary of the Partnership Area and hence there is justification for its omission.
- 3.5 A larger area accessed by Inkerman and Freeman Street falls within the Partnership Area but was not included within the Plan boundary. This was the subject of discussions at the Hearing and it was confirmed that this area falls within the Bilston Corridor Area Action Plan. However, although advanced, this has not yet proceeded to formal adoption by the Council. As no Neighbourhood Plan was being proposed for this area, and hence the regulations relating to

such matters would not have been breached, I see no reason why this area could not have been included within the Plan area in the first instance.

- 3.6 Notwithstanding the rationale behind the extend of the Plan boundary, as noted above and explained within the Statement of Consultation, an appropriately made application was submitted to the Council in July 2012 and endorsed in December 2012. Due process was undertaken and I contend this satisfies the requirement relating to the purposes and identification of a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended) and salient regulations of the Neighbourhood Planning (General) Regulations 2012.

- **The Plan Period**

- 3.7 A neighbourhood plan must specify the period during which it is to have effect. The Heathfield Park Neighbourhood Plan clearly states on its front cover and in its introductory sections that it addresses the period between 2014 and 2026. This is also incorporated into the title of the Plan. I note that this reflects the plan period covered by the Black Country Core Strategy. I contend that this matter is clear and hence satisfies the legal requirement.

- **Excluded Development**

- 3.8 From my review of all documents before me and from clarification at the Hearing, the Plan does not include policies or proposals that relate to any of the categories of excluded development, as defined by statute and extant regulations, or to matters outside the Neighbourhood Area. As such, I find that the Plan meets legal requirements.

- **Development and use of land**

- 3.9 A Neighbourhood Plan, in accordance with current regulations, should only contain policies relating to development and/or use of land. While supporting text can reflect the goals and ambitions of any community, they should not be reflected as specific policies.
- 3.10 Where I consider that a policy or part of a policy is ambiguous or relates to matters that do not relate to the development or use of land or property, I have recommended that it be amended.
- 3.11 In general the Plan complies with the regulations on this matter and I have suggested only minor modification where necessary. These are set out in subsequent sections of this Report.

- **Public Consultation**

- 3.12 Planning legislation requires public consultation to take place on the production of neighbourhood plans. Any public consultation should be open and accessible and any information presented should be easy to understand and to comment upon. It should enable

all sectors of the local community the ability to comment on and hence shape the policies which may have bearing on where they live, work or spend their leisure time.

- 3.13 I have reviewed the Statement of Consultation which has been prepared by the Forum as a summary of the work undertaken as the Plan has progressed. As a requirement of regulation 15 of the Neighbourhood Planning (General) Regulations 2012, this was submitted to the Council.
- 3.14 I am of the opinion that the consultation exercise was thorough and as wide a spectrum of the community as possible was approached through a range of initiatives. This should be applauded as an example of good practice. All stakeholders were given the opportunity to take part in proceedings. Inevitably some parties proved difficult to engage with and I was concerned that some comments had not been fully addressed in advance of the Examination version of the Plan being submitted to the LPA.
- 3.15 I was particularly concerned with respect to the input from New Cross Hospital, which is a major employer within the area and occupies a large extent of land to the east of the Plan area. In the event, written submissions by the Hospital confirmed that there was strong support for the Plan and that the Trust's development programme was complimentary to the policies proposed within the Neighbourhood Plan.
- 3.16 I have reviewed all salient documents relating to the consultation work undertaken by the Forum and consider that the various initiatives and the general approach adopted was extensive and inclusive.
- 3.17 In general I consider that the response to representations made to the Plan have been robust and an appropriate approach has been taken. While my role has not been to undertake a detailed analysis of consultation process but moreover review the general approach taken, I am of the opinion that some changes to the Draft Version of the Neighbourhood Plan, while undertaken, were not fully explained until challenged through the examination process. This could be addressed through the addition of a summary table which sets out the changes made to the Draft version of the Plan in advance of it progressing to Examination. I note an appropriate table was presented at the Hearing by the Forum.
- 3.18 I conclude that while an appropriate consultation exercise was undertaken and that all stakeholders had the opportunity to input into the Plan's preparation and as such, Regulation 15 has been appropriately addressed, a table clarifying the changes made to the Draft version of the Plan should be added to the Appendices of the Statement of Consultation as and when the Plan proceeds to a Referendum.

**Recommendation;**

**That the Consultation Statement be supported by a table, attached at the Appendices, clarifying the changes made to the Draft Version of the Plan, prior to the Plan progressing to a Referendum so those taking part can be reassured that the Plan has taken into account comments made through its preparation stages.**

## **4.0 THE BASIC CONDITIONS**

### **4.1 NATIONAL POLICY, ADVICE AND GUIDANCE**

- 4.1.1 The presiding document setting out national policy comprises the National Planning Policy Framework (the Framework) published in 2012. It explains that a presumption in favour of sustainable development will mean that Neighbourhood Plans should support the strategic development needs set out in Local Plans and plan positively to support local development.
- 4.1.2 The Framework is clear that Neighbourhood Plans should be aligned with the strategic needs and priorities of the wider local area, i.e. they must be in general conformity with the strategic policies of the Local Plan. They should not promote less development than is set out in the Local Plan or undermine its strategic policies. Neighbourhood Plans should provide a practical framework within which decisions on planning applications can be made with predictability and efficiency.
- 4.1.3 I have taken this into account, and made note of the guidance now found within Planning Policy Guidance (April 2014) which accompanies the NPPF and consider the extent to which the Plan meets this first basic condition in Section 5 below.

### **4.2 SUSTAINABLE DEVELOPMENT**

- 4.2.1 Any Qualifying Body must demonstrate how a Neighbourhood Plan contributes to the achievement of sustainable development. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.
- 4.2.2 Whilst there is no legal requirement for any Plan to be accompanied by a Sustainability Appraisal, an environmental assessment may sometimes be required if a Neighbourhood Plan is likely to have a significant effect on the environment. I note that a Sustainability Appraisal Scoping Report was produced at the start of the Plan process which established the assessment methodology for an appraisal process. A Sustainability Appraisal of the Heathfield Park Neighbourhood Plan Options, was produced in October 2013 and I am aware that this was an integral part of the creation of the Neighbourhood Plan.
- 4.2.3 The Scoping Report, Options Report and Sustainability Appraisal Report collectively present a detailed consideration of the Neighbourhood Plans sustainability credential and have supported the plan-making process by testing its proposals in the light of clearly defined methodology. I consider that the overall approach to assessing the Plan's environmental, social and economic effects meets the legal requirements of the salient SEA Directive.
- 4.2.4 Accordingly, I find that this matter has been fully addressed and the Plan is compliant in terms of being able to demonstrate that it will contribute to the achievement of sustainable development.

### **4.3 THE DEVELOPMENT PLAN**

- 4.3.1 I note that the 'Development Plan' for Heathfield Park Neighbourhood Area comprises the Black Country Core Strategy adopted in 2011 and saved policies of the Wolverhampton UDP.
- 4.3.2 Having reviewed the policies proposed and the explanation presented in the Statement of Basic Conditions (pages 16 to 22), I find that the Policy Areas are in general conformity with the relevant strategic policies as set out.
- 4.3.3 I further note while that some of the Policies Areas within the Plan include specific reference to relevant saved policies from the Wolverhampton Unitary Development Plan, the Statement of Basic Conditions does not expressly set these out.
- 4.3.4 I understand that the decision to cite only Core Strategy polices, quite correctly stems from these being strategic in nature and hence confirm that, in this matter, I find that the Plan is in compliance with the Basic Conditions.
- 4.3.5 While I consider the omission of reference to saved UDP policies within the Statement of Basic Conditions, might be misleading, this could be rectified by the following point of clarification; Amendment of the first paragraph in Section 5 of the Statement of Basic Conditions to read;
- 'The Heathfield Park Neighbourhood Plan has been prepared in general conformity with the Wolverhampton Development Plan which consists of the Black Country Core Strategy (adopted February 2011) and the saved policies in the Wolverhampton Unitary Development Plan (UDP). While relevant policies from both the Core Strategy and the UDP are referenced within the Neighbourhood Plan, the Council considers the whole of the Core Strategy as strategic for the purposes of the neighbourhood planning. Specific Core Strategy policies, relevant to specific Policy Areas, are set out below.'*

### **4.4 EUROPEAN UNION (EU) OBLIGATIONS**

- 4.4.1 Any Neighbourhood Plan must be compatible with European Union (EU) obligations, as incorporated into UK law, in order to be legally compliant.

#### **- Strategic Environment Assessment**

- 4.4.2 Directive 2001/42/EC, often referred to as the Strategic Environment Assessment (SEA) Directive, relates to the assessment of the effects of certain plans and programmes on the environment, and has relevance here. Similarly, Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most important habitats and species and can have bearing on neighbourhood plans.
- 4.4.3 I note above that a Sustainability Appraisal of the Neighbourhood Plan was initiated at the start of the Plan's preparation and comprised a thorough assessment which has been accepted by the LPA as fully assessing environmental, social and economic effects. I concur

with this and find that as a result, the Plan meets the legal requirements of the EU's SEA Directive.

4.4.4 Appropriate screenings were addressed and the scope of the work explored and agreed in advance. Whilst recommendations have been set out in section 7 of the Sustainability Appraisal, these comprise suggestions to enable the Plan to be better applied and do not undermine the key aspirations and or policies within the Plan.

4.4.5 I therefore conclude that in respect of this EU obligation, the Plan is compliant.

- **Other EU obligations**

4.4.6 A Habitats Regulations Assessment was prepared in respect to the Draft Plan. A final version has not been presented to accompany the Examination version of the Plan, and while I consider that the changes between the Draft and Examination versions are not of such significance so as to challenge the Habitat finds to date, I note the comments issued by Natural England.

4.4.7 Natural England had raised concerns that part of the Neighbourhood Plan area, comprising part of the New Cross Hospital site falls within the 15km Zone of Influence relating to the Cannock Chase Special Area of Conservation Partnership. A significant number of residential units are proposed for this area. There was concern that this would impact unduly on Cannock Chase and that mitigation measures would need to be addressed by any developer of the site in question.

4.4.8 This matter was clarified at the Hearing and it was confirmed that an amendment to the Habitats Regulations Assessment has been prepared which has been welcomed by Natural England and the final version of the Assessment will be issued should the Plan proceed to a Referendum.

4.4.9 I note that the extent of housing allocation is already confirmed within the adopted Development Plan for the area, and that the Neighbourhood Plan is not proposing a significant change in terms of housing development across the Plan area. Nevertheless, I consider that Natural England's comments have been important to note. I applaud the fact that the Council and the Forum have been in positive discussions to resolve any confusion. While I am advised this has been successfully addressed, for clarity I make the following recommendation;

**Prior to the Neighbourhood Plan proceeding to a Referendum, that a final version of the Habitat Regulations Assessment be made publically available which takes into account agreed changes which address the potential impact of new residential development falling with any defined Zone of Influence affecting Cannock Chase.**

4.4.10 On the basis this is taken in hand, and on the basis that I am not aware of any other European Directives which apply to this particular Neighbourhood Plan, I am satisfied that the Plan is compatible with EU obligations.

#### 4.5 EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR)

- 4.5.1 The Basic Conditions Statement advises that any Plan 'has regard to the fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998'.
- 4.5.2 I am unaware of any matters proposed in the Heathfield Park Neighbourhood Plan that challenges this position and no evidence has been put forward through the public consultation periods to demonstrate that this is not the case. I conclude that the Plan does not breach, and is otherwise compatible with, the ECHR.

#### 5.0 ASSESSMENT OF THE NEIGHBOURHOOD PLAN

##### 5.1 OVERVIEW

- 5.1.1 I now consider the Neighbourhood Plan against the Basic Conditions and for ease of reference follow the structure and headings as adopted in the Plan. As I have set out above, I find that the Plan is generally compliant with Basic Conditions 4 and 5 and as such, this section addresses;
- Basic Conditions 1 (Compliance with National Policy);
  - Basic Conditions 2 (Delivery of Sustainable Development); and
  - Basic Conditions 3 (General Conformity with the Development Plan).
- 5.1.2 I wish to stress that my examination has comprised a review of the policies in the context of their compliance with the basic conditions. It has not comprised a forensic review of the rationale behind each policy. However, where I am aware that the evidence base has been poorly or erroneously interpreted or proposals have been suggested that conflict with extant statute or are ultra vires, then these are highlighted.
- 5.1.3 I consider that some modifications are required in order for the Plan to comply with the Basic Conditions. In places, this has resulted in changes to specific policies. I wish to emphasise that wherever possible these have been made to complement the tone and language of the Plan. The proposed changes have not endeavoured to replace policies but have aimed to make changes to the existing proposals. The only exception to this is with regard to Policy 15 which was discussed at the Hearing. An alternative approach was the subject of discussion by all parties.
- 5.1.4 I consider that some amendments could be made which would result in a clearer presentation of policies or accompany text and hence better accord with the Basic Conditions while still reflecting the aspirations of the community.
- 5.1.5 For clarity, my recommended changes comprising '**Required Modification**' are set out in bold, while my '*Suggested Amendments*' are set out in italics.

##### 5.2 THE OVERALL PRESENTATION AND FORM OF THE PLAN

- 5.2.1 The NPPF advises that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency. I

consider that this can be interpreted as 'having a clear document'. While the Heathfield Park Neighbourhood Plan is reasonably straightforward, a number of matters could be addressed which would enable it to be clearer for any user and remove ambiguity.

- 5.2.2 Specifically, I consider that the plan should comprise full use of paragraph numbers and the inclusion of OS based maps at a scale where all elements can be read easily.
- 5.2.3 The Area Map at Figure 2 is a fundamental illustration and indicates the extent of the Plan Area. It needs to be clear and unambiguous. However, in either print or in electronic representation, Figure 2 is of low quality and is poorly annotated. Indeed, it does not set the area in full geographical context and extreme elements of the Plan area fall beyond the margins of the illustrated area.
- 5.2.4 I note that the Plan includes a set of Appendices but these are not fully referenced within the text nor explained within any of the introductory sections. I consider that the use of an Appendices is helpful but only if appropriate referencing is adopted.
- 5.2.5 In summary, in order to present a robust and clearer Plan and hence be compliant with basic conditions I suggest the following;

**Modifications;**

**The Forum and LPA should jointly produce a clearer Proposals Map for inclusion at Figure 2 of the Plan. This should be the base for all other illustrations and map used within the document and specifically at Figures 3, 4, 5, 6, 7, 8, 10,11,12, 13 and 14.**

- 5.2.6 I further suggest the following amendments;
- *The Plan should adopt paragraph numbers for ease of referencing;*
  - *The Contents Page should also include a clear list of the documents and information contained within the Appendices.*
- 5.2.7 I turn now to specific sections within the Plan.

### **5.3 PREFACE**

- 5.3.1 I note that the preface to the Plan comprises a statement prepared by the Chair of the Heathfield Park Local Neighbourhood Partnership. This is supported but I suggested that either within it or at some stage within the introductory sections, there is a short explanation given that the Neighbourhood Forum emerged from the Heathfield Park Partnership and that, subsequent to the Heathfield Park Neighbourhood Forum being endorsed as a Qualifying Body by the local planning authority, a Steering Group was formed to lead on the preparation of the Neighbourhood Plan. I note that the Statement of Consultation presents a good overview of the background to the Plan and appropriate cross reference could be made accordingly.

*Suggested Amendment;*

*Explanation or cross reference is given in the Preface or introductory sections of the Plan as to its background and specifically of the relationship of the Heathfield Park Neighbourhood Plan Forum within the Heathfield Park Partnership; that the Forum has been endorsed by the*

*Council as a Qualifying Body to prepare a Neighbourhood Plan for the Area and that a Steering Group has been formed to lead on the preparation of the Plan.*

#### **5.4 SECTION 1 – THE NEIGHBOURHOOD PLAN AND THE PLANNING SYSTEM AND**

##### **SECTION 2 - AN INTRODUCTION TO HEATHFIELD PARK'S NEIGHBOURHOOD PLAN**

- 5.4.1 While I find that both Sections 1 and 2 have been presented in an accessible style that is easy to read and understand, I consider that they would present a better overall introduction to the Plan if they were transposed, i.e. the Introduction to Heathfield Park's Neighbourhood Plan should be followed by the text currently within Section 1, which explains how the Plan relates to the overall Planning System.
- 5.4.2 I note that reference is made to 'examination stage' and the report of the independent examiner. The relevant paragraphs should be updated as the Plan proceeds to a Referendum.
- 5.4.3 I also note that reference is made to the Plan needing to have 'appropriate regard' to a series of matters, I consider that these should be properly defined as the 'Basic Conditions' and that reference is made to the Statement of Basic Conditions at this point. I note that some Neighbourhood Plans include this Statement as a specific Appendix. I suggest that this be considered.
- 5.4.4 Section 2, 3<sup>rd</sup> paragraph refers to 'Section 106 Funds'. I consider that an additional reference is made to funds which may become available through the Community Infrastructure Levy. Reference is also made in the same paragraph to the Forum being in place for 5 years. The Plan is presented, however to address the period 2014 to 2026. This presents some ambiguity as to how the Plan is to be monitored and updated post 2019.

*Suggested Amendments;*

- *Transposition of Sections 1 and 2*
- *Addition of full reference to the 'Basic Conditions'*
- *Inclusion of the Statement of Basic Conditions to the Appendix of the Plan*
- *Text amended to include reference to Community Infrastructure Levy funds*
- *Further clarification as to the means of monitoring and updating the Plan*

#### **5.5 SECTION 3 – WHY A NEIGHBOURHOOD PLAN FOR HEATHFIELD PARK?**

- 5.5.1 This Section presents context for the designated area and the derivation of its name. While I consider it is important to set the scene of the area, as presented, the text fails to explain why a Plan would assist the area. I consider this Section to be important and should remain but I suggest that additional text be included at the end of the 3<sup>rd</sup> paragraph.

*Suggested Amendment to allow for the addition of the following text;*

*'The Neighbourhood Plan provides the opportunity for national and local planning policy to be reflected at a community level in a way that can address some of the needs that arise from the nature and classification of the area'*

- 5.5.3 As noted above, I have concerns over the quality of the plan attached at Figure 2 which is presented to identify the extent of the Plan area. I find this to be difficult to read in either hard copy or electronic form. It is difficult to clarify whether specific property lying along a number of the boundary roads falls within or beyond the designated boundary. While I find that the extent of Plan has been properly defined, and confirmed through due process, the illustration of this is poor.

**Proposed Modification;**

**That a clear OS Base map indicating the extent of the Plan area is included at Figure 2 that allows all users of the Plan to identify specific property and ascertain whether it falls within or beyond the Plan boundary.**

**5.6 SECTION 4 – OUR VISION FOR HEATHFIELD PARK**

- 5.6.1 The text within this section is clear and the vision is presented as reflecting the aspirations of the community. Having reviewed the extent and nature of the consultation and the responses from various groups from the community, I consider Section 4 to be a fair reflection of those aspirations. While there is little explanation as to how the vision has emerged, I note that this is covered in Section 7. Potentially, Sections 4 and 7 could be combined and hence the background to the vision could be set in the context of the consultations that have been held through the Plan's preparation. However, this is simply a drafting suggestion and as currently presented, the text does not undermine the Basic Conditions.
- 5.6.3 If the format of the Plan is to remain as set (with separate sections 4 and 7), I consider that additional text at the end of Section 4, would assist.

Suggested Amendment – that the following text is added at the end of the Section:

*The aspirations of the community, as reflected in this Vision, have been used by the Forum as the basis of a series of policies. The following sections of the Plan explain how those policies have been developed.*

**5.7 SECTION 5 - AIMS OF THE PLAN**

- 5.7.1 I consider it potentially confusing to refer in the first instance in Section 5 to a series of six 'Aims' but thereafter the Plan describes these as 'Policy Areas A through to F' within the body of the document. To overcome any confusion, one option could be to refer to these Policy Areas as 'Key Themes' and group the 24 specific policies, which are currently set out in Sections 8 through to 24, under a general title of each 'Key Theme'.
- 5.7.2 Alternatively, additional text could be included at Section 5, which explains that each of the 'six key themes' has been reflected in six Policy Areas. I note that the list of Policy Areas is set out in Appendix 3, attached to the Plan, but no reference is made to this Appendix and I consider it more appropriate to set the policies out clearly within the body of the Plan, and specifically at Section 5.

Suggested Amendment - that the following is added at the end of Section 5;

*The Key Themes have been considered as six Policy Areas. These comprise;*

- *Policy Area 1 Identity and Image*
- *Policy Area 2 Housing and Environment*
- *Policy Area 3 Employment and Skills*
- *Policy Area 4 Assets and Buildings*
- *Policy Area 5 Transport and Traffic*
- *Policy Area 6 Healthy Living*

## **5.8 SECTION 6 - KEY BENEFITS AND OUTCOMES**

5.8.1 I consider it important to reiterate that policies within any Neighbourhood Plan should only relate to land use matters. The goal to achieve 'tangible outcomes' as described in Section 6 is important and indeed do reflect the key themes as raised by the community through the Plan's preparation. However, if this Section is to remain, I consider that additional explanation is required within this Section to explain how the aims of the Plan have been interpreted as a series of potential 'outcomes'.

5.8.2 There is no clear explanation of Figure 3, which reflecting comments earlier in my Report, is difficult to read and poorly referenced.

5.8.3 Having reviewed the background documents and explored matters at the Hearing, I consider that considerable work has been undertaken to present the vision and reflect the aims of the community but this is poorly referenced within the Plan. This could be appropriately addressed by way of a modification and the ambiguity which currently exists could be removed.

5.8.4 As such, I suggest the following modification;

### **Proposed Modification ; addition of text as follows:**

**It is considered important to consider the aims of the Plan, as set out in Section 5 above, as a series of tangible outcomes and in this way specific policies can be presented which can guide new development in the area.**

**The following areas are presented as potential outcomes for the Heathfield Park area;**

list to remain as currently set out but followed by;

**These can be considered as a whole to reflect a Strategy for the area, which is reflected in the Strategy Map as illustrated at Figure 3. It is important to note that the Neighbourhood Plan can only be used to present policies that affect the use of land. These policies have been developed to reflect the above tangible outcomes but have also taken into account the Basic Conditions as noted earlier in this document.**

## **5.9 SECTION 7 – THE DEVELOPMENT OF THE PLAN**

5.9.1 I am aware of the work undertaken as the Plan has progressed. This has generally been well set out in the Statement of Consultation. It has been substantial and of an exceptionally high standard. I comment later in this Report where specific matters need clarification or referencing within the Plan but in the meantime, I consider it is important that an appropriate explanation is presented at Section 7 as to how the Plan has emerged and the work that has been undertaken in its preparation.

5.9.2 I note the hyperlink to the Statement of Consultation and the reference to Appendix 4 which sets out a 'timeline' but consider that reference to Appendix 2 could also be made (which sets out the evidence base for the Plan) and hence I suggest that the text be amended accordingly to include;

*The evidence base to support the Plan comprises various technical reports and documents. These documents are set out at Appendix 2*

## **5.10 SECTION 8 - MANAGING FUTURE DEVELOPMENTS: POLICIES FOR HEATHFIELD PARK**

### **General Comments**

5.10.1 Section 8 contains an initial overview for subsequent Policy Areas and the series of specific policies which have been developed under each of the previously identified themes. A fair explanation has been given as to how the policies have been prepared, namely to meet both the 'Basic Conditions' and address the community's aspiration.

5.10.2 I note the reference to the involvement of the DVS Valuation Office Agency and its work in assessing the deliverability of the Plan. I have reviewed the Agency's report and am content that the Plan reflects a realistic approach to development given its lifespan and the economic conditions.

5.10.3 I consider that this, and indeed the substantial work undertaken through the Sustainability Assessment indicates that the Plan is compliant with the Basic Conditions – and I have commented on this earlier. However, I consider that Section 8 could be strengthened by the inclusion of an explanation which then introduces the subsequent Policy Areas (A) to (F).

5.10.4 I consider that it is important for each Policy Area to set out the community's 'Aims' and then set out the relevant 'Policy References' in the context of these being a requirement of the 'Basic Conditions'. I acknowledge that the Statement of Basic Conditions has addressed these, but I consider that each 'Policy Area', as and when it is introduced in the Plan, needs to be supported by a comprehensive reference to relevant Development Plan policies and clear cross reference to relevant sections from the NPPF. While this has generally been the case, in some places, key policies have not been highlighted and referencing has been poor.

5.10.5 If each 'Policy Area' is set out in this way, then the need to set out all Development Plan references for individual policies could be avoided and the Plan would be easier to read.

5.5.6 Furthermore, as currently presented, individual policies are not consistent in their presentation and in some case the actual 'policy' is difficult to define. Some policies comprise

extensive text. Where I feel this results in policies that are ambiguous and do not address the Basic Conditions, I make necessary recommendations.

- 5.5.7 To appropriately set the scene, I suggest adding a new second paragraph to the introductory text at Section 8, and amending the current second paragraph, as follows;

*The following elements of this section identify a series of the Policy Areas, which as explained above, reflect the key themes identified by the community. Relevant policies that need to be considered at a national and local level are set out together with comment on how the Policy Area can be delivered and could be monitored.*

*24 policies have been developed for Heathfield Park under the six Policy Areas which seek to influence planning and development outcomes in order for them to meet the requirements of the community.*

.....rest of text to remain as written

- 5.10.8 Whilst I am of the opinion that there is some overlap between three Key Theme / Policy Areas, namely (A) Identity and Image, (D) Assets and Building and (F) Healthy Living, I appreciate that these specific areas have been highlighted by the community and are seen as covering discrete matters. Reflecting this, I am content that the three Policy Areas should remain as separate areas.

- 5.10.9 As noted earlier in my report, some policies suggest matters beyond the development or use of land and in places they propose action that is not compliant with extant regulations and legislation and hence may be open to challenge. I am pleased to advise that this is not prevalent in the Plan, but where appropriate I suggest minor modification.

- 5.10.10 I note that all of the individual policies include 'justification' sections. At the end of each 'Policy Area' section, there is text addressing 'Evidence', 'Delivery' and 'Monitoring'. I further note these sections comprise virtually the same text. In some cases key baseline reports have not been identified, although I am aware that they exist and are in the public domain. I consider that this does not result in non-compliance with Basic Conditions but does detract from the importance of the policy in question.

- 5.10.11 I suggest, therefore, that;

*The opening sections for each Policy Area could include reference to 'Evidence', 'Delivery' and 'Monitoring' and all relevant documents supporting that particular Policy Area, should be set in this way a clear explanation will have been set out for each group of specific policies. I consider this would strengthen the Plan.*

I now turn to the Policy Areas (A) through to (F) and to specific policies grouped therein.

## **5.11 POLICY AREA A – IDENTITY AND IMAGE**

- 5.11.1 This section reflects a key theme of the community and the initial quote which sets the scene is considered appropriate. The aim of the Policy Area is set out and clear reference is made to the strategic policy requirements. However, I note that while specific Core Strategy policies

have been noted within the Statement or Basic Conditions, these have not all been included within the list supporting this Policy Area. A.

- 5.11.2 While, I find that the reference to NPPF policies is limited and could be better set out with references made to specific paragraphs. I note that this is covered in the Statement of Basic Conditions and reference has been made in Section 7 of the Plan to this.
- 5.11.3 While the Basic Condition relating to this matter has been addressed, I am of the opinion that relevant references to specific NPPF paragraphs would provide a more robust context for the ensuing policies. I find that there are a small number of typographic errors and an element of ambiguity, but that all these matters can be addressed through modification.
- 5.11.4 I consider that some explanatory text to accompany the 'Aim' of the policy would be helpful and, as noted earlier, I consider that inclusion of text addressing the full evidence base for this Policy Area and comment on delivery and monitoring would be of greater assistance if presented at the front of the section, i.e. before policies 1 through to 4 are set out.
- 5.11.5 As such I suggest the addition of explanatory text to complement the 'Aim' section;

*This is expressed by a series of Neighbourhood Plan policies which reflect the following policies and guidance within the National Planning Policy Framework, the Black Country Core Strategy and saved policies from the Wolverhampton Unitary Development Plan;*

And that the following is considered;

- *Addition of appropriate paragraph references from the NPPF*
- *Addition of Core Strategy Policies CSP3 (Environmental Infrastructure) and ENV6 (Open Space, Sports and Recreation)*
- *Confirmation of the full extent of evidence base to include all relevant base line documents pertinent to this Policy Area; and*
- *Relocation of the 'Evidence, Delivery and Monitoring' text to the introduction section, in advance of the presentation of specific policies.*

- **POLICY 1 - PROTECT AND PROMOTE THE HISTORIC CHARACTER AND LOCAL DISTINCTIVENESS OF HEATHFIELD PARK**

- 5.11.6 I consider the intent of the policy is acceptable but that the phrasing includes references to matters that have been the subject of statutory amendment. This has been raised by a number of consultees and I concur that as it stands, the policy is not robust. The Plan should not require, as an absolute, the submission of specific elements to support a planning application, namely a Design and Access Statement, that in some cases, would not be required under current statutory regulations. Furthermore I consider the reference to a 'developer' may be misleading.
- 5.11.8 Hence, I recommend that the policy is modified as follows;

**New development proposals should aim to protect, promote and enhance the special qualities, historic character and local distinctiveness of Heathfield Park in order to help maintain its cultural identity and strong sense of place.**

**Applicants will be required to demonstrate how proposed development takes account of and reinforces Heathfield Park's historic and distinctive townscape character. This will apply to the following types of application:-**

*.....text as existing....*

**Proposals should reflect the policies and guidance in relevant national and local planning documents as well as this Neighbourhood Plan and take account of the Heathfield Park Characterisation Study. They should address the following topics:-**

*.....text as existing...*

5.11.8 I consider the justification in support of this policy as fair and makes references to relevant background information. With the exception of **an improved map at Figure 4 to include a clear key**, no further changes are required.

- **POLICY 2 - IMPROVE THE QUALITY OF THE PUBLIC REALM AND STREET SCENE OF HEATHFIELD PARK**

5.11.9 I find this policy clear and robust with the exception of some minor corrections which could be included to endorse the intent of the policy. These concern the 8<sup>th</sup> bullet point which should be **modified** to read;

- **Improvements to hard and soft landscaping on the New Park Village and Heath Town estates including improvements to walkways and stairwells, will be encouraged**

5.11.10 The 9<sup>th</sup> bullet point is ambiguous. I consider that a requirement for any applicant or developer to address land in the way proposed, beyond their legal control would be challengeable. I therefore consider that Policy 2 should be **modified and this bullet point should be removed as the intent of the policy is covered by the other eight points.**

5.11.11 The justification for Policy 2 is clearly set out and needs no alteration.

- **POLICY 3 – IMPROVE THE QUALITY AND PHYSICAL APPEARANCE OF GATEWAYS AND FOCAL POINTS INTO HEATHFIELD PARK**

5.11.12 As presented, the phrasing of the policy and the reference to Figure 5 is misleading. I consider that a clearer policy could be presented that removes ambiguity and hence presents a more robust policy. I also suggest removal of references to the maintenance work to the Heath Town pedestrian bridge, which will presumably be completed shortly. I repeat my concern over the quality of the plan and the information presented in Figure 5 and recommend that this be improved.

5.11.13 Accordingly, I recommend that the policy be **modified** to read as follows;

**New development proposals should contribute to the improvement of the quality and physical appearance of the gateways into, and focal points within, Heathfield Park, as illustrated at Figure 5.**

**Sites and locations of priority include;**

**....list as existing..... with the removal of reference to current works to the Heath Town Estate bridge**

**Encouragement is given to the re-use of appropriate buildings, the use of hard landscaping and high quality public art to create a sense of place.**

**Developers are encouraged to work together with local communities and businesses to help change the look and feel of the buildings and space.**

- 5.11.14 I find that the justification section of this policy reflects the issues and comments raised by the community but note that the reference to the role of the Council at the end of the second paragraph may be misleading. Hence I suggest it could be amended as follows;

*Where environmental matters are contravened, the Council can use its powers under extant environmental health legislation to ensure that issues are addressed. It can also encourage landowners to bring vacant sites back into beneficial use.*

- **POLICY 4 – DESIGN AND CRIME**

- 5.11.15 The intent of this policy is clear and the areas listed as 5 bullet points reflect the issues raised during the consultation process. While I have some concerns with the 5<sup>th</sup> point I acknowledge that negative perceptions of any area can be seen by the community as perpetuating a poor image. I see no reason to remove or amend the bullet points as they are set out.

- 5.11.16 I recommend that for consistency the policy itself does not refer to individual policies at a local or national level, as these would be best set out in the general policy section at the start of the Policy Area section earlier. I also advise that reference to a Design and Access statement be amended to reflect current regulations. As such, I recommend that the final paragraph of the policy be modified as follows;

**The design of major developments (as defined in Article 2 of the Development Management Procedure Order – excluding mining and waste development) are required to address the prevention of crime at the site and in the immediate vicinity.**

- 5.11.17 I consider that the justification for the policy is appropriate and reflects the clear messages presented through the consultation process.

**5.12 POLICY AREA (B) – HOUSING AND ENVIRONMENT**

- 5.12.1 I consider that the quotation at the start of this section reflects the majority of comments presented by the community during the preparation of the Plan and the aim of this policy

area is clear. Reflecting a consistent approach, however, I suggest the addition of some introductory text to follow the 'Aim' of the Policy Area.

5.12.2 I note the reference to the NPPF and while this is a general reflection of the Framework and hence complies with the Basic Conditions, it would be strengthened by a clearer reference to the relevant paragraphs contained within the NPPF found at paragraphs 47 through to 55.

5.12.3 I note the list of relevant Development Plan policies and again these cover the areas addressed through the subsequent four related policies. However I note that HOU2 has been included twice within the list. I presume this is a drafting error and should be addressed.

5.12.4 Accordingly, I suggest the addition of explanatory text to complement the 'Aim' section;

*This is expressed by a series of Neighbourhood Plan policies which reflect the following policies and guidance within the National Planning Policy Framework, the Black Country Core Strategy and saved policies from the Wolverhampton Unitary Development Plan;*

And consideration of the following;

- *Addition of appropriate paragraph references from the NPPF*
- *Removal of one of the references to HOU2 – Housing Density Type and Accessibility*
- *Confirmation of the full extent of evidence base to include all relevant base line documents pertinent to this Policy Area; and*
- *Relocation of the 'Evidence, Delivery and Monitoring' text to the introduction section, in advance of the presentation of specific policies.*

- **POLICY 5 – PROVIDE LOCAL HOUSING**

5.12.5 I consider that the policy is presented as a statement of fact and while it reflects adopted local policy, by being exact in its reference to the number of new housing units, it fails to properly reflect the national guidance within the NPPF.

5.12.6 Until clarified at the Hearing, there was ambiguity as the role taken by 'small scale residential infill' sites across the Plan area. It was subsequently confirmed that these sites, commonly known as windfall sites, would be supported as an addition to the cited figure of 583 new homes. This needs to be clarified within the text of the policy.

5.12.7 Reference is made to the 2013 Strategic Housing Land Availability Assessment which inevitably will be replaced by subsequent versions of that document and given the envisaged lifespan of the Plan, it may be helpful if this was acknowledged within the justification text.

5.12.8 With regard to housing site allocations, I am grateful for the comments made at the Hearing by representatives from Mitchells and Butler Plc with respect to housing site H1, known as the 'Bass Brewery playing fields'. While not in use as playing fields and not identified on any playing pitch schedule, its release for housing purposes is supported by the community and the Plan indicates that some form of mitigation for loss of the playing fields would be expected.

- 5.12.9 Representations to the Plan questioned whether any such mitigation would need to be addressed and I was concerned that this would have a negative impact on the capacity of the site and hence impact on the overall housing numbers cited in Policy 5. This matter was clarified at the Hearing and I accept that it would be the subject of specific discussions between land owners and the Council as and when any formal proposals for the site emerge. The overall impact on the capacity of the site would be marginal and hence the essence of the policy would not be compromised.
- 5.12.10 I note the reference to affordable housing and that no specific policies have been proposed as the matter is addressed in the Core Strategy.
- 5.12.11 I further note that some extant employment sites are endorsed for mixed use, to include housing. I am aware that these have been the subject of assessment as they were promoted and then formally endorsed by the UDP. I am also aware that Core Strategy Policy DEL2 – Managing the balance between employment and housing, is relevant to this issue but has not been cited.
- 5.12.12 In light of the above and discussions at the Hearing, I see no reasons to make any additional changes to the text as presented to accompany this policy. However I recommend that the following modification be made to the policy itself to reflect the guidance within the NPPF to address any ambiguity with regard to the role of windfall sites;

**Recommended Modification to the wording of Policy 5;**

**Over the lifetime of the Neighbourhood Plan at least 585 new homes will be supported in the area. The majority of this housing is expected to be provided on the housing site allocations listed below and shown on the site allocation plan. (Figure 6 below).**

**In addition to these allocated sites, development for small scale residential infill within the Heathfield Park Neighbourhood Plan area will be supported if it is well designed and meets the relevant requirements as set out in other policies in this Plan, the Black Country Core Strategy and saved polices from the Wolverhampton UDP.**

*....remaining text as written....*

**- POLICY 6 – IMPROVE THE CONDITION AND USE OF EXISTING HOUSING STOCK**

- 5.12.13 I find the intent of this policy reflective of comments from the community and compliant with strategic policy but, as presented, it is ambiguous as it is unclear as to how the aims will be achieved.
- 5.12.14 The first section of the policy refers to the development of a maintenance and works programme and while the rationale for this is referred to in the accompanying justification text, the current policy wording is misleading.
- 5.12.15 The reference to an additional 160 homes within the Heath Town Estate is assumed to reflect the same reference within Policy 5. The reference to 'Decent Homes Funding' is not explained at all. On the basis that it is a form of grant support, and relates to a financial

initiative and not a specific land use, I consider it would be best referenced within an amended 'justification' section and not within the policy itself.

- 5.12.16 I also suggest that reference to 'SA Objective 6' is explained in more detail. I understand this to relate to the Sustainability Assessment which is a comprehensive and robust document. This is the first time it is mentioned within specific policies and given its importance, I consider it could be explained in more detail.
- 5.12.17 I note the reference to creating 'accessible, inclusive, interesting neighbourhood designs that support green lifestyles'. It is assumed that this relates to the physical design of new development but clarification within the justification text would assist.
- 5.12.18 Accordingly I recommend the following modification to Policy 6;

**Over the lifetime of the Neighbourhood Plan, the development of a maintenance and works programme will be positively encouraged to improve the condition and use of the existing housing stock, make it more energy efficient and enhance the image of the area.**

**Positive encouragement will also be given to a housing management strategy across the area to maintain standards.**

...subsequent text to remain as presented, with the exception of second bullet point relating to 'Heath Town Estate';

- **Provide a mix of new housing to meet needs, including a larger proportion of more traditional family homes of a high quality and address sustainable means of energy generation such as the new Biomass Boiler**

And the first bullet point relating to the 'Private Rented Sector';

- **Encourage the implementation of quality standards for landlords to reverse the deterioration of the appearance of private rented properties**

And the bullet points relating to 'Improve the Energy Efficiency of the stock' and 'Retrofitting SuDs';

- **Encourage the provision of renewable and low carbon energy generation networks and opportunities**
- **Encourage the introduction of Sustainable Drainage Systems**

- **POLICY 7 – PROVIDE A RANGE OF DIFFERENT HOUSING TYPES**

- 5.12.19 This policy is in accordance with adopted Development Plan policies and national guidance and is clearly justified in the accompanying text which is supported by the households survey and community consultation results. I see no reason for making any suggested changes or modifications to this policy

### 5.13 POLICY AREA C – EMPLOYMENT AND SKILLS

5.13.1 The context for this Policy Area is well reflected by the quotation but as with the previous Policy Areas, I suggest that additional referencing could strengthen the Plan and present a robust compliance with the basic conditions.

5.13.2 The individual policies relate to employment, education and retail and as such I consider that the introductory section should be expanded to include relevant references from the NPPF and include reference to all relevant Development plan policies. I note from the papers presented to me that Core Strategy DEL2 (Managing the Balance between Employment Land and Housing) and saved UDP Policy C1 (Health, Education and other Community Services) would be applicable.

5.13.3 I also consider that inclusion of text addressing the full evidence base for this Policy Area and comment on delivery and monitoring would be of greater assistance if presented at the front of the section, before specific policies are set out.

5.13.3 As such I suggest the addition of explanatory text to complement the 'Aim' section;

*This is reflected by a series of Neighbourhood Plan policies which conform to the following policies and guidance within the National Planning Policy Framework, the Black Country Core Strategy and saved policies from the Wolverhampton Unitary Development Plan;*

- *Addition of appropriate references from the NPPF to cover employment, education and a retail context*
- *Addition of all relevant Development Plan policies to cover employment, education and retail context, including Core Policy Strategy DEL2 and Saved UDP Policy C1*
- *Confirmation of the full extent of evidence base to include all relevant base line documents pertinent to this Policy Area; and*
- *Relocation of the 'Evidence, Delivery and Monitoring' text to the introduction section, in advance of the presentation of specific policies.*

- **POLICY 8 - STRENGTHEN THE LOCAL ECONOMY TO ENHANCE SOCIAL ECONOMIC WELL-BEING, UPSKILL AND ENABLE LOCAL PEOPLE TO COMPETE FOR JOB OPPORTUNITIES ACROSS HEATHFIELD PARK AND THE CITY**

5.13.4 Policies within any Neighbourhood Plan need to relate to land and property within that Plan boundary. While the title of the policy refers to a wider area, namely the 'city' I am of the opinion that the essence of this policy is sound in that it supports physical and social enterprise within the Plan area that will have wider implications.

5.13.5 The sites noted in the second part of the policy text are well presented and clear, although Figure 7 is difficult to read and needs to be replaced by an improved plan, as raised earlier in my findings.

5.13.6 The justification section supporting this policy is clear and unambiguous and hence I see no reason to make any modifications or suggest changes to any text.

- **POLICY 9 - DEVELOP NEW SKILLS IN THE AREA THROUGH THE DEVELOPMENT OF HIGH QUALITY SCHOOLS AND ADULT LEARNING PROVIDERS**

5.13.7 I find this policy clear and unambiguous. It reflects national guidance and locally adopted policies. The justification text is clear and as such I see no reason to make any modification to the policy as presented.

- **POLICY 10 – IMPROVE LOCAL SHOPPING FACILITIES**

5.13.8 I am aware of the communities comments on this issue and while I see no fundamental conflict with the approach of this policy, with national or local policies, the wording of the policy fails to explain how improvement will be made and hence is ambiguous. I consider amendments could be made to address this. For consistency, I suggest the removal of specific policies within the text of the policy as it is included within the open section of this Policy Area.

5.13.9 The following is suggested as an amendment;

*.....This will be achieved by;*

- *Supporting the retention of existing shopping facilities*
- *Supporting proposals for new small scale shopping facilities or extensions to existing facilities*

5.13.10 The justification text clarifies the extent of existing retail provision and refers appropriately to work undertaken with respect to the emerging Heath Town Masterplan. I have reviewed this and find it and the Neighbourhood Plan to be compatible.

5.13.11 I have previously suggested that the Evidence, Delivery or Monitoring sections which fall at the end of this policy, be moved to lie within the general overview for this Policy Area.

**5.14 POLICY AREA D – ASSETS AND BUILDINGS**

5.14.1 I consider that elements of this Policy Area overlap, in part, with Policy Areas A and F, but as indicated earlier I understand the importance of presenting the salient policies under separate headings and hence am comfortable with the approach taken and do not consider the Plan to be misleading.

5.14.2 As for the other Policy Areas, I consider that additional referencing is required to strengthen its introduction and hence present robust compliance with the Basic Conditions. I also consider that any text which acknowledges the specific evidence base for this Policy Area and comments on delivery and monitoring is important and should be comprehensive. This would be best set out at the beginning of the Policy Area section, rather than at the end where it appears to only relate to the last policy in the section.

5.14.3 Hence I suggest the addition of explanatory text to complement the 'Aim' section;

*This is expressed by a series of Neighbourhood Plan policies which reflect the following policies and guidance within the National Planning Policy Framework, the Black Country Core Strategy and saved policies from the Wolverhampton Unitary Development Plan;*

- *Addition of appropriate references from the NPPF to cover employment, education and a retail context*
- *Confirmation of the full extent of evidence base to include all relevant base line documents pertinent to this Policy Area; and*
- *Relocation of the 'Evidence, Delivery and Monitoring' text to the introduction section, in advance of the presentation of specific policies.*

- **POLICY 11 – PROTECT HERITAGE ASSETS**

5.14.4 I consider that the approach taken in this policy is appropriate but that the phrasing requires some modification to avoid ambiguity. It is assumed that the sites indicated in Figure 8 are to be the subject of Policy 11 but this is not explicit and hence the policy is currently unclear. From the papers before me, including written comments presented at the Hearing, and discussions at the Hearing, I consider that some modification is required.

5.14.5 I have previously noted my concerns with regard to illustration and maps throughout the document and this is particularly relevant to Figure 8 which presents a number of heritage assets but these are difficult to read and include a numbering system that is not fully explained.

5.14.6 The justification text accompanying this policy is a good reflection of the consultations undertaken with the community, and the background evidence. However, to avoid any confusion with respect to the extent of control that the policy can provide, I consider it would be helpful if the statutory powers of the local planning authority were referenced. I note this has been the case within the text accompanying Policy 12.

5.14.7 As such I recommend the following **modification** to the wording of Policy 11 as follows;

**The Neighbourhood Plan will work to protect and enhance the historic environment of the Heathfield Park area.**

**Figure 8 illustrates heritage assets in Heathfield Park identified from the work undertaken by the Historic Characterisation Study. Development proposals and refurbishment schemes affecting these assets will be required to be sensitive to the historic environment and unique character of the area.**

5.14.8 I make the following suggested amendment at the end of the justification section;

*It should be noted that laws exists to protect properties that are statutorily listed or subject to designation. In addition, adopted policies within the Core Strategy and saved policies within the Wolverhampton UDP will be applied to any formal proposals that affect such property.*

- **POLICY 12 – DESIGNATE A CONSERVATION AREA**

- 5.14.9 The intent of this policy is clear and the context set out in the introduction section of this Policy Area, if modified as suggested above, would result in the policy complying with Basic Conditions.
- 5.14.10 I welcome the acknowledgment within the policy text that the formal designation of any conservation area would need to be made by the Council as this helps avoid any confusion that the Neighbourhood Plan can introduce such protection alone.
- 5.14.11 I note that the extent of any potential new conservation area is being presented within the Plan. To this end, I find the illustration at Figure 9 to be clear and I understand why the policy has been presented in the way it has. However, I consider that the wording of the policy needs to be the subject of modification, to allow reference to Figure 9 and remove ambiguity as the Plan proceeds to any Referendum and is potentially 'made'.
- 5.14.12 Accordingly, I recommend the following modification to the wording of Policy 12;  
1st and 2<sup>nd</sup> paragraphs remain as presented.....but amended 3<sup>rd</sup> paragraph as follows;  
**A 'core area' with additional options, as indicated at Figure 9, will be the subject of further public consultation.**

- **POLICY 13 – PROTECT, PRESERVE AND ENHANCE BIODIVERSITY ASSETS**

- 5.14.13 I find this policy clear but, as noted earlier, the quality of the plan and key within Figure 10 is poor. This should be addressed in order for the policy to be robust.
- 5.14.14 While the justification text presents a good review of the work undertaken and needs no alteration, to ensure that any user of the Plan is aware of the sites which are considered important in terms of biodiversity and the implications that follow, I consider that a minor **modification** is made to the text of the policy as follows;  
**2<sup>nd</sup> sentence of first paragraph modified;**  
**Proposed development immediately adjacent to or affecting an area of biodiversity importance, as illustrated within Figure 10, will not be permitted if it will result in significant harm to the biodiversity value of the site, unless adequate mitigation can be provided as part of the development.**

- **POLICY 14 - PROVISION OF HIGH QUALITY COMMUNITY FACILITIES**

- 5.14.15 The approach taken with this policy is clear and is compatible with both the NPPF and adopted Development Plan policy. I find that the text of both the policy itself and the subsequent justification is clear and no amendments are required.

- **POLICY 15 – PROTECT ASSETS OF COMMUNITY VALUE**

- 5.14.16 This policy was the subject of specific discussion and clarification at the Hearing where both the Forum and the Council presented comments in response to my specific queries. Correspondence had been issued by both parties in advance of the Hearing, which was placed on public record and posted on the Council's web site.
- 5.14.17 My concerns have lain with the potential confusion which arises by referring to a series of sites and properties as 'Assets of Community Value'. These comprise a mix of private and publicly (Council) owned property. While I understand the intent presented by the policy, it was confirmed at the Hearing that individual owners or occupiers had not been specifically approached as the Plan has developed. Additionally, no formal process has yet been pursued which would formally identify any of the sites currently proposed in Table 1, as Assets of Community Value, under extant legislation and current regulation.
- 5.14.18 I consider that the list of assets as set out, will be protected by a combination of extant policies within the Black Country Core Strategy and saved policies from the Wolverhampton UDP, but Policy 15 cannot provide further protection, as written. Indeed it is misleading in its current form.
- 5.14.19 I am of the opinion, however, that the title and phrasing of the policy can be presented in a modified way while still addressing the aspirations of the Community. Furthermore, I consider that clarification can be given to any user of the Plan, of the intent of the community and that extant polices already protect the properties and sites in question.
- 5.1.20 I am mindful that the Forum clarified at the Hearing that some sites are deemed to be worthy of formal nomination as Assets of Community Value but I contend that this should be a separate exercise and explained as such. Accordingly, I am content that the list of properties within Table 1 remains as set out in the Examination version of the Plan. However, this should be retitled to avoid ambiguity and an explanation of the current and envisaged protection of these properties needs to be given.
- 5.14.21 Furthermore, I suggest that reference should be made within the accompanying justification text to the intent behind this policy. It would be helpful to refer to a table, which expressly sets out the relevant Development Plan policy which affects each site highlighted. I note that such a table has been prepared by the Council and that this particular suggestion was discussed at the Hearing. The table could be included within the text or attached to the Appendices.
- 5.14.22 I reiterate my concern over the quality of the plan contained within Figure 11, and further to my previous comments, advise that this needs to be presented in a clearer manner to allow all sites to be legible.
- 5.14.23 In light of the above, I recommend that the following modifications are made to the policy, Figure 11, Table 1 and accompanying justification;
- Specifically, I recommend that the title and text of Policy 15 should be modified to read as follows;

## **Policy 15 – Retain and Enhance Sites and Property considered to have Community Value**

The Plan identifies buildings, sites and features, illustrated in Figure 11 and listed in Table 1 which the local community consider to be important for their heritage and for their social well-being, cultural, recreational or sporting importance.

Development proposals affecting these properties will be supported which;

- Enhance the community use of these assets;
- Help secure their viability;
- Encourage new community facilities to be based in local neighbourhoods; and
- Are accessible to all local residents.

Some of the sites and property identified in Figure 11 and Table 1 will be the subject of a separate process which will confirm them formally as 'Assets of Community Value'.

Figure 11 - I recommend that the title of this Map is modified to refer to;

### **Heathfield Park Neighbourhood Plan – Sites Considered to have Community Value**

I further recommend that Table 1 is modified to refer to;

#### **Table 1: Heathfield Park – Sites and Property Considered to have Community Value (illustrated in Figure 11)**

I suggest that the justification text is modified as follows;

#### **Justification**

The objective of this policy is to encourage the retention and enhancement of sites considered to have community value.

Development schemes that enhance the community use of these assets will be supported, as outlined in Policy 14.

The buildings, sites and features highlighted are considered to be important for the social well-being and social interest of the local community. If a planning application comes forward to develop any of the assets listed, consultation with local residents and other interested bodies should be carried out by the developer at the pre-application stage in accordance with Policy 24 of this Plan. Planning applications should be accompanied by evidence that the community has been consulted with a record of the views expressed by local people and how these have been addressed in the scheme.

Developers are encouraged to consult at an early stage with the community if they wish to make changes to any of the assets. By consulting at an early stage it will help the developer to gain community support for appropriate development schemes, which may speed up the planning application process.

The properties identified are important to the community and wherever possible should remain in public use and stay part of community life. Reflecting this, it is expected that some of the properties identified will be the subject of separate formal submissions to the City Council in order for them to be confirmed as Assets of Community Value as part of the

**Community Right to Bid process. This will be undertaken in accordance with all relevant legislation and regulation.**

## **5.15 POLICY AREA E – TRANSPORT AND TRAFFIC**

- 5.15.1 I find that the approach taken for this Policy Area is in accordance with the NPPF and strategic Development Plan policies but more appropriate referencing could be made in the opening section. While I consider the list of relevant Development Policies found within the Black Country Core Strategy and the Wolverhampton UDP comprehensive, and hence the Plan is compliant with the Basic Conditions in this matter, I suggest that the addition of relevant NPPF paragraph references could be made.
- 5.15.2 Again, I refer to my previous general comments about the setting out of each of the Policy Areas and the suggestion that a full list of the supporting reports should be set out in an evidence section together with text commenting on the delivery and monitoring of the policies which comprise that particular Policy Area.

### **POLICY 16 - DEVELOP A TRAFFIC MANAGEMENT STRATEGY TO ADDRESS PARKING ISSUES AROUND NEW CROSS HOSPITAL AND HEATH TOWN PARK AREAS**

- 5.15.3 I am aware that considerable comment was raised during the preparation of the Plan with regard to highway matters and that much of the concern relates to the existence of and activity related to New Cross Hospital. While I am aware of comments made on behalf of the Hospital during the earlier stages of the Plan's preparation, I was not aware of any more recent representation and hence invited further comment from Wolverhampton NHS Trust in advance of the Hearing. I felt it was important to confirm that this major employer and landowner had been invited to take part in the consultation process and that any development plans for the Hospital were compatible with the emerging Neighbourhood Plan.
- 5.15.4 While the Hospital was not represented at the Hearing, correspondence was presented which confirmed that the Wolverhampton NHS Trust is supportive of the Plan and that it had considered that it had 'played a part' in its formation. Furthermore, the Council helpfully explained the current status of the development proposals at the hospital and the preparation of a travel plan to address traffic issues in the area.
- 5.15.5 Given this, I am content that Policy 16 has been properly reviewed by the Hospital and that the approach taken, specifically with regard to the preparation of a traffic management strategy, can be addressed.
- 5.16.6 I am grateful to the Council for its explanation of the ongoing proposals by the Hospital and I consider Policy 16 to be clear and requires no modification. I further consider the justification section to be clear and a well-reasoned explanation of the approach and tone of the Policy, which again needs no alteration.

### **POLICY 17 – IMPROVE ROAD SAFETY AND FACILITIES FOR PEDESTRIAN AND CYCLISTS**

5.15.7 I note the intent of this policy but recommend that it should be modified to reflect how any measures can be implemented. Furthermore, as written, the policy states it will apply to existing development. This is ambiguous, as I do not consider this policy can be imposed on owners or operators of existing development.

5.15.8 While the justification text is well set and reflects the work undertaken through the Plan's preparation and the aspirations of the community, in order to reflect basic conditions, I proposed the following modification;

**Over the lifetime of the Neighbourhood Plan, new development proposals will be required to be supported by measures to improve road safety and facilities for pedestrians and cyclists. Measures will be expected to;**

....list to remain as set out with the exception of the 2<sup>nd</sup> bullet point, to be amended;

- **Assist with the establishment of a network of pedestrian and cycle routes linking residential areas to key services and facilities to promote active travel and social inclusion and to reduce reliance on car use;**

### **POLICY 18 – PROVISION OF NEW CYCLE ROUTES AND WALKWAYS TO LINK GREEN SPACES AND CANAL NETWORK**

5.15.9 I note the intent of this policy. It is clearly set out and accords with the basic conditions and hence requires no amendment.

### **POLICY 19 – ACCESS AND HIGHWAY IMPROVEMENTS AS IDENTIFIED IN HEATHFIELD PARK TRANSPORT STUDY**

5.15.10 Given the title of this policy, and the background work undertaken by the Forum, I understand its intent but consider that it fails to express this appropriately. As written, it comprises a statement and leaves the policy ambiguous. If it is to remain as a policy, it should be amended.

5.15.11 I have previously commented on the quality of plans throughout the Plan and recommend that Figures 12 and 13 are improved in order for all elements to be legible.

5.15.12 I consider that the justification text is appropriate, however, to enable the policy to comply with the basic conditions, I recommend the following **modification** to the text of the policy;

**The Neighbourhood Plan's priorities for access and highway improvements are shown in Figure 12 and listed below. Where relevant, new development proposals will be expected to have regard to these;**

*(...List as per currently presented...)*

## 5.16 POLICY AREA F – HEALTHY LIVING

- 5.16.1 This is a Policy Area that, in part, overlaps with Policy Areas A and D. However, I note the importance of this specific series of policies and consider that they can appropriately fall under separate headings.
- 5.16.2 I again suggest that the opening section could refer more explicitly to relevant paragraphs within the NPPF, namely paragraph 69. Furthermore, I consider that the text explaining the evidence base, the delivery and the monitoring of this set of policies would be best placed within the introductory section.
- 5.16.3 I note the extent of Development Plan policies cited, and find these to be appropriate.

### POLICY 20 – PROVIDE GOOD AND ACCESSIBLE HEALTH CARE FACILITIES

- 5.16.4 As noted earlier in my report, further to clarification at the Hearing, I am aware of the involvement of the Wolverhampton NHS Trust and the role it has played during the preparation of the Plan. While clearly this has been an important element of the consultation process, particularly for Policy 20, I consider that reference to this does not need to be part of any formal policy text but would be better contained within the accompanying justification text.
- 5.16.5 The policy as currently presented is confusing and comprises a lengthy statement. To assist in presenting a clearer policy that accords with 'Basic Conditions', I suggest the following modification;

**Over the lifetime of the Neighbourhood Plan, positive encouragement will be given to proposals that result in improving health care facilities. The priorities concern the updating and extension of facilities at New Cross Hospital and consideration of these works on the wider community in terms of parking, traffic and congestion.**

**The Neighbourhood Plan will also encourage and support other new health care facilities as there is a need for an enhanced medical centre within the area. The potential locations could be:- .....list as currently set out...**

- 5.16.6 I suggest the following addition to the justification text;

*The Heathfield Park Neighbourhood Plan Sustainability Appraisal Scoping Report (2012) identified a high mortality rate from alcohol misuse, cardiovascular disease and infant mortality in Heathfield Park.*

*There are currently four health care facilities located within the Heathfield Park NP area: New Cross Hospital – Wolverhampton Road; Tudor Medical Centre – Tudor Road; Woden Road Surgery – Woden Road; and Health Town Medical Centre – Chervil Rise.*

*New Cross Hospital is one of four tertiary hospitals serving the West Midlands region. It provides 700 beds, (including 27 intensive care and 14 neonatal intensive care). Employing almost 5000 staff it is the largest teaching hospital in the Black Country. In 2004 the £57 million Heart and Lung centre opened on the site, the UK's first purpose built specialist heart*

*centre. The hospital will be updating and extending its facilities to include a new pathology building, a cancer therapy area and a new Emergency Portal which will replace the current Accident and Emergency department. The hospital is expanding and will cater for patients from across the West Midlands including taking in some additional work on behalf of Stafford Hospital.*

*New Cross Hospital has been fully engaged in the Neighbourhood Planning process and has invited Steering Group members to visit the hospital to discuss their forthcoming plans in some detail. Steering Group Members have asked for sensitive consideration to the wider community to be taken into account when developing such plans as parking, traffic and congestion are the main concerns which accompany such extensive development.*

*The Neighbourhood Plan will encourage investment ...(text as currently presented)*

#### **POLICY 21 – IMPROVE ACCESS TO SPORT AND RECREATION**

- 5.16.7 I note the intent of this policy and find that it is in accordance with the NPPF and the identified Development Plan policies as set out within the introductory section. I find the policy to be clear and the justification to be relevant. Neither require modification.

#### **POLICY 22 – PROTECT AND IMPROVE OPEN SPACES**

- 5.16.8 I note the intent of this policy and find that it appropriately sets out the range of areas where open space can be protected or enhanced.
- 5.16.9 I have reviewed each of these and find that all are clearly expressed and relate appropriately to adopted strategic policy and the NPPF. However, I consider that the plan and annotations within Figure 14 require improvement as the information is extremely difficult to read and hence ambiguous.
- 5.16.10 I note specific reference to the potential of land known as the Bass Brewery Playing Fields (H1) for residential development. I have commented on this issue earlier in my report and confirm that the ambiguity as to its development was discussed at the hearing. I am content with the explanation of matters at the Hearing and conclude that the reference to H1 within the context of Policy 22 is appropriate.
- 5.16.11 I find that, **providing Figure 14 is improved**, the policy complies with the Basic Conditions and requires no further amendment.

#### **POLICY 23 – HEATH TOWN PARK – COMMUNITY HEART**

- 5.16.12 I find the text of this policy and the accompanying justification clear and unambiguous. It complies with the Basic Conditions and requires no amendment.

## **POLICY 24 – CONSULTATION**

- 5.16.13 While I accept that this policy reflects an important principle of any Neighbourhood Plan and the comments submitted through the consultation work undertaken to date, I have concerns over its compliance with adopted Development Plan policy and the advice within the NPPF.
- 5.16.14 In its current form, I consider that the policy could be challenged and indeed the validity of this policy has been questioned by representations made on behalf of a telecommunications operator.
- 5.16.15 Further to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, the statutory requirements relating to Telecommunication Masts do not require the submission of Community Statements. Indeed, while such reports are encouraged within the NPPF, this is not a statutory requirement. Equally, while there is encouragement for such documents, I am unaware of any Development Plan requirement within the saved polices of the Wolverhampton UDP or within the Black Country Core Strategy.
- 5.16.16 Accordingly, I recommend that Policy 24 is **modified** and that some of the current text is positioned within the justification text. In this way, the policy would be able to appropriately reflect the stance and indeed the role of the community, through the Forum, but would also reflect current statute, adopted policy and guidance.
- 5.16.17 Hence, in order to comply with Basic Conditions I suggest that Policy 24 and its accompanying text be modified and the proposed text be replaced with;

**Statements of Community Involvement will be strongly encouraged to accompany planning applications for development affecting all allocated sites, as presented in the Plan, and will specifically be encouraged to accompany the following:**

- **all major planning applications**
- **applications which result in the loss of public houses or community facilities**
- **applications which alter the premises classifications in any of the commercial centres**

**The Statement of Community Involvement should include:**

*.....list as currently presented.....*

- 5.16.18 I recommend that the text within the Justification section be amended to read;

**The aims of this policy are; to actively involve Heathfield Park Neighbourhood Forum, or its successor, in ongoing consultation and decisions regarding development opportunities in the Neighbourhood Plan area; and to actively gather local views about development proposals before any planning application is submitted.**

**Planning applications, proposals, strategies and other initiatives will come forward once this Plan is adopted. The process does not stop with the writing of the Plan.**

**The Neighbourhood Forum will remain in place to ensure that the Plan is complied with and to monitor its implementation. Local people want.....rest of text as currently presented...**

## **6.0 REFERENDUM**

6.1 Further to my findings above, I recommend to Wolverhampton City Council that, subject to the recommended modifications being undertaken, the Heathfield Park Neighbourhood Plan should proceed to a Referendum. I am required, however, to consider whether the Referendum Area should reflect the approved Neighbourhood Area or whether it should extend beyond this, in any way.

6.2 As noted earlier, the Neighbourhood Area reflects part of the Heathfield Park Partnership area. I am content with the explanation given at the Hearing by both the Council and the Forum, and in writing leading up to that juncture, as to the rationale behind deviating from the Partnership area.

6.3 For the avoidance of any confusion, an area of mixed industrial and residential land to the south west of the Partnership area, served by Inkerman Street and lying to the east of a redundant elevated railway line, plus industrial land lying to the south of Wednesfield Road and north of the Wyrley & Essington Canal was not included within the Neighbourhood Plan area. I note this was because other land use initiatives / proposals were being pursued affected these specific areas. I am advised that these proposals have not come forward as part of any other Neighbourhood Plan and indeed have not progressed to a point of formal designation under any other form of planning guidance.

6.4 While I consider that the industrial area served primarily by Sun Street and Qualcast Road could operate without being specifically affected by any policies within the Heathfield Park Neighbourhood Plan, I do not consider the same applies to the land and property at the end of Inkerman Street. This area is accessed solely by Inkerman Street which leads though the Plan area.

6.5 I was advised at the Hearing that the residents concerned were included within the consultation exercises as the Plan has progressed.

6.6 **I stress that I do not question the alignment of the boundary of the Neighbourhood Plan but given the above matters, I consider that the qualifying parties served by Inkerman Street, i.e. lying to the south of the railway line, beyond the Plan boundary but within the Partnership area should be included within any Referendum. I identify this additional area at Appendix D.**

## **7.0 RECOMMENDATION**

7.1 I have made a number of suggested amendments to the Plan which I consider would, if addressed would provide for a clearer and more robust document. I reiterate that these do not undermine the Plan or compromise the Basic Conditions.

- 7.2 However, I consider that my recommended modifications, should be taken into account and addressed in order for Basic Conditions to be addressed.
- 7.3 Subject to these modifications, I contend that the Neighbourhood Plan complies with the legal requirements set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 and hence could proceed to a Referendum.
- 7.4 I do not have any concerns over the defined Plan area but with regard to the area of designation for any Referendum, I have reviewed the background to the designation of the Plan area and find that this should be extended as discussed above.
- 7.5 A small area to the south west of the defined area, comprising land and properties at the end of Inkerman Street, and indicated on the plan attached at Appendix D, should be included as part of any formal Referendum area and relevant qualifying parties invited to take part.
- 7.6 Further to this and the modifications proposed within this submission, I recommend that the Heathfield Park Neighbourhood Plan should proceed to a Referendum.

**Louise Brooke-Smith, BSc(Hons), DipTP, FRICS, MRTPI**

**Brooke Smith Planning Consultants Ltd May 2014**

**May 2014**

### **Appendix A – Examiner's use of Abbreviations**

Heathfield Park Neighbourhood Plan;	The Plan / The Neighbourhood Plan
The Heathfield Park Neighbourhood Forum;	Forum / Qualifying Body
Wolverhampton City Council;	Council / WCC / Local Planning Authority
Black Country Core Strategy;	Core Strategy / BCCS
The Wolverhampton Unitary Development Plan; UDP	
National Planning Policy Framework;	NPPF

### **Appendix B – Additional Documents reviewed as part of the Examination Process**

- Black County Core Strategy (Adopted February 2011)
- Saved Policies Wolverhampton Unitary Development Plan (2006)
- Heathfield Park Neighbourhood Plan Basic Conditions Statement (Nov 2013)
- Heathfield Park Neighbourhood Plan Statement of Consultation (Jan 2014)
- Heathfield Park Neighbourhood Plan Sustainability Appraisal ( Jan 2014 ) – Lepus Consulting
- Heathfield Park Neighbourhood Plan Sustainability Appraisal Options Report (Jan 2013) – Lepus Consulting
- Heathfield Park Neighbourhood Plan Scoping Report (Nov 2012) – Lepus Consulting
- Heathfield Park Neighbourhood Area (map)
- Summary of Heathfield Park Neighbourhood Plan (undated)
- Neighbourhood Plan – Key Issues and Themes (understood to be issued April 2012)
- WCC Decision Notice 20/12/12 – Determination of Neighbourhood Area and Neighbourhood Forum Applications for Heathfield Park Area
- Heathfield Park Neighbourhood Planning Engagement Project (April 2012) - M.E.L.
- Habitats Regulations Assessment of the Heathfield Park Darft Neighbourhood Plan (July 2013) – Lepus Consulting
- WCC Proposed Changes to Heathfield Park Neighbourhood Plan Habitats Regulations Assessment (Jan 2014)
- Employment Report (Sept 2012) – Bruton Knowles
- Viability Report (undated) – District Valuer Services (DVS)
- Historic Characterisation Study (interim Character Zone Profiles) (Feb 2013) – P Quigley et al.
- Draft Masterplan for Heath Town (Rev B March 2013) – Gillespies
- Heathfield Park Transport Study (Oct 2012) – ITP
- WCC Basic Conditions and Compliance Statement (Jan 2014)
- WCC Cabinet, 21<sup>st</sup> June 2011, agenda item 5D, Wolverhampton Neighbourhood Plans
- WCC Cabinet, 25<sup>th</sup> July 2012, agenda item, 5D, Future Strategy for the Heath Town Estate and Heathfield Park Neighbourhood Plan Update
- WCC Cabinet, 11<sup>th</sup> September 2013, agenda item 8, Draft Heathfield Park Neighbourhood Plan and Heath Town Masterplan.

## Appendix C – Hearing Programme and Discussion Topics

### Hearing Notice

#### WOLVERHAMPTON CITY COUNCIL PUBLIC NOTICE

**Notice of Examination  
Heathfield Park Neighbourhood Plan  
Localism Act 2012 Schedule 10 – 7(3)**

**Notice of Independent Examination**

**Name of Proposal**

Heathfield Park Neighbourhood Development Plan

**The Subject Matter**

Wolverhampton City Council has submitted a proposal for a neighbourhood plan to undergo examination. Ms Louise Brooke-Smith has been appointed as independent examiner of the plan. On reviewing the content of the proposed Heathfield Park Neighbourhood Plan, representations received as part of the publication process and the statements submitted in support of the plan by Wolverhampton City Council, Ms Brooke-Smith has decided to hold a public hearing.

**Public Hearing Details**

The details of the public hearing are as follows:-

**Venue:** Holy Trinity Church Hall, Bushbury Road, Heath Town, Wolverhampton, WV10 0LY

**Date:** 13<sup>th</sup> May 2014

**Time:** 10.00am

The hearing is open to members of the public to attend, but only invited representatives will be permitted to take part in discussions.

Further details regarding the Heathfield Park Neighbourhood Plan are available to view by visiting: [www.wolverhampton.gov.uk/neighbourhoodplanning](http://www.wolverhampton.gov.uk/neighbourhoodplanning)

**Next Steps**

After carrying out the hearing the examiner is expected to deliver her report (the examiner's report) by the end of May 2014. She will set out whether the plan should proceed to the next step of a local referendum and if so whether the plan should be modified in any way before it is subject to a local referendum.

## Hearing Agenda

---

Agenda – Heathfield Park Neighbourhood Plan Hearing – May 13<sup>th</sup> 2014

---

### HEATHFIELD PARK NEIGHBOURHOOD PLAN HEARING

Date – Tuesday 13<sup>th</sup> May 2014

Time – 10 am – circa 14.30

Venue – Holy Trinity Church Hall, Bushbury Rd., Heath Town, Wolverhampton WV10 0LY

The Independent Examiner Ms Louise Brooke-Smith BSc(Hons), DipTP, FRICS MRTPI appointed to carry out an examination of the Heathfield Park Neighbourhood Plan has requested that a hearing in public be held to explore elements of the Plan.

#### AGENDA

##### 10.00 – Introduction

Opening remarks and explanation of the scope of the hearing

( Examiner)

##### 10.10 - Understanding the Requirements of the Neighbourhood Plan area and the Vision as set out by the Neighbourhood Forum

To explain the governance arrangements during the preparation of the plan.

To explain the working relationship between the QB and the LPA.

To clarify the screening in respect of Strategic Environmental Assessment

(LPA to open with Forum to add comment)

##### 10.40 - Understanding the rationale for confirming the Neighbourhood Plan boundary

Why does the NP boundary not appear to align with the Heathfield Park Local Neighbourhood Partnership Boundary, i.e. Why have some areas been left out of the NP boundary?

(LPA and Forum to comment)

10.50 – Confirmation of the consultation process and clarification of the changes made to the proposed Neighbourhood Plan.

Has the consultation response been as expected / reflect other similar exercises in the area?

Have any parties / groups been particularly difficult to liaise with or elicit a response to the process / proposals?

(LPA and Forum to comment)

11.15 – Clarification of the support for new housing across the Plan area and the relationship to adopted policy at national and local level.

To clarify the evidence based supporting information

To comment on the specific relation to NPPF policies

(LPA to lead)

11.45 – Comments from Representatives of Mitchells and Butlers plc and responses from LPA and Forum with respect to development of housing site H1.

Agents for M&B to clarify their representations and LPA / Forum to confirm / clarify their stance

12.15 – Clarification of proposals affecting New Cross Hospital

LPA to lead with NCH representatives to confirm their support or otherwise for the NP proposals and highlight any areas of conflict

12.45 – Clarification of how the Neighbourhood Plan reflects national and local policy relating to the protection and enhancement of open space

Forum to lead with LPA to comment

---

**Lunch break**

**2.00 – Clarification of the proposed treatment of Assets of Community Value.**

LPA and Forum to clarify how the list of Community Assets are to be protected and how proposed Policy 15 is to be interpreted by potential developers / landowners

Discussion as to whether the wording of Policy15 could be amended to avoid any misunderstanding of its scope of protection

(LPA to lead with Forum to comment)

**2.20 – Comments from the Canal and River Trust in light of its consultation Representations**

CRT or agents on their behalf to clarify their Representations to the NP and any ongoing concern with the current policies as set out.

The above provisional timetable is presented as a guide only.

If points of clarification are clear and discussions are completed within the suggested timescales, it may be possible to hear the last two items during the morning session and hence proceedings could conclude by lunchtime.

**L Brooke-Smith**

**Examiner**

### Hearing attendance list

<b>Name</b>	<b>Organisation</b>
Louise Brooke-Smith Examiner	Brooke Smith Planning
Emily Vyse	Brooke Smith Planning
David Cope	Heathfield Park Neighbourhood Forum, Chair
Marianne Page	Wolverhampton City Council, Transportation
William Nicholls	Heathfield Park Neighbourhood Forum
Margaret Nicholls	Heathfield Park Neighbourhood Forum
David Hawtin	Heathfield Park Neighbourhood Forum and Neighbourhood Watch
Philip Baccus	Heathfield Park Neighbourhood Forum
Daniel Williams	Heathfield Park Neighbourhood Forum
Amanda Bevan	Heathfield Park Neighbourhood Forum and Tessa Sanderson Foundation
Liz Cope	Heathfield Park Neighbourhood Forum
Sue Lindup	Wolverhampton City Council, Neighbourhood Services
Michele Ross	Wolverhampton City Council, Planning Team
Simon Hamilton	Wolverhampton City Council, Neighbourhood Services
Ian Culley	Wolverhampton City Council, Planning Team
Sangita Kular	Wolverhampton City Council, Housing Strategy
Helen Smith	Wolverhampton City Council, Planning Team
Marcus Plaw	Colliers International for Mitchells and Butlers
Cyril Randalls	Tettenhall Neighbourhood Forum
Katherine Burnett	Canal and River Trust
Chris Hale	Wolverhampton City Council Head of Housing

**Appendix D – Proposed Extended Referendum Area**  
**(Shaded area proposed as an addition to the proposed Referendum area)**

