

THE MUCH WENLOCK NEIGHBOURHOOD PLAN 2024 - 2038

**Report of the Examination into the**  
**Much Wenlock Neighbourhood Plan 2024 – 2038**

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To Shropshire Council  
And to Much Wenlock Town Council

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**Report of the Examination into the**  
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**1. Introduction**

*Neighbourhood planning*

1. The Localism Act 2011 Part 6 Chapter 3 introduced neighbourhood planning, including provision for neighbourhood development plans. A neighbourhood development plan should reflect the needs and priorities of the community concerned and should set out a positive vision for the future, setting planning policies to determine decisions on planning applications. If approved by a referendum and made by the local planning authority (as has happened here) such plans form part of the Development Plan for the neighbourhood concerned. Applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

2. This report concerns a proposed modification (“the Draft Plan”) to the Much Wenlock Neighbourhood Plan 2013-2026 which Shropshire Council (“SC”) approved in 2014 (“the Made NDP”). The neighbourhood area was designated on 12<sup>th</sup> September 2012 and is the parish of Much Wenlock. The Planning and Compulsory Purchase Act 2004 (“PCPA”) Schedule A2 provides the statutory framework for modifications of neighbourhood plans.

*Appointment and role*

3. SC with the consent of qualifying body, Much Wenlock Town Council (“MWTC”), has appointed me to undertake the independent examination of the Draft Plan in accordance with PCPA Sch A2 para 9(4). I am a planning barrister and am independent of SC, MWTC, and of those who have made representations in respect of the Draft NDP. I have been trained and approved by the Neighbourhood Planning Independent Examiner Referral Service and trained others who wish to be examiners. I have extensive experience both as a planning barrister and as a neighbourhood planning examiner. I do not have an interest in any land that is, or may be, affected by the Draft Plan.

4. My examination has involved considering written submissions and a detailed site visit on Saturday 18<sup>th</sup> October 2025. I have read and considered all the documents with which I have been provided.

*Shropshire Council’s determinations*

5. The proposal is a modification proposal as defined in the PCPA Sch A2, paragraph 1. Before referring the matter to me, PCPA 2004 Sch A2 paragraph 8 required SC to consider

whether the draft plan complies with the provision made by or under PCPA sections 38A and 38B and to be satisfied:

(a) that MWTC is authorised for the purposes of a neighbourhood development plan to act in relation to the neighbourhood area concerned as a result of the Town and Country Planning Act 1990 “TCPA” s 61F (as applied by PCPA s 38C(2)(a));

(b) that the proposal complies with provision made by or under s61F;

(c) that the proposal and the documents and information accompanying it (including the Draft Plan) comply with provision made by or under Schedule A2 paragraph 1; and

(d) that MWTC has complied with the requirements of regulations made under Sch A2 paragraph 4 of the Schedule imposed on it in relation to the proposal.

6. SC was satisfied with these. It was right to be so satisfied. These requirements in respect of modification proposals have been met.

## **2. My preliminary determination**

7. I must first determine whether the modifications contained in the Draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the Draft Plan would replace.<sup>1</sup> I determined that the modifications would be so significant as to change the nature of the Made Plan. The reasons for this determination were the same as those in the Modification Statement. In particular, I noted that the draft Plan contains 13 new policies.

## **3. My role**

8. My role may be summarised briefly as to consider whether certain statutory requirements have been met, to consider whether the Draft NDP meets the basic conditions, to consider human rights issues, to recommend which of the three options specified in paragraph 16 below applies and, if appropriate, to consider the referendum area. I must act proportionately, recognising that Parliament has intended the neighbourhood plan process to be relatively inexpensive with costs being proportionate.

## **4. Other Preliminary Matters**

### *Public consultation*

9. Consultation and community involvement are important parts of the process of producing a neighbourhood plan. Community engagement is summarised in the Draft NDP’s paragraphs 1.17 and 1.18. Details of Consultation are contained in the Consultation Statement. I am satisfied that MWTC took public consultation seriously and that consultation is accurately

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<sup>1</sup> PCPA Sch A2 para 10(1).

recorded in the Consultation Statement. Consultation has been sufficient and meets the requirements of the Neighbourhood Planning (General) Regulations 2012 (“the General Regulations”) and the human rights of occupiers of homes and of property owners.

*Other statutory requirements*

10. I am also satisfied of the following matters:

- (1) The neighbourhood area consists of the parish of Much Wenlock.<sup>2</sup> MWTC is authorised to act in respect of this area (Town and Country Planning Act 1990 (“TCPA”) s61F (1) as read with the Planning and Compulsory Purchase Act 2004 (“PCPA”) s38C (2)(a));
- (2) The Draft NDP does not include provision about development that is excluded development as defined in TCPA s61K (PCPA s38B (1)(b) and (6)), and does not relate to more than one neighbourhood area (PCPA s38B (1)(c));
- (3) No neighbourhood development plan has been made for the neighbourhood area other than the Made Plan;
- (4) There is no conflict with PCPA s38A and s38B (TCPA Sch 4B para 8(1)(b) and PCPA s38C (5)(b)); and
- (5) The Draft NDP specifies the period for which it is to have effect, namely 2024-2038, as required by PCPA s38B(1)(a).

11. I am satisfied with the Strategic Environmental Assessment Screening Statement (November 2024) and with the Habitat Regulations Assessment Screening Statement (November 2024).

**5. The Extent and Limits of an Examiner’s Role**

12. I am required to consider whether the Draft NDP meets the basic conditions specified in PCPA Sch A2 para 11(2), namely:

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Plan;*
- (b) the making of the Plan contributes to the achievement of sustainable development;*
- (c) the making of the 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);*
- (d) the making of the Plan does not breach, and is otherwise compatible with, assimilated obligations; and*

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<sup>2</sup> This is shown on the Draft NDP’s Figure 1

*(e) prescribed conditions are met in relation to the Plan and prescribed matters have been complied with in connection with the proposal for the Plan.*

13. There is one relevant prescribed basic condition:<sup>3</sup> *“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 2017.”* Chapter 8 comprises regulations 105 to 111.

14. TCPA Sch 4B para 8(6) and para 10(3)(b) and the Human Rights Act 1998 mean that I must consider whether the Draft NDP is compatible with Convention rights. ‘*Convention rights*’ are defined in the Human Rights Act 1998 as (a) Articles 2 to 12 and 14 of the European Convention on Human Rights (“the Convention”), (b) Articles 1 to 3 of its First Protocol, and (c) Article 1 of its Thirteenth Protocol, as read with Articles 16 to 18 of the Convention. The Convention rights that are most likely to be relevant to town and country planning are those under the Convention’s Article 6(1), 8 and 14 and under its First Protocol Article 1.

15. In my examination of the substantial merits of the Draft NDP, I may not consider matters other than those specified above.<sup>4</sup> In particular, I may not consider whether any other test, such as the soundness test provided for in respect of independent examinations under PCPA s20, is met.<sup>5</sup> Rather, Parliament has decided not to use the soundness test, but to use the, to some extent, less demanding tests in the basic conditions. It is important to avoid unduly onerous demands on qualifying bodies. It is not my role to rewrite a neighbourhood development plan to create the plan that I would have written for the area. It is not my role to impose a different vision on the community or to examine non-policy actions.

16. Having considered the basic conditions and human rights, I have three options, which I must exercise in the light of my findings. I must recommend:

- (a) that the local planning authority should make the draft plan,*
- (b) that the local planning authority should make the draft plan with the modifications specified in the report, or*
- (c) that the local planning authority should not make the draft plan.<sup>6</sup>*

17. My power to recommend modifications is limited by statute in the following terms:

*The only modifications that may be recommended are—*

- (a) modifications that the examiner considers need to be made to secure that the draft plan meets the basic conditions ...*

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<sup>3</sup> Sch 2 para 1 of the General Regulations prescribes this. PPG Reference ID: 41-079-20190509.

<sup>4</sup> PCPA Sch A2 para 11(3).

<sup>5</sup> Woodcock Holdings Ltd v. Secretary of State for Communities and Local Government [2015] EWHC 1173 (Admin), 1<sup>st</sup> May 2015, Holgate J., para 57; R. (Crownhall Estates Limited) v. Chichester District Council [2016] EWHC 73 (Admin) 21<sup>st</sup> January 2016, Holgate J., para 29; PPG Reference ID: 41-055-2018022.

<sup>6</sup> PCPA Sch A2 para 13(2).

- (b) modifications that the examiner considers need to be made to secure that the draft plan is compatible with the Convention rights,*
- (c) modifications that the examiner considers need to be made to secure that the draft plan complies with the provision made by or under sections 38A and 38B, and*
- (d) modifications for the purpose of correcting errors.<sup>7</sup>*

18. The word “only” prevents me recommending any other modifications. The fact that a modification would be of benefit is not a sufficient ground in itself to recommend it. So, for example, the fact that a policy could be strengthened or added to does not justify a modification unless this is necessary for the reasons given above. I must not take an excessively restrictive view of the power to recommend modifications, but must bear in mind Lindblom LJ’s explanation of its extent in his judgment in Kebbell Developments Ltd v. Leeds City Council.<sup>8</sup> Errors include statements that were correct when written, but have become out of date. I may not recommend a modification that would put the Draft NDP in breach of a basic condition or of human rights. When I conclude that a modification is necessary, I must, in deciding its wording, bear in mind material considerations including government advice. This includes the importance of localism. Where I properly can, my recommended modifications seek to limit the extent to which the substance of the Draft NDP is changed.

19. It is not my role to consider matters that are solely for the determination of other bodies such as SC, the Environment Agency or Historic England. Nor is it my role to consider matters that an NDP could consider, but which are not considered in the Draft NDP, unless this is necessary for my role as explained above. It is not my role to consider aspirations that are not policies.

## **6. Consideration of Representations**

20. I have read each representation and given it careful consideration, but have not felt it necessary to respond to all of them. Rather in accordance with the statutory requirement<sup>9</sup> and bearing in mind the judgment of Lang J in R. (Bewley Homes Plc) v. Waverley Borough Council,<sup>10</sup> I have mainly concentrated on giving reasons for each of my recommendations.<sup>11</sup> Where I am required to consider the effect of the whole Draft NDP, I have borne it all in mind. Substantial parts of the responses suggest additions to draft NDP. However, I can only recommend modifications for the reasons given in paragraph 17 above.

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<sup>7</sup> PCPA Sch A2 para 13(3).

<sup>8</sup> [2018] EWCA Civ 450, 14<sup>th</sup> March 2018, paras 34 and 35.

<sup>9</sup> PCPA Sch A2 para 13(5)(a).

<sup>10</sup> [2017] EWHC 1776 (Admin), Lang J, 18<sup>th</sup> July 2017.

<sup>11</sup> TCPA Sch 4B, para 10(6).

## **7. Public Hearing and Site Visit**

21. The general rule is that the examination of the issues by the examiner is to take the form of the consideration of the written representations.<sup>12</sup> However, an examiner must cause a hearing to be held for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that there are exceptional reasons for doing so, or in such other cases as may be prescribed.<sup>13</sup> Neither applies. I therefore did not hold a public hearing.

22. I decided that an unaccompanied site visit was necessary and held a detailed one on Saturday 18th October 2025. The weather was fine, there were no impediments to the visit and I was able to see all that I wished to see. The site visit included, but was not limited to, viewing: Much Wenlock, Bourton, Homer and Wigwig; all proposed non-designated heritage assets but one;<sup>14</sup> all proposed local green spaces; both conservation areas; and specific locations mentioned in representations. The site visit helped me to gain a sufficient impression of the nature of the area for the purpose of my role.

## **8. Basic Conditions and Human Rights**

### *Regard to national policies and advice*

23. The first basic condition requires that I consider whether it is appropriate that the NDP should be made “*having regard to national policies and advice contained in guidance issued by the Secretary of State*”. A requirement to have regard to policies and advice does not require that such policy and advice must necessarily be followed, but they should only be departed from if there are clear reasons, which should be explained, for doing so.<sup>15</sup>

24. The main document in which national planning policy is contained is the National Planning Policy Framework (December 2024) as amended slightly<sup>16</sup> on 7<sup>th</sup> February 2025 (“NPPF”) and I have borne that in mind. Other policy and advice that I have borne in mind includes national Planning Practice Guidance (“PPG”).

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<sup>12</sup> PCPA Sch A2 para 12(1); PPG Reference ID: 41-056-20180222.

<sup>13</sup> PCPA Sch A2 para 12 (2).

<sup>14</sup> Havelock Well, Stretton Road (proposed non-designated heritage asset 14), which is on a very overgrown wall.

<sup>15</sup> *R. (Lochailort Investments Limited) v. Mendip District Council* [2020] EWCA Civ 1259, Lewison LJ, 2<sup>nd</sup> October 2020, paras 6, 31 and 33.

<sup>16</sup> The amendments were to correct cross-references from footnotes 7 and 8 and to amend the paragraph 155’s first sentence and were not intended to change policy.

### *Contributing to the achievement of sustainable development*

25. The second basic condition means that I must consider whether the making of the Plan contributes to the achievement of sustainable development. Unless the Draft NDP, or the Draft NDP as modified, contributes to sustainable development, it cannot be made. This condition relates to the making of the Plan as a whole. It does not require that each policy in it must contribute to sustainable development. It does require me to consider whether constraints might prevent sustainable development and, if they might, whether the evidence justifies them. That involves consideration of site-specific constraints, both existing and those proposed in the Draft NDP. The total effect of the constraints in the Draft NDP when read with existing constraints must not prevent the achievement of sustainable development.

### *General conformity with the development plan's strategic policies*

26. The third basic condition means that I must consider whether the Draft NDP as a whole is in general conformity with the strategic policies contained in the development plan for the area of the authority. The development plan for the purpose of my examination does not include the made NDP.<sup>17</sup> It includes the Shropshire Core Strategy (adopted 2011) and the Site Allocations and Management of Development (SAMDev) Plan (adopted 2015). SC is at an early stage of preparing a new Local Plan for the period to 2045. It is anticipated that this will be adopted in 2028 and will establish a new settlement hierarchy with, where appropriate, growth strategies for settlements. This is not relevant to this basic condition.

27. The adjective '*general*' allows a degree of (but by no means unlimited) flexibility and requires the exercise of planning judgement. The Draft NDP "*need not slavishly adopt every detail*".<sup>18</sup> This basic condition only applies to strategic policies - there is no conformity requirement under it in respect of non-strategic policies in the development plan, or in respect of other local authority documents that do not form part of the adopted development plan, although such documents may be relevant to other matters. In assessing general conformity and whether a policy is strategic, I have borne in mind helpful PPG advice.<sup>19</sup> I have also borne in mind the relevant part of the judgment in *R. (Swan Quay LLP) v. Swale District Council*.<sup>20</sup>

### *Assimilated obligations*

28. The fourth basic condition requires me to consider whether the Draft NDP breaches, or is otherwise incompatible with, assimilated obligations (formerly retained EU obligations). I have in particular considered the following, together with the UK statutory instruments implementing them in England: the Strategic Environmental Assessment Directive

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<sup>17</sup> PCPA Sch A2 para 16.

<sup>18</sup> *Wiltshire Council v. Cooper Estates Strategic Land Ltd* [2019] EWCA Civ 840, para 3, 16<sup>th</sup> May 2019.

<sup>19</sup> PPG Reference IDs: 41-074-20140306; 41-075-20190509; 41-076-20190509; and 41-077-20190509.

<sup>20</sup> [2017] EWHC 420 (Admin), para 29, Dove J, 27<sup>th</sup> January 2017.

(2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); the Water Framework Directive (2000/60/EC); and the General Data Protection Regulation (2016/679/EU). I have also considered the judgment of the European Court of Justice in People Over Wind v. Coillte Teoranta.<sup>21</sup> I have borne in mind that proportionality is a concept of and underlies EU law and must be wary of requirements that would be disproportionate to the Draft NDP.

29. I am satisfied that no issue arises in respect of equality under general principles of EU law or any EU equality directive.

#### *Conservation of Habitats and Species Regulations 2017*

30. I am satisfied that the making of the NDP would not be incompatible with the prescribed basic condition and that it is not necessary to consider the matter further in this report.

#### *Human Rights*

31. The planning law of England and Wales in general complies with the Convention. This matter can be dealt with briefly in advance of further consideration of the contents of the Draft NDP. I have considered whether anything in the Draft NDP would cause a breach of any Convention right. The Convention rights that have been most relevant to town and country planning are those under the Convention's Article 6(1), 8 and 14 and under its First Protocol Article 1 and I have considered these. I have also considered last year's landmark judgment of the European Court of Human Rights' Grand Chamber in Verein KlimaSeniorinnen Schweiz and Others v. Switzerland,<sup>22</sup> which held that under article 8 a State has a positive obligation to implement sufficient measures to combat climate change. In Convention jurisprudence a State includes its emanations, including local government. First Protocol Article 1 reinforces the common-law principle that private property rights should not be removed without proper justification, and I have borne that in mind. Apart from those, nothing in my examination of the Draft NDP has required further consideration of human rights.

### **9. The Nature of the Neighbourhood Area**

32. In considering the contents of the Draft NDP I must consider the nature of the neighbourhood area. Its gist is well described in the Draft NDP. Much Wenlock parish is in Shropshire and includes the town of Much Wenlock, together with much smaller settlements including Bourton, Homer and Wigwig, and open countryside. Apart from Bourton church,

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<sup>21</sup> Case C-323/17, 12<sup>th</sup> April 2018.

<sup>22</sup> Application no. 53600/20, (2024) 79 EHRR 1, 9<sup>th</sup> April 2024.

there are no facilities in any settlement other than Much Wenlock. None of these other settlements is served by public transport. In 2021 census there were 3,907 residents living in the parish in 1,345 homes.

33. The parish has a wealth of heritage assets, including the medieval Wenlock Priory (a Scheduled Monument), numerous listed buildings (including three grade I<sup>23</sup>) and Conservation Areas (“CAs”) in Much Wenlock and Bourton. These make it an attractive destination for tourists.

34. Part of the western and northern areas of the parish are within the Shropshire Hills National Landscape and there are four Sites of Special Scientific Interest.

35. There are buses between Much Wenlock and Telford, Bridgnorth and Shrewsbury, Broseley and Oswestry. There is no railway station in the parish or in any adjoining parish.

## **10. The contents of the Draft NDP**

### *Introduction*

*Page 4, paragraph 1.1*

36. There is a small error in this paragraph. As the Foreword correctly states, the Made Plan runs until 2026.

#### **Recommended modification 1**

*Page 4, paragraph 1.1*

**Replace “2013-2026” with “2021-2026”.**

*Page 6*

37. Paragraph 1.12 was correct when written, but needs to be brought up to date and to be more detailed.

#### **Recommended modification 2**

*Page 6, paragraph 1.12*

**Replace the whole paragraph with “SC had been working on a review of their Local Plan, which had reached Examination stage. The Inspector wrote to SC on 17 February 2025 to set out concerns about the soundness of the plan. SC issued a letter on 13 March 2025, setting out their intention to withdraw the Plan from Examination. On 17 July 2025 SC’s Full Council made the decision to withdraw the Plan and it was formally withdrawn from**

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<sup>23</sup> Holy Trinity church Much Wenlock, Wenlock Abbey and the Priory of St Milburga (Ruins).

**examination on 25 July 2025. On 12 February 2025 SC’s cabinet agreed that the evidence base supporting the now withdrawn emerging Plan forms a material consideration in decision making on relevant planning applications, to support the implementation of the presumption in favour of sustainable development. This includes planning applications for new development on sites proposed to be allocated in the now withdrawn Plan.”**

*A vision and objectives for Much Wenlock*

*Page 13*

38. The third indent on this page, “keeping sites free from development if they have the potential to be used to slow down the flow of surface water through engineering or natural means”, while understandable in the light of Much Wenlock’s history of serious flooding, is too absolute. What is required is keeping sufficient land with such potential free, not all sites if fewer will suffice and not the whole of a site if only part of a site is needed. Also, not all development would impede such use. Without modification the indent could prevent the achievement of sustainable development and indeed prevent development the net effect of which was to reduce the risk of flooding. The same applies to page 44

Recommended modification 3

*Page 13, objective 3 and page 44, objective 3*

**Replace the 3<sup>rd</sup> indent page 13 and the 6<sup>th</sup> indent on page 44 with “keeping sufficient land that has the potential to be used to slow down the flow of surface water through engineering or natural means free from development that would prevent such use”.**

39. There is an obvious minor error in the final line. This is repeated on page 82.

Recommended modification 4

*Page 13 final line and page 82 second indent*

**Delete “are created”.**

*Spatial strategy and housing*

*Page 16, policy MW1*

40. Part B of policy MW1 is too demanding. Criteria (i) and (iii) should be alternatives, not cumulative requirements. Appropriate factors for a national landscape are not always relevant to other designations. For example, tranquillity is not required for all listed buildings, all local green spaces or for geological SSSIs. The Part could prevent the achievement of sustainable development and requires modification.

Recommended modification 5

*Page 16, policy MW1*

**Replace Part B with:**

**“Development proposals outside the defined development boundary (as shown in the most recent development plan) will only be supported where appropriate consideration is given to the effect on designated sites and they involve:**

- i. development supported in such locations in national and local planning policies; or**
- ii. the proposal is a "rural exceptions scheme" delivered in accordance with Policy MW3;**
- or**
- iii. where appropriate, it brings redundant or vacant agricultural or farm buildings or historic buildings of heritage value back into viable optimal use consistent with their conservation in a manner that does not cause harm in terms of additional traffic.”**

Good Quality Design, Local Character and Heritage

*Page 79*

41. Policy MW20 C (i) refers to “the relevant Conservation Area Management Plan”. Neither of the parish’s two CAs has a Management Plan and SC has no intention at present to produce a management plan for either area. In these circumstances it is confusing to refer to a Management Plan. Should such a plan unexpectedly be created, relevant content would in any event be capable of being a material consideration in development management. I recommend removal of this requirement.

Recommended modification 6

*Page 79, policy MW20 C (i)*

**Delate “i. be guided by the relevant Conservation Area Management Plan; and” and renumber the rest of the policy.**

*Page 80, paragraph 4.146*

42. There is a minor error at the end of this paragraph.

Recommended modification 7

*Page 80, paragraph 4.146*

**Replace “Appendix D” with “ Appendix E”.**

Green and Open Spaces, Local Landscape and Wildlife

Pages 83 to 85 Local Green Spaces

43. Pages 83 to 85 and Appendix E consider 8 proposed local green spaces (“LGSs”), namely:

1. The Railway Walk
2. Windmill Hill
3. Gaskell Recreation Ground
4. Southfield Road green space
5. Havelock Crescent green space
6. Hunters Gate
7. Cemetery on Bridgnorth Road
8. Allotments on Southfield Road

44. These are shown on Figure 17. The first six are designated LGSs in the Made Plan. The last two are new are designated as LGSs:

45. The NPPF provides for LGSs in its chapter 8, which is headed “Promoting healthy and safe communities”. Under the sub-heading “Open Spaces and Recreation”, its paragraphs 106 and 107 state:

*106. The designation of land as Local Green Space through... neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*

*107. The Local Green Space designation should only be used where the green space is:*

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.”*

46. These paragraphs are central to any consideration of whether land should be designated as an LGS. They should be followed unless there is a sufficiently good reason not to do so and none is apparent to me. In considering the proposed LGS designations, I have borne in mind the judgment of the Court of Appeal in R. (Lochailort Investments Ltd) v Mendip District Council.<sup>24</sup> The phrase in paragraph 101 “*capable of enduring beyond the end of the plan*

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<sup>24</sup> [2020] EWCA Civ 1259, 2<sup>nd</sup> October 2020.

*period*” was given specific consideration. While this is a less demanding policy than applies to Green Belt designation where the stronger “*permanently*” is used, it is still important.

47. I have viewed each proposed LGS. Bearing in mind the documents that I have read and what I have seen, I am satisfied that the whole of each site satisfies NPPF paragraphs 106 and 107 and that their designation would not conflict with a basic condition or with a Convention right. Each should be designated as an LGS.

*Page 92, figure 20*

48. The symbols on the first row of the figure are not explained in the draft NDP and are by no means so clear that their meaning would be apparent to all reasonable readers. They should be explained.

Recommended modification 8

*Page 92, paragraph 4.174*

**Replace the symbols in the first row with: “Biodiversity & Geology”; “Landscape, Heritage & Culture”; “Water Resources”; “Active Travel, Access & Recreation”; “Health & Wellbeing”; and “Climate Change”. This text can be written vertically.**

Appendices

*Page 126, Description*

49. The former railway station house is now two dwellings, not one.

Recommended modification 9

*Page 126, Description*

**Replace “Private dwelling” with “Private dwellings”.**

*Page 146*

50. There is a minor error in of the title.

Recommended modification 10

*Page 146, title*

**Replace “Appendix F” with “Appendix E”.**

*Page 150*

51. There are minor errors with the name William Penny Brookes in two places.

Recommended modification 11

*Page 150*

**Replace “penny” with “Penny” in the two places where this occurs.**

*Page 153.*

52. The Havelock Crescent Green Space is to the west, not the east of the town centre.

Recommended modification 12

*Page 153, title*

**Replace “east” with “west”.**

*Page 162*

53. There is a minor error in the title.

Recommended modification 13

*Page 162, title*

**Replace “Appendix G” with “Appendix F”.**

## **11. Updating**

54. It may be that parts of the draft NDP will need updating. Nothing in this report should deter or delay appropriate updating prior to the referendum in respect of incontrovertible issues of primary fact. For example, if Prior’s Lodging and Infirmary part of the Wenlock Priory were removed from the Register of Heritage at Risk, it would be appropriate to update paragraph 4.149.

## **12. The Referendum Area**

55. I have considered whether the referendum area should be extended beyond the designated plan area.<sup>25</sup> However, I can see no reason to extend the area and therefore recommend that the referendum area be limited to the neighbourhood area, the parish of Much Wenlock.

## **13. Summary of Main Findings**

56. I commend the Draft Plan for being clear and a pleasure to read, and for the thought and effort that has gone into its creation. It has struck the right balance between intelligibility to a lay person and the use of technical words that ensure precision.

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<sup>25</sup> PPG Reference ID: 41-059-20140306.

57. I recommend that the Draft Plan be modified in the terms specified in Appendix A to this report to meet basic conditions and to correct errors. I am satisfied with all parts of the Draft Plan to which I am not recommending modifications.

58. With those modifications, the Draft Plan will meet all the basic conditions and human rights obligations. Specifically:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it will be appropriate to make the Plan;
- The making of the Plan will contribute to the achievement of sustainable development;
- The making of the Plan will be in general conformity with the strategic policies contained in the development plan for the neighbourhood area;
- The making of the Plan will not breach, and will not otherwise be incompatible with, assimilated obligations;
- The making of the Plan will not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and
- The Plan will be compatible with Convention rights contained in the Human Rights Act 1998.

59. I recommend that SC should make the Draft Plan with the modifications specified in Appendix A to this report.

Timothy Jones, Barrister, FCI Arb,  
Independent Examiner,  
No 5 Chambers  
7<sup>th</sup> November 2025.

## **Appendix A: Recommended Modifications**

### **Recommended modification 1**

*Page 4, paragraph 1.1*

**Replace “2013-2026” with “2021-2026”.**

### **Recommended modification 2**

*Page 6, paragraph 1.12*

**Replace the whole paragraph with “SC had been working on a review of their Local Plan, which had reached Examination stage. The Inspector wrote to SC on 17 February 2025 to set out concerns about the soundness of the plan. SC issued a letter on 13 March 2025, setting out their intention to withdraw the Plan from Examination. On 17 July 2025 SC’s Full Council made the decision to withdraw the Plan and it was formally withdrawn from examination on 25 July 2025. On 12 February 2025 SC’s cabinet agreed that the evidence base supporting the now withdrawn emerging Plan forms a material consideration in decision making on relevant planning applications, to support the implementation of the presumption in favour of sustainable development. This includes planning applications for new development on sites proposed to be allocated in the now withdrawn Plan.”**

### **Recommended modification 3**

*Page 13, objective 3 and page 44, objective 3*

**Replace the 3<sup>rd</sup> indent page 13 and the 6<sup>th</sup> indent on page 44 with “keeping sufficient land that has the potential to be used to slow down the flow of surface water through engineering or natural means free from development that would prevent such use”.**

### **Recommended modification 4**

*Page 13 final line and page 82 second indent*

**Delete “are created”.**

### **Recommended modification 5**

*Page 16, policy MW1*

**Replace Part B with:**

**“Development proposals outside the defined development boundary (as shown in the most recent development plan) will only be supported where appropriate consideration is given to the effect on designated sites and they involve:**

**i. development supported in such locations in national and local planning policies; or**

- ii. the proposal is a "rural exceptions scheme" delivered in accordance with Policy MW3;**
- or**
- iii. where appropriate, it brings redundant or vacant agricultural or farm buildings or historic buildings of heritage value back into viable optimal use consistent with their conservation in a manner that does not cause harm in terms of additional traffic."**

Recommended modification 6

*Page 79, policy MW20 C (i)*

**Delate "i. be guided by the relevant Conservation Area Management Plan; and" and renumber the rest of the policy.**

Recommended modification 7

*Page 80, paragraph 4.146*

**Replace "Appendix D" with " Appendix E".**

Recommended modification 8

*Page 92, paragraph 4.174*

**Replace the symbols in the first row with: "Biodiversity & Geology"; "Landscape, Heritage & Culture"; "Water Resources"; "Active Travel, Access & Recreation"; "Health & Wellbeing"; and "Climate Change". This text can be written vertically.**

Recommended modification 9

*Page 126, Description*

**Replace "Private dwelling" with "Private dwellings".**

Recommended modification 10

*Page 146, title*

**Replace "Appendix F" with "Appendix E".**

Recommended modification 11

*Page 150*

**Replace "penny" with "Penny" in the two places where this occurs.**

Recommended modification 12

*Page 153, title*

**Replace "east" with "west".**

Recommended modification 13

*Page 162, title*

**Replace “Appendix G” with “Appendix F”.**

## **Appendix B: Abbreviations**

The following abbreviations are used in this report:

CA	Conservation Area
Convention	European Convention on Human Rights
Draft NDP	Much Wenlock Neighbourhood Plan 2024 – 2038
EU	European Union
General Regulations	Neighbourhood Planning (General) Regulations 2012 (as amended)
LGS	local green space
Made NDP	Much Wenlock Neighbourhood Plan 2013 - 2026
MWTC	Much Wenlock Town Council
NDP	Neighbourhood Development Plan
NPPF	National Planning Policy Framework (December 2024)
para	paragraph
PCPA	Planning and Compulsory Purchase Act 2004 (as amended)
PPG	national Planning Practice Guidance
s	section
SC	Shropshire Council
Sch	Schedule
TCPA	Town and Country Planning Act 1990 (as amended)

Where I use the verb *'include'*, I am not using it to mean *'comprise'*. The words that follow are not necessarily exclusive.