

INDEPENDENT EXAMINATION OF THE KINVER NEIGHBOURHOOD PLAN
EXAMINER: Wendy Burden BA (Hons) DipTP MRTPI

Councillor Christine Allen
Kinver Parish Council

██████████
South Staffordshire Council

Examination Ref:02/WB/KNP

13 April 2023

Dear Councillor ██████████

KINVER NEIGHBOURHOOD PLAN EXAMINATION

Further to my letter of the 16 March 2023 and my visit to the Kinver Neighbourhood Plan Area on the 3 April, I have some questions which seek clarification on some matters within the Kinver Neighbourhood Plan (KNP).

I understand that in view of the forthcoming local elections, I may not receive any response to these questions until after 4 May 2023.

Questions of clarification

From my initial reading of the KNP, the responses to the Regulation 16 consultation and the supporting evidence, I have the following questions for Kinver Parish Council (KPC). Whilst the questions are directed specifically to KPC, I would welcome any comments from South Staffordshire Council (SSC) where they would be helpful to my understanding.

I would be grateful for the submission of responses **by Tuesday 9 May 2023**. My questions are listed in the order of the Policies proposed in the KNP. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

1. Policy KN01

Clause 1.

SSC has raised the issue of clarity in the wording of clause 1 of this Policy. Does KPC wish to respond to the comment made?

[Suggest amending Policy KN01, clause 1 to refer to 'Development to provide employment or community facilities...'](#)

[Add to interpretation 'Development to provide employment or community facilities could include use classes E, F1 and F2.'](#)

Interpretation

Is it necessary to include the final sentence on page 19 in view of national and development plan policies which protect the Green Belt?

[We just wanted to be clear that the policy did not conflict with national policy on green belt and to avoid any misinterpretation.](#)

2. Policy KN02

Clause 1

SSC has put forward an amendment to the wording of clause 1. Does KPC wish to respond?

Amend KN02, clause 1 to read:

'1. In addition to housing sites allocated through the Local Plan, housing growth will be supported in the following locations:

- a. Within the Kinver, Lawnswood, New Wood and Stourton development boundaries (see Map KN02-1)
- b. Brownfield sites, including limited infill of gaps in existing built frontages, subject to meeting the requirements of Policy KN06;
- c. Redevelopment of existing buildings, providing it does not involve the loss of heritage assets;
- d. The sensitive refurbishment of existing buildings, including historic buildings.'

Clause 4

SSC has put forward an amendment to this clause in order to bring the policy in conformity with the adopted Local Plan. Is there sufficient evidence to support a departure from the Local Plan policy in the KNP?

The rationale before the policy refers to the AECOM Housing Needs Assessment for Kinver, 2021. We appreciate that the South Staffordshire Housing Market Assessment Update 2022 is marginally more recent. However, this applies to the whole district whilst the AECOM document is specific to the Neighbourhood Area. The whole point of neighbourhood plans is to include policies based on evidence specific to the neighbourhood. The intention is to influence the mix of affordable housing rather than to modify the proportion. We believe that this adds detail, but does not undermine the spatial strategy in the Local Plan, so is in general conformity.

3. Policy KN03

Clause 2

The wording of this clause is quite general and does not provide clear criteria against which a potential loss of community facilities would be considered. In the South Staffordshire Core Strategy 2012 there are a number of references to community facilities which seek to protect and promote their provision and retention. In particular, Policy EV9 sets out the tests which are to be applied in respect of a proposal for redevelopment or change of use of such facilities. I note that Policy EC9 in the emerging Local Plan Review would provide similar protection and tests. In these circumstances, is it necessary to include clause 2 in Policy KN03?

Clause 2 could be deleted and replaced with a paragraph in the interpretation to explain that loss of community facilities is covered by Policy EV9 in the adopted Local Plan (policy EC9 in the emerging Local Plan).

4. Policy KN05

Interpretation

Paragraph 1 sets an aim to achieve at least 10% energy use reduction relative to current regulations. Can the KPC please identify which regulations are referred to and would a reduction relative to current regulations be in accord with published Government policy?

The 10% is taken from the amended Part L Building Regulations 2021.

5.Policy KN07

Clause 7

Having regard to the comments of SSC in the Regulation 16 responses, should this clause be deleted?

Protecting landscape setting is also about rural character of village and hamlet settlements. The clause is included in this policy, the scope of which also includes character and amenity.

Interpretation

Can the basis and justification of the recommendation for a 20m natural habitat buffer be identified?

The report by Staffordshire Wildlife Trust stated:

“The plan could also require that proposals adjacent to Local Wildlife Sites provide a minimum stand-off or buffer of at least 20 metres, where no built development can occur, and suitable complementary habitats must be provided. The buffer zone may need to be wider for certain habitats, particularly ancient woodland, wetlands and heathlands, depending on the type of development and predicted impacts.”

6.Policy KN08

Clause 1

The clause does not differentiate between listed building and non-designated heritage assets. In the National Planning Policy Framework (NPPF), paragraph 194, the criteria are set out for the assessment of proposals affecting heritage assets according to the significance of the asset. Can the KPC suggest any alternative form of wording for Clause 1 which would accord with NPPF paragraph 194?

The clause is intended to apply to listed buildings, buildings in Conservation Areas and non-designated heritage assets. It is appreciated that national policy would affect the rigour with which the policy requirements would be applied. Therefore, it was not considered necessary to repeat national policy in this policy. Perhaps clarification of this point could be added to the interpretation.

7.Map KN09-1

The map includes a Conservation Area Buffer Zone 2013. This is not referred to in Policy KN09. Can the purpose and status of this zone please be explained?

We are unsure what the buffer zone is. The mapping data was taken from South Staffordshire District Council. The SSDC have now provided an amended map, upon which we have labelled the two conservation areas for clarity.

8.Policy KN11

Clause 1

I note that a substantial number of the sites proposed to be Local Green Space (LGS) are located within the Green Belt. Section 13 of the NPPF deals with Green Belt and its protection. SSC has raised the issue of what extra protection would be afforded to land which is already in the Green Belt if it is designated as LGS. National Planning Policy Guidance (PPG) states that if land is already protected by Green Belt policy, then consideration should be given as to whether any additional local benefit would be gained by designation as LGS (PPG Reference ID: 37-010-20140306).

Can KPC please identify what additional local benefit would be gained by designation of the following sites: K01 – K09; K12; K14 – K30. In addition, how would the extent of the proposed

designation of Green Belt land as LGS be compatible with the achievement of sustainable development?

Although the protection is similar, the purpose of Local Green Space designation is related to community value, which is different to the 5 purposes for green belt. The intention of the designation is to recognise this community value. The interpretation includes this clarification. Clause 2 of the policy applies design requirements which are relevant to this community value.

9. Policy KN12

Clause 5

Please respond to the query raised by SSC in their response to the Regulation 16 consultation.

E.V. charging points are now covered by Part L Building Regulations as amended 2021. The reference in clause 5 is specific to electric bikes and personal vehicles. The policy is flexible in terms of how the cycle storage could be provided. The interpretation could clarify this with examples. These could include garage space, specific enclosed space for cycles or for certain kinds of housing communal facilities.

Clauses 6 & 7

It is not clear how much parking should be provided to prevent addition to off-street parking. Any development would be required to comply with SSC Parking Standards. How could the requirements of these clauses be enforced and would such enforcement be justified?

Clauses 6 and 7 could be combined for clarity. The intention is to highlight the problem of on-street parking, rather than amending Local Plan parking requirements.

Clause 8

Please respond to the query raised by SSC. In addition, what evidence is available to support the requirement for mobility scooter charging points, and what level of provision would be required?

The requirements for E.V. charging is now superseded by Building Regulations. The reference to mobility scooters could be moved to clause 5.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the Parish Council and Local Authority websites.

I look forward to receiving your responses to these questions after the local elections.

Yours sincerely

Wendy J Burden

Examiner