

MARPLE NEIGHBOURHOOD PLAN 2023 - 2038

Marple Neighbourhood Plan Examination
A Report to Stockport Metropolitan Borough Council

by Independent Examiner, Nigel McGurk BSc (Hons) MCD MBA MRTPI

October 2023

Contents

1, Summary

2, Introduction

3, Basic Conditions and Development Plan Status

4, Background Documents and the Marple Neighbourhood Area

5, Public Consultation

6, The Neighbourhood Plan: Introductory Section

7, The Neighbourhood Plan: Policies

8, The Neighbourhood Plan: Other Matters

9, Referendum

1. Summary

- 1 Subject to the recommendations within this Report, made in respect of enabling the Marple Neighbourhood Plan to meet the basic conditions, I confirm that:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

- 2 Taking the above into account, I find that the Marple Neighbourhood Plan meets the basic conditions¹ and I recommend to Stockport Metropolitan Borough Council that, subject to modifications, it should proceed to Referendum.

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

2. Introduction

The Neighbourhood Plan

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

"Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development."
(Paragraph 29, National Planning Policy Framework)
- 7 As confirmed in Section 1 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Marple Neighbourhood Forum is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 8 The same section of the Basic Conditions Statement confirms that the Neighbourhood Plan relates to the designated Marple Neighbourhood Area and that there is no other neighbourhood plan in place in the Marple Neighbourhood Area.
- 9 The above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2021) and Planning Practice Guidance (2014).

Role of the Independent Examiner

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

Neighbourhood Plan Period

- 16 A neighbourhood plan must specify the period during which it is to have effect.
- 17 Chapter 3 of the Neighbourhood Plan refers to the plan period, "*which will run for fifteen years from 2023 to 2038.*" The header for the submitted Neighbourhood Plan will need to be changed and for clarity, I recommend:
 - **Replace the header (at the top of each page of the Neighbourhood Plan) with "*MARPLE NEIGHBOURHOOD PLAN 2023 – 2038*"**
- 18 Taking the above into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.

Public Hearing

- 19 According to the legislation, it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 20 However, it is also the case that *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 21 Further to consideration of the information submitted, I determined not to hold a public hearing as part of the examination of the Marple Neighbourhood Plan.
- 22 However, further to consideration of the submission documents, I wrote to the Qualifying Body in respect of matters where further information was sought. At the same time, in line with good practice, the Qualifying Body was provided with an opportunity to respond to representations received during the Submission consultation process.

3. Basic Conditions and Development Plan Status

Basic Conditions

- 23 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “*basic conditions*.” These were *set out in law*² following the Localism Act 2011.
- 24 Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 25 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28th December 2018, applies to neighbourhood plans:
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations.³

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

³ *ibid* (same as above).

- 26 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act) and Sections 61F and 61G of the Town and Country Planning Act 1990 (as amended), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
 - has been prepared for an area that has been properly designated for such plan preparation;
 - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one Neighbourhood Area and that:
 - its policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
- 27 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁴
- 28 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. Within this, the Qualifying Body, Marple Neighbourhood Forum, provides evidence to demonstrate how the Neighbourhood Plan meets the basic conditions.

⁴ The Human Rights Act 1998 incorporates the rights set out in the European Convention on Human Rights into domestic British law.

European Convention on Human Rights (ECHR) Obligations

- 29 I am satisfied, in the absence of any substantive evidence to the contrary, that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998.
- 30 In the above regard, information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. A Consultation Statement was submitted alongside the Neighbourhood Plan and the role of public consultation in the plan-making process is considered later in this Report.

European Union (EU) Obligations

- 31 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*
(Planning Practice Guidance⁵)
- 32 This process is often referred to as “screening”⁶. If likely environmental effects are identified, an environmental report must be prepared.
- 33 A Strategic Environmental Assessment (SEA) Screening Report was prepared by Marple Neighbourhood Forum, with support from Stockport MBC and this was submitted alongside the Neighbourhood Plan.
- 34 As part of this process, plan-makers took advantage of Stockport MBC’s “Sustainability Wheel” – a tool to support screening – and resulting information was reviewed by Stockport MBC.

⁵ Planning Guidance, Paragraph 027, Ref: 11-027-20150209.

⁶ The requirements for a screening assessment are set out in in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

35 The SEA Screening Report concluded that:

“The Marple Neighbourhood Plan Screening Assessment has clarified that no further SEA is required. The conclusion takes account of there being no likely significant environmental impacts identified regarding the emerging policies. The Sustainability Wheel supports this statement. Furthermore no sites are proposed for allocation through the Marple Neighbourhood Plan...”

36 The statutory bodies, Historic England, Natural England and the Environment Agency have all been consulted on the Neighbourhood Plan. None of the statutory bodies has demurred from the above conclusion or raised any concerns in respect of SEA.

37 In addition to SEA, a Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This Assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information⁷. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.

38 In the case *People Over Wind & Sweetman v Coillte Teoranta* (“*People over Wind*” April 2018), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means that if a likely significant effect is identified at the screening stage of a habitats assessment, an Appropriate Assessment of those effects must be undertaken.

39 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, allowing neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an Appropriate Assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or a planning application.

⁷ Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

- 40 The Screening Report considered Habitats Regulations Assessment (HRA). It confirms that Stockport MBC advised that there are no European sites within the Borough's boundary; and that Stockport MBC's core strategy HRA report determined that no European sites were likely to be significantly impacted upon by that emerging plan's proposed policies or allocations.
- 41 Again, each of the statutory bodies have been consulted on the Neighbourhood Plan. None of the statutory bodies has disagreed with the above considerations or raised any concerns in respect of Habitats Regulations Assessment.
- 42 In addition to all of the above, I am mindful that national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:
- "It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)"* (Planning Practice Guidance⁸).
- 43 In undertaking the work that it has, Stockport MBC has not identified any outstanding concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.
- 44 Taking this and the recommendations contained in this Report into account, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

⁸ Ibid (Paragraph 031 Reference ID: 11-031-20150209).

4. Background Documents and the Marple Neighbourhood Area

Background Documents

- 45 In completing this examination, I have considered various information in addition to the Marple Neighbourhood Plan. I also spent an unaccompanied day visiting the Marple Neighbourhood Area.
- 46 Information considered as part of this examination has included the following main documents and information:
- National Planning Policy Framework (referred to in this Report as “*the Framework*”) (2023)⁹
 - Planning Practice Guidance (2014, as updated)
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - Stockport Core Strategy DPD (2011) (referred to below as the “*Core Strategy*”) ¹⁰
 - Stockport Unitary Development Plan Review (2006) Saved Policies
 - Basic Conditions Statement
 - Consultation Statement
 - Supporting Documents
 - Representations received
 - Strategic Environmental Assessment Screening Report

⁹ The Government published changes to the National Planning Policy Framework in September 2023. This was during the course of this Examination. Whilst the changes made only related to one part of the Framework and had no discernible effect on the Policies of the Neighbourhood Plan, as submitted, the Neighbourhood Plan has been examined against this latest version of national policy.

¹⁰ Noting also that the Development Plan covering the Neighbourhood Area also includes the Greater Manchester Joint Minerals and Waste DPDs.

Marple Neighbourhood Area

- 47 Marple Neighbourhood Area is identified on a plan on page 18 of the Neighbourhood Plan. The reproduction quality of the plan results in it appearing unclear and I recommend:
- **Replace the plan of the Neighbourhood Area with a plan of better reproduction quality**
- 48 The Neighbourhood Area was designated by Stockport Metropolitan Borough Council on 30 June 2016. The Neighbourhood Forum was originally designated on 1 December 2016 and was re-designated by Stockport Metropolitan Borough Council on 18 November 2021.
- 49 Designation satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

5. Public Consultation

Introduction

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

Marple Neighbourhood Plan Consultation

- 52 A Consultation Statement was submitted to Stockport MBC alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *Regulations*¹¹.
- 53 Following designation, consultation commenced in May 2017, when discussion groups attended an open meeting and provided views on the content of the plan.
- 54 An early draft plan was produced and published for comment in September 2018. The Neighbourhood Forum held an exhibition stand at the annual Food and Drink Market for three consecutive years between 2017 and 2019, at which questionnaires and leaflets were provided. The Neighbourhood Forum also set up an exhibition stand along Market Street on Saturdays in May 2017, Easter 2018, August 2018 and April 2019.
- 55 A leaflet was distributed to all households in 2018 and further leaflets were made available in local shops, cafés and in the local library. Leaflets invited residents to engage with the emerging plan. Two digital surveys took place during November 2018, resulting in 111 responses. Focus groups and workshops were also held.

¹¹ Neighbourhood Planning (General) Regulations 2012.

- 56 Draft plan consultation took place between November 2021 and January 2022. Amongst other things, draft plan consultation was supported by a dedicated website, copies of information in Marple Library and three drop-in sessions.
- 57 Consultation was also supported by flyers, social media and by an article in the local press. Comments received were duly recorded and responses/actions noted.
- 58 Taking the Consultation Statement and the above into account, I find that public consultation formed an important part of the plan-making process, that there were plentiful opportunities for people to have a say and that matters raised were duly recorded and considered.
- 59 Given all of the above, I am satisfied that the consultation process for the Marple Neighbourhood Plan was robust and that it complied with the neighbourhood planning regulations referred to above.

6. The Neighbourhood Plan – Introductory Section

60 For clarity and accuracy I recommend the following changes (in *italics*) to the introductory section of the Neighbourhood Plan:

- **Paragraph 1.7, line 6, change to “...they *can* make specific reference to the Neighbourhood...”**
(NB, noting that there is no statutory requirement in this regard)
- **Paragraph 1.8 appears imprecise, change to “*Stockport MBC is the decision-making authority in respect of planning applications. Proposals in accordance with the development plan, of which the Neighbourhood Plan forms part, should be approved; whilst those that do not should be refused unless there are over-riding material planning considerations. Decisions on simple planning applications can be made by Stockport MBC’s planning officers under delegated powers; whilst larger, more complex planning applications tend to be considered by a planning committee made up of elected borough councillors.*”**
- **Delete Para 1.9. The Neighbourhood Plan does not provide strategic direction beyond 2037.**
- **Page 7, Photo/Heading. The current photo reproduction is unclear and the heading gives the impression that the ensuing text is just about the Town Centre, whereas it relates to the Neighbourhood Area. Replace the Photo/Heading with a different Photo.**
- **Para 3.6, lines 4 and 5, for clarity, change to “...*Plan and can be summarised as:*” (three bullet points here)**
- **Delete Para 4.13, which has been overtaken by events**
- **Add a new sentence to the end of Para 4.12: “*A further public consultation was carried out by Stockport Council under Regulation 16 between February and March 2023.*”**

7. The Neighbourhood Plan – Neighbourhood Plan Policies

Town Centre (TC) Policies

Policy TC1: Town Centre Identity

- 61 In general terms, the Neighbourhood Plan's Town Centre Policies seek to protect and improve the appearance of Marple Town Centre. In this way, the Policies have regard to Paragraph 86 of the National Planning Policy Framework (the Framework), which states:

“Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.”

- 62 However, as set out, Policy TC1 introduces requirements that appear both ambiguous and onerous. By way of example, all development across the large area defined as being within the Town Centre would be required to contribute to the identity of Marple by, amongst other things, its *“planting and advertisement display.”*
- 63 Notwithstanding that such a requirement may not be relevant to all forms of development, no evidence is provided to demonstrate that such a requirement is deliverable, having regard to Paragraph 16 of the Framework which requires plans to be deliverable.
- 64 As a further example, no indication is provided in respect of how all development might contribute to the appearance of Marple by, amongst other things, *“its height, scale, external building materials,”* or how it might interpret *“the essential character of the town.”* The Policy appears wide open to subjective interpretation in this regard and as a consequence, its requirements are ambiguous.
- 65 The Policy goes on to state that it will *“encourage”* shops to *“protect individual size and style; and to enhance...shop fronts.”* It is not clear, in the absence of information, just how the Neighbourhood Plan might encourage such things.

- 66 Taking the above examples into account, the Policy appears vague and imprecise. It does not have regard to national guidance¹², which requires that:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

- 67 Policy TC1 goes on to set out an “*exemption*” for “*established brand names or brand recognition*” on signs. It is not clear, in the absence of substantive information, what this part of the Policy is seeking to achieve or how it should be applied.

- 68 As worded, Policy TC1 does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework, which states that plans should:

“...contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.”

- 69 The Policy and its supporting evidence aim to support high quality development in Marple town centre and taking this and all of the above into account, I recommend:

- **Delete wording of Policy TC1 and replace with: “*Development in the Town Centre must respect local character, having regard to the height, scale and materials of existing buildings. Shop fronts and signs should respect their surroundings, including the elevations of the buildings in which they are located.*”**

¹² Planning Guidance, Paragraph: 041 Reference ID: 41-041-20140306.

Policy TC2: Environmental Improvement

- 70 The second Town Centre Policy also focuses on supporting high quality development in Marple Town Centre, having regard to Paragraph 86 of the Framework.
- 71 Policy TC2 requires development to co-ordinate with the public realm scheme for the Town Centre. However, the Neighbourhood Plan does not provide any evidence of a public realm scheme for the Town Centre.
- 72 The Policy TC2 opens with a reference to “*development from both the public and private sectors*” without providing any indication as to why such a distinction is necessary. This detracts unnecessarily from the concise nature of the Policy.
- 73 The first part of the Policy goes on to require all development in the Town Centre to “*achieve a balance*” between building footprint and site area to allow for “*high amenity treatment*” of external spaces. No definition is provided in respect of what this balance and high amenity treatment should comprise and this results in an ambiguous Policy requirement, open to wide and subjective interpretation.
- 74 The Policy refers to the Marple Transport Study. This does not form part of the Neighbourhood Plan and does not set out any requirements for the Neighbourhood Plan, as suggested by the Policy.
- 75 The Policy goes on to state that certain things “*will be*” done without any supporting evidence to demonstrate that this will be the case.
- 76 However, as set out above, the aims of the Policy have regard to national policy and taking this and the above into account, I recommend:
- **Delete the wording of Policy TC2 and replace with “*Development in the Town Centre must respect the public realm. External spaces, boundaries, access points, services bays, refuse storage, security measures and seating should be designed to integrate with their surroundings.*”**
 - **Delete Paragraph 6.8. (The Neighbourhood Plan does not include any Policies which improve the Town Centre)**
 - **Delete Paragraph 6.9. (The Marple Transport Study does not form part of and is outside the scope of, the Neighbourhood Plan)**

Policy TC3: Proposed New Food Store

- 77 Policy TC3 states that a new food store of up to 1,000 square metres would be supported in the Town Centre, subject only to creating an attractive street environment and mitigating impacts of the development in respect of placemaking.
- 78 In support of this approach, the Neighbourhood Plan refers to a Town Centre Retail Study carried out by the Neighbourhood Forum several years ago. This identified that a number of potential sites for development might (or might not) have been available at the time of the study. However, Policy TC3 does not identify or allocate a site for the development of a food store.
- 79 The Town Centre covers a large area. Its character and appearance varies significantly and includes a wide range of uses, including residential streets.
- 80 There is no substantive evidence to demonstrate that the development of a large new food store anywhere in the Town Centre would be capable of contributing to the achievement of sustainable development.
- 81 Rather, in the absence of evidence to the contrary, it appears that a Policy promoting the development of a large food store anywhere in the Town Centre runs the clear risk of supporting development that would fail to contribute to the achievement of sustainable development.
- 82 The Policy does not meet the basic conditions.
- 83 I recommend:
- **Delete Policy TC3**
 - **Delete Paragraphs 6.11 to 6.14 inclusive**
 - **Paragraph 6.15, change opening line to “*The Neighbourhood Forum is keen to see the introduction of a Public Realm Scheme and other Community Projects...*”**
 - **Paragraph 6.4, delete reference to Policy TC3**

Getting Around

Policy GA1: Walking and Cycling within Marple

84 Paragraph 100 of the Framework states that:

“Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”

85 In general terms, Policy GA1 seeks to protect and improve public rights of way and in this respect, it has regard to national policy.

86 The first paragraph of the Policy appears onerous in that it requires all development to contribute to a wide range of walking routes across the Neighbourhood Area, without any supporting information to demonstrate that such a requirement is deliverable, having regard to Paragraph 16 of the Framework.

87 The Policy goes on to require all development to provide walking and cycling routes as an integral part of development. Again, such a requirement is not supported by any evidence of deliverability and further, there is nothing to demonstrate that the obligations the Policy seeks to impose on all forms of development have regard to Paragraph 57 of the Framework:

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

88 The Policy goes on to set out further detailed requirements, again without supporting information to demonstrate deliverability.

89 Noting that, as identified above, the overall intention has regard to national policy, I recommend:

- **Delete wording of Policy GA1 and replace with: “*The creation of new and the protection and improvement of existing, pedestrian and cycle routes will be supported. Development must protect existing public rights of way. The provision of safe and secure cycle parking at the interface of cycle routes with amenities will be supported.*”**
- **Delete Para 7.9**

Policy GA2: Development in Areas with Good Public Transport Access

- 90 Policy GA2 “encourages” high density development, comprising 50-100 dwellings per hectare) within 400 metres of Marple Railway Station, Rose Hill railway station and The Hollins bus interchange. The Policy encourages such development to be car-free or have reduced car parking provision.
- 91 The Neighbourhood Forum has confirmed that the intent of the Policy is to ensure that all development within 400 metres of these locations is of a density of at least 50 dwellings per hectare, to prevent “waste of urban land.”
- 92 During my site visits, I walked around the areas that would be subject to the 400 metre zones set out within Policy GA2.
- 93 The majority of the land-uses within these zones are residential and the residential areas are characterised by low density suburban housing, most within garden plots and with off-road car parking provision.
- 94 The development encouraged by Policy GA2 would be completely different to the established land use character of these areas.
- 95 Core Strategy Development Management Policy H-1 (“*Design of Residential Development*”) requires housing development to respond to townscape character, reinforcing identity and distinctiveness in terms of layout, scale and appearance; and to ensure that good standards of residential amenity for occupants of existing housing are maintained.
- 96 National planning policy supports the effective use of land, including increasing the density of development where appropriate and in so doing, requires that developments:
- “...will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development...are sympathetic to local character and history, including the surrounding built environment and landscape setting...”*
- (Paragraph 130, the Framework)

- 97 Policy GA2 requires the imposition of a form of development that would appear starkly different to existing development. Such an approach runs the risk of supporting incongruous and potentially inappropriate forms of development.
- 98 The Policy is not supported by any substantive evidence to demonstrate that such development would be sympathetic to its surroundings, add to the overall quality of the area or maintain the residential amenity of neighbouring occupiers.
- 99 Policy GA2 does not have regard to Paragraph 130 of the Framework and is not in general conformity with the Core Strategy.
- 100 In this respect, I am mindful that the delivery of high density residential development close to public transport hubs may well be capable of supporting high density sustainable development. However, Policy GA2 appears to go much further than this.
- 101 Rather than identifying suitable sites for development, the Policy adopts a carte-blanche approach across a large, sweeping area, seemingly regardless of surroundings. Such an approach would, across much of the areas identified, run the clear risk of harming local character and residential amenity, amongst other things.
- 102 Taking the above and the absence of supporting evidence to demonstrate that the Policy would contribute to, rather than be at direct odds with, the achievement of sustainable development, into account, I recommend:
- **Delete Policy GA2**
 - **Delete Paras 7.13 to 7.22 inclusive**

Policy GA3: Marple and Rose Hill Railway Stations

103 In general terms, the Policy seeks to support specific forms of development at the two train stations in the Neighbourhood Area.

104 Support for improvements to rail facilities has regard to Chapter 9 of the Framework, "*Promoting sustainable transport.*"

105 As set out, the wording of Policy GA3 states that it will encourage development without setting out how it might do so. It also includes what appears as a vague statement around the potential to develop a planning brief. The recommendations below take this into account.

106 I recommend:

- **Policy GA3, change first line to: "*The following development will be supported:*"**
- **Policy GA3, lines 9-11, delete "There is potential...around the station."**

Housing

Policy H1: Affordable Housing

107 National policy requires the provision of land for housing to ensure that:

“...the needs of groups with specific housing requirements are addressed...”

108 Policy H1 requires the provision of affordable housing, having regard to national policy.

109 In this respect, the Policy is also in general conformity with Core Strategy Development Management Policy H-3 (*“Affordable Housing”*), which seeks to promote the provision of affordable housing.

110 As set out, the Policy includes a vague and somewhat sweeping reference to *“subject to viability.”* No more detail is provided and this renders the Policy open to wide interpretation, to the detriment of its precise nature.

111 Similarly, whilst the final part of the Policy seeks to ensure that affordable housing is distributed across larger schemes – as opposed to concentrated in a single location – the wording of the Policy appears unclear.

112 Taking the above into account, I recommend:

- **Policy H1, delete wording and replace with: *“Housing sites of one hectare or more should provide a minimum of 35% affordable homes. To avoid over-concentration in one location, affordable homes should be distributed across the site in a way that reflects the scale of the scheme.”***

Policy H2: Downsizing and Accommodation for Older People

- 113 As above, national policy seeks to ensure that plans meet the needs of groups of people with specific housing requirements. To some degree, Policy H2, which promotes the provision of housing for older people, achieves this.
- 114 However, as set out, the Policy appears confusing, imprecise and ambiguous.
- 115 Whilst introduced as being aimed at sites providing for at least ten dwellings but on less than one hectare, the Policy goes on to refer to the development of individual dwellings.
- 116 The Policy requires housing to be developed to meet the needs of “*an identified older local person in affordable housing need.*” No such person or persons are identified, no means of identification are set out and the opening of the Policy does not relate to affordable housing, but to housing for older people. This is confusing and unclear.
- 117 Further, the Policy seeks to introduce various restrictions, which due to vagueness and complexity, appear confusing and unclear. These include limiting the provision of housing for older people to circumstances where the development of any such dwelling requires the release of an additional dwelling within the Neighbourhood Area into the market or for transfer to a family member.
- 118 There is no evidence to demonstrate that such a requirement is deliverable, that it has regard to the national policy tests in respect of planning obligations (as set out in Paragraph 57 of the Framework and noted earlier in this Report). As an aside, there is no information to demonstrate how such a Policy requirement might be implemented and controlled.
- 119 No indication is provided of what “*an element of fully compliant Lifetime Homes*” might comprise and in the absence of any information, it is not possible to understand upon what basis “*a fully open book viability appraisal*” might be undertaken or judged.

120 Further to all of the above, there is no supporting information or substantive evidence in respect of why development sites of less than one hectare but for more than 9 dwellings should provide 20% older persons housing. The Neighbourhood Plan does not allocate any land for development and it is not clear precisely what older persons housing should comprise and there is nothing to justify the percentages or site sizes set out in the Policy.

121 I note above that national policy seeks to ensure that plans meet the needs of groups of people with specific housing requirements and taking this and all of above into account, I recommend:

- **Policy H2, delete wording and replace with: “*The development of housing for older people, taking account of Lifetime Homes or equivalent standards, will be supported.*”**

Policy H3: Work/Live Units

- 122 Policy H3 promotes the provision of Work/Live Units including B2 and B8 uses anywhere in the Neighbourhood Area, including extensions to any residential properties.
- 123 Such development is only restricted so long as it is “*small scale*” and it does not generate “*excessive*” noise or traffic movements. No definitions of small scale or excessive are provided. The Policy is ambiguous in this respect, contrary to national planning guidance, as referenced earlier in this Report (see Policy TC1).
- 124 Consequently, as set out, Policy H3 runs the risk of supporting development that could result in significant harm to local character and to residential amenity.
- 125 The Policy is not supported by any substantive information to demonstrate that the types of development promoted by the Policy can come forward in a manner that contributes to the achievement of sustainable development. The Policy does not meet the basic conditions.
- 126 In setting out the recommendations below, I note that most forms of home-working do not require planning permission and that national and local planning policy already provides for the appropriate consideration of applications for work/live units.
- 127 I recommend:
- **Delete Policy H3**
 - **Delete Paras 8.6 to 8.10 inclusive**

Natural Capital and Climate Change (NC) Policies

Policy NC1: Protection of Open Spaces

- 128 Whilst the title of Policy NC1 refers to Open Spaces, the Policy wording appears to relate to biodiversity.
- 129 The Framework requires planning policies to contribute to and enhance the natural environment by:
- “...minimising impacts on and providing net gains for biodiversity...”*
(Paragraph 174, the Framework)
- 130 Policy NC1 sets out an initial requirement for all development to *“maintain the overall Natural Capital of the Plan Area.”* This is not something that has been measured and defined in the Neighbourhood Plan and consequently, it is difficult to understand how a decision maker can know whether or not a proposal for development might achieve this requirement. This part of the Policy does not have regard to Paragraph 16 of the Framework.
- 131 The Policy refers to forms of development that *“will be refused.”* The Neighbourhood Plan cannot control the decisions of the Local Planning Authority, which in this case is Stockport MBC. This part of the Policy goes on to suggest that sites of biological importance might be harmed wherever *“exceptional circumstances”* arise. Such circumstances are not defined and there is no supporting information to justify an approach which, in the absence of evidence to the contrary, appears to run the clear risk of being at odds with existing protection afforded to sites of biological importance.
- 132 The Policy requires all development to contribute financially to the extension, protection and management of green infrastructure in the area. There is no information to demonstrate that such a requirement is deliverable, or that it meets the national policy tests for planning obligations, as set out in Paragraph 57 of the Framework.
- 133 Policy NC1 also sets out a requirement for a large area of the Neighbourhood Area, indicated on page 63, to be *“protected from development.”*

- 134 Whilst national planning policy removes the presumption in favour of sustainable development where a development proposal is likely to have a significant effect on a habitats site (Paragraph 182, the Framework), it does not simply prevent all development.
- 135 Rather, amongst other things, it provides for circumstances where an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the habitats site. The approach set out in Policy NC1 is at odds with this.
- 136 Further to the above, I am also mindful that Policy NC1 seeks to prevent development across wide tracts of land, considered to comprise *indicative* wildlife corridors, but does not provide detailed information to demonstrate that the areas of land comprise defined habitats sites. A Policy preventing any development on the land identified does not have regard to national policy.
- 137 In setting out the recommendations below, I note that protected sites are afforded protection from inappropriate forms of development.
- 138 I recommend:
- **Policy NC1, delete the wording of the Policy and replace with: “Development must minimise impacts on and provide net gains for biodiversity. Development must respect the indicative wildlife corridors shown in blue on the Map on page 63.” (or the subsequent page number, subject to the recommendations of this Report)**
 - **Change the title of the Policy to “Policy NC1 Natural Capital and Biodiversity”**

Policy NC2: Renewable Energy

139 To meet the challenge of climate change, the planning system supports the transition to a low carbon future (Paragraph 152, the Framework).

140 Policy NC2 promotes energy efficiency and in this way, it has regard to national policy.

141 As set out, Policy NC2 seeks to impose requirements on all forms of development without any evidence to demonstrate that such requirements are deliverable or that they meet the test for planning obligations, set out in Paragraph 57 of the Framework.

142 Taking the above into account, I recommend:

- **Delete the wording of Policy NC2 and replace with: “*Development should seek to minimise energy use and maximise energy efficiency. Where practical and possible, development should maximise the proportion of energy used from renewable sources.*”**

Policy NC3: Sustainable Energy Production

143 Policy NC3 supports development that provides for the sustainable production of energy, having regard to Chapter 14 of the Framework, *“Meeting the challenge of climate change, flooding and coastal change.”*

144 The Policy's reference to *“an unacceptable impact”* is not defined and this part of the Policy appears vague.

145 I recommend:

- **Policy NC3, line 7, change to: *“...on residential amenity:”* (delete *“the”*)**
- **Policy NC3, change last bullet point to: *“The proposed development respects features of natural and/or biodiversity importance.”***

Policy NC4: Retrofitting Historic Buildings

- 146 Policy NC4 supports the retrofitting of historic buildings, having regard to the national policy aims of transitioning to a low carbon future.
- 147 As set out, the Policy tries to ensure that support for such development conserves the historic environment. However, it does so in a manner which does not have regard to national heritage policy, which requires that historic assets be conserved in a manner appropriate to their significance – rather than Policy NC4's approach of setting out requirements for the safeguarding of special characteristics.
- 148 Taking the above into account, I recommend:
- **Policy NC4, change to: “...in historic buildings will be supported, including...areas, subject to development proposals demonstrating that they will conserve heritage assets in a manner appropriate to their significance.”**

Community Space (CS)

Policy CS1: Outside Community Space

149 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 101 of the Framework states that:

“The designation of land as a Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.”

150 Paragraph 103, of the Framework requires policies for the managing of development within a Local Green Space to be consistent with those for Green Belts. A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.

151 However, as presented, Policy CS1 does not seek to designate Local Green Space in accordance with national policy. Rather, it seeks to prevent the development of green spaces which are neither mapped nor named in the Neighbourhood Plan, but which are taken from a list of sites in an Appendix.

152 The Neighbourhood Forum has confirmed that it does not intend to designate any areas of Local Green Space.

153 As the Neighbourhood Plan does not identify the precise boundaries (or even indicate the location of) any green spaces, it is not possible to know the precise areas of land that the Policy is seeking to protect. The Policy is imprecise and ambiguous in this respect.

154 In a broad sense, Policy CS1 seeks to protect land considered to be important for its green and/or public open space qualities. Paragraph 98 of the Framework states that:

“...high quality open spaces...(are) important for the health and well-being of communities, and can deliver wider benefits...”

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

- **Policy CS1, delete the wording of the Policy and replace with:**
“Existing open space, sports and recreational land, including playing fields, should not be built on unless an assessment has been undertaken which clearly shows the open space or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in an equally or more sustainable location; or the development is for an alternative recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”
- **Paragraph 10.3, delete last sentence (“These...Appendix 4.”)**

Policy CS2: Protection of Open Spaces as Sports Facilities

156 Policy CS2 seeks to protect open space used primarily for sport or recreation. As such, its aims are met by the recommended changes to Policy CS1, presented in the preceding paragraph of this Report.

157 I recommend:

- **Delete Policy CS2**
- **Delete Paragraphs 10.10 to 10.14 inclusive**

Policy CS3: Extensions of Sites of Biological Importance (SBIS)

158 Policy CS3 is based upon a plan not contained in the Neighbourhood Plan. The plan referred to, which forms Appendix 5 submitted alongside the Neighbourhood Plan, comprises an unclear and difficult to interpret copy of a plan showing a variety of un-identifiable designations across a wide area, most of which appears to be located outside the Neighbourhood Area.

159 Policy CS3 is imprecise and does not meet the basic conditions.

160 In making the recommendation below, I note that, alongside existing national and local planning policy and taking into account recommendations made in this Report, Neighbourhood Plan Policy NC1 protects biodiversity and supports biodiversity gains.

161 I recommend:

- **Delete Policy CS3**
- **Delete Paras 10.15 to 10.17 inclusive**

Policy CS4: Indoor Community Space

162 Paragraph 92 of the Framework states that:

“Planning policies and decisions should aim to achieve healthy, inclusive and safe places...”

163 Further, Paragraph 93 of the Framework goes on to require planning policies and decisions to:

“...plan positively for the provision and use of...community facilities (such as local shops, meeting places...cultural buildings, places of worship) and other local services to enhance the sustainability of communities and residential environments (and) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community...”

164 In general terms, Policy CS4 seeks to prevent the loss of and provide for new, community space and in this way, it has regard to national policy.

165 As set out, Policy CS4 seeks to prevent development that will result in any loss of overall community space. It requires any relocation, reconfiguring or upgrading of community space to demonstrate that it will improve overall provision and also to demonstrate that there is no demand for an alternative social and community use for the space being reconfigured, upgraded or relocated.

166 Neither the Neighbourhood Plan nor its supporting information sets out precisely how much overall community space currently exists in the Neighbourhood Area. Consequently, it is not clear how a decision maker should react to a development proposal, having regard to Paragraph 16 of the Framework. I am also mindful that, as set out, even if an indoor community space were unviable or not required, the Policy would still seek to prevent its loss.

167 Further, as set out, Policy CS4 appears to place a significant obstacle in the way of the improvement of existing community space. It requires enhancements to demonstrate an overall improvement in provision, as well as to demonstrate an absence of demand for alternative social and community uses. In the absence of evidence to the contrary, this approach appears to prevent the Neighbourhood Plan from contributing to the achievement of sustainable development, rather than plan positively for the provision of community facilities.

168 Notably, in the light of the above, the supporting text states that Marple's indoor community space is of variable quality and that there is insufficient space of the right size and quality. As worded, Policy CS4 would appear to place obstacles in the way of addressing this.

169 Taking all of the above into account, I recommend:

- **Policy CS4, delete the wording of the Policy and replace with:**
“Development resulting in the loss of indoor community space will not be supported unless it can be demonstrated that there is no longer any need for the space; or, further to at least 12 months active and open marketing, the community space is shown not to be economically viable; or the proposal makes alternative provision for the relocation or replacement of an equivalent or improved community space in an equally accessible location elsewhere.

The development of new indoor community space will be supported.”

- **Paragraph 10.21, delete last two sentences (“To maximise...the public.”) The Neighbourhood Plan cannot impose requirements on the Local Authority.**

Policy CS5: Canal Towpaths

- 170 Policy CS5 states that it will ensure that planning decisions do not adversely affect the settings of canals and their towpaths. However, the Neighbourhood Plan is not the relevant decision-making body – which in this case is Stockport MBC as Local Planning Authority.
- 171 Notwithstanding the above, Policy CS5 includes vague references to “*the access routes and pathways onto the towpaths and the visual amenity...from the towpaths.*” In the absence of any detail, this appears ambiguous and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework.
- 172 The final paragraph of Policy CS5 also appears vague and imprecise. It appears to suggest that no development should take place between canal towpaths and existing development and introduces a reference to a form of protection that is neither defined nor supported by any substantive evidence.
- 173 I recommend:
- **Policy CS5, delete the wording of the Policy and replace with: “*Development must respect the character and appearance of canals and their towpaths.*”**
 - **Delete Paragraphs 10.32 and 10.33**

Heritage and Tourism

Policy HT1: Built Heritage

- 174 Chapter 16 of the Framework, "*Conserving and enhancing the historic environment*," recognises that the nation's heritage assets comprise an irreplaceable resource.
- 175 Paragraph 189 of the Framework requires all heritage assets to:
- "...be conserved in a manner appropriate to their significance..."*
- 176 The Framework goes on to require plans to set out a positive strategy for the conservation and enjoyment of the historic environment and take opportunities to draw on the contribution made by the historic environment to the character of a place.
- 177 Generally, Policy HT1 seeks to protect the historic environment. However, as set out, it fails to distinguish between heritage assets and other built features. For example, local vernacular exists in all sorts of forms, but its existence does not necessarily equate to a building comprising a heritage asset.
- 178 The Policy is not supported by substantive evidence defining the assets referred to in the Policy itself – for example, maps and information identifying designated and non-designated heritage assets, or showing the location of important local vernacular buildings or structures associated with Samuel Oldknow.
- 179 Whilst the Policy is concerned with built heritage, it includes a reference to responding to special landscape characteristics. These appear undefined.
- 180 Taking all of the above into account, I recommend:
- **Policy HT1, delete the wording of the Policy and replace with:**
"Marple's heritage assets must be conserved in a manner appropriate to their significance."

Policy HT2: Archaeological Heritage

181 As noted above, the Local Planning Authority is Stockport MBC and the Neighbourhood Plan cannot pre-determine the outcome of planning applications. Consequently, use of the phrase “*will not be permitted*” is not appropriate for inclusion in Policy HT2.

182 The wording of Policy HT2 requires the provision of display and interpretation of archaeological material regardless of the status of archaeology on a site. No evidence has been submitted to demonstrate that such an approach is deliverable or meets the tests for planning obligations set out in Paragraph 57 of the Framework.

183 I recommend:

- **Policy HT2, delete the wording of the Policy and replace with: “*Development proposals affecting a known or reasonably suspected archaeological site should be supported by a desk-based assessment and where necessary, a field evaluation.*”**

Policy HT3: Tourism

184 Policy HT3 supports the development of tourism facilities, in general conformity with Core Strategy Development Management Policy AS-4 (*“Visitor Accommodation and Other Tourism Development”*).

185 As set out, the Policy includes the vague references *“acceptable”* and *“encouragement”* and this is addressed in the recommendations below.

186 I recommend:

- **Policy HT3, change lines 3 to 7 to: *“...be supported subject to their location supporting active movement and not resulting in harm to highway safety.”***

Business and Employment

Policy BE1: Retention of Existing Development Land

187 Chapter 6 of the Framework, "*Building a strong, competitive economy,*" requires planning policies to help create the conditions in which businesses can invest, expand and adapt.

188 Policy BE1 seeks to ensure that existing employment land is safeguarded, having regard to national policy.

189 As set out, Policy BE1 pre-determines the role of the Local Planning Authority and suggests that the Neighbourhood Plan can control the provision of employment (as opposed to employment land), without any evidence to demonstrate that this is the case.

190 Taking all of the above into account, I recommend:

- ***Policy BE1, change to: "Development that would result in the reduction of existing employment land will not be supported unless the site has been openly and actively marketed for at least 18 months and there is no prospect of viable employment use."***

Policy BE2: New Employment

- 191 Policy BE2 supports the provision of new employment development, having regard to Chapter 6 of the Framework, referenced in relation to Policy BE1 earlier in this Report.
- 192 The Policy refers to “*an acceptable effect*” on residential areas, without defining what this might be. This results in a vague Policy requirement that does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework.
- 193 Similarly, there is no definition of “*high quality and value jobs.*” Also, it is not clear, in the absence of any information, why shared desk space or “*a proposal to encourage*” a business to form a hub might require planning permission.
- 194 I recommend:
- **Policy BE2, delete the policy wording and replace with:**
“Development supporting the creation of new microbusinesses, for example, the development of Class E serviced office accommodation, will be supported where such development respects local character and residential amenity and does not harm highway safety.”
 - **Change title of Policy to “*Policy BE2: New Employment Development*”**

8. The Neighbourhood Plan: Other Matters

195 The recommendations made in this Report will have a subsequent impact on Contents, including Policy, Page and Paragraph numbering.

196 I recommend:

- **Update the Contents, Policy, Page and Paragraph numbering to take into account the recommendations contained in this Report**

9. Referendum

197 I recommend to Stockport MBC that, subject to the recommended modifications, **the Marple Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

198 I am required to consider whether the Referendum Area should be extended beyond the Marple Neighbourhood Area.

199 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

200 Consequently, I recommend that the Plan should proceed to a Referendum based on the Marple Neighbourhood Area approved by Stockport MBC on 30 June 2016.

Nigel McGurk, October 2023
Erimax – Land, Planning and Communities