

**Branston Neighbourhood Plan**

**Consultation Monday February 9<sup>th</sup> 2015 – Monday March 23<sup>rd</sup> 2015**

**Regulation 16 representations**

Representation number	Person or organisation	Policy	Representation	Do they want to be informed of decision?
BR001	ESBC	Various	<p><b><u>THESE COMMENTS CONTAIN THE VIEW OF PLANNING POLICY, DEVELOPMENT CONTROL AND HOUSING STRATEGY.</u></b></p> <p><b><u>(Environmental Health have no comments)</u></b></p> <p><u>ALL POLICIES</u> Delete lists of Local Plan 2014 policies, it is not a basic condition to be in conformity with emerging strategic policy.</p> <p><u>Para 3</u> “contiguous” [= abutting each other along a common border] should be “coterminous” [=extending over the same area and having exactly the same border]</p> <p><u>Para 42</u> last line “...for identified improvements <u>if</u> this becomes available.”</p> <p><u>Objective 2</u> - Not sure how they can implement this –it is the responsibility of SCC and the developer to take into account schooling needs and make sure they are properly met. Might be better phrased as “To ensure future developments address the pressures on the local infrastructure the large rise in the parish’s population these developments will generate, and that they provide for local needs (Neighbourhood Plan Policies B1, B2, B12, B13, B15, B16)</p> <p><u>Policy B1 and Map 2</u> – The first list is purportedly of existing routes (“The following routes are...much valued by the community and development will be expected to contribute towards their improvement”) But the first one doesn’t yet exist</p>	-

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			<p>according to the second bullet - its referred to as "proposed". The others are a mix of existing and non-existent.</p> <p>Map 2 only covers part of the parish, is headed "Proposed extension of cycle routes/walking routes" and yet shows only existing PROWs and permissive paths and cycle paths. The map is not easy to read with no Parish boundary.</p> <p>In the para after the bullet points replace" through the Parish's Community Infrastructure Levy contribution" with "through the Community Infrastructure Levy if this is introduced for East Staffordshire."</p> <p>Some thought will also need to be given to the amount of contribution that might be reasonable if the scheme developer is not to deliver the proposed improvement as part of their scheme. Usually a sum per dwelling created is determined for s.106 agreements, where the cycle/walking route is directly related to the development scheme.</p> <p><u>Policy B2</u> - Doesn't seem to have any supporting text. How will developers be expected to support public transport improvements to local employment? Through a Travel Plan, for larger developments? Without evidence and some justification for the policy the examiner will likely delete the policy. Ann Skippers suggests that the policy list the specific improvements the community require - the areas that need better links, if better waiting facilities are needed, etc.</p> <p><u>Para 64</u> Mention the use of timber in building and coppiced wood as fuel as locally distinctive features within the National Forest?</p>	

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			<p><u>Policy B3</u> – 2<sup>nd</sup> para - perhaps the 2<sup>nd</sup> para could be drafted a little more positively e.g. “Development higher than two storeys may be appropriate in certain locations where it would not interfere with views [of surrounding countryside ?] or would be acceptable with regard to such design considerations as overlooking, overshadowing, or being overbearing to the streetscene”</p> <p>Last para - there is also an ESBC daughter doc to the “Reuse of Rural Buildings SPD which was produced by English Heritage:  <a href="http://www.eaststaffsbc.gov.uk/filedepot_download/747/438">http://www.eaststaffsbc.gov.uk/filedepot_download/747/438</a></p> <p><u>Policy B4</u> Add in “defined as major for planning application purposes” after “development” in first sentence. There doesn’t seem to be any supporting/introductory text for this policy.</p> <p><u>Para 67</u> - A few words on the differences between the 2 environment character areas might be helpful.</p> <p><u>Para 74</u> Confusion here between local listing and local heritage assets. Suggest adopt just one term, perhaps local heritage list as in Policy B5. Trees can’t be locally listed (as they can’t be statutorily listed). If they don’t have a Tree Preservation Order on them, then perhaps this should be sought.</p> <p>It would be helpful to have these locations mapped.</p> <p>“The house on the left hand side of the pathway to the Scout Hut, Ivy Cottage, 43 Main Street “ - Confusing. Is it another house on the way to Scout Hut and Ivy Cottage and 43, Main</p>	

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			<p>Street? Does it not have a door number/name?</p> <p>Tatenhill Well – Assume this is in the top end of Tatenhill in Branston parish, but if it's in Tatenhill parish, need to take it out.</p> <p>Might be helpful to have a short justification for listing - this can be made fuller when ESBC do a local list document for whole Borough, bringing together those identified in NPs. the buildings at a later date?</p> <p><u>Policy B5</u> – first line – replace “approved” with “prepared”.</p> <p><u>Policy B6</u> – penultimate para – “is protected from new development” needs qualifying, perhaps by adding “that would harm the features that contribute to creating this historic landscape”.</p> <p><u>Policy B10</u> - Mention could be made of building to recognised codes such as Code for Sustainable Homes or Buildings for Life, otherwise it is not clear what developers are expected to achieve. However, the Local Plan will mention these in its policies.</p> <p><u>Policy B13</u> – We tend to suggest that a slightly amended parking standard for affordable housing:</p> <ul style="list-style-type: none"> <li>1-bedroom dwellings: 1 space</li> <li>2-bedroom dwellings: 1.5 spaces</li> <li>3-bedroom dwellings: 2 spaces</li> <li>4-bedroom dwellings: 2 spaces</li> </ul> <p><u>Table 1/Policy B14</u> – Local Green Spaces. Having set out the</p>	

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			<p>NPPF criteria in para 97, and summarised these in the second column heading of Table 1, the information given for each site is a little sparse. Each site has to meet <u>each</u> criterion, not just one or two. Therefore, for each site, there should be a demonstration of how it meets each criterion. For example, the distance to the local community needs to be recorded, as should the area of the LGS (to prove it is not an 'extensive tract'), as well as the special qualities. Examiners are very strict on this, and also on there being evidence that all landowners have been contacted. LGS designation policies are routinely being reduced or deleted by examiners. There must be evidence that each of them meet all of the criteria plus evidence of community use/value when the examiner goes on the site visit. Most of the LGS's are existing parks and open spaces. ESBC have no objection to existing open spaces in their ownership being designated as Local Green Spaces: Regents park open space, Toadhole (leased to Parish Council), Beans Covert, Branston Golf course (leased to Golf club).</p> <p>Last para of Policy B14 – Once approved, a Local Green Space would have a similar level of protection as Green Belt, which severely limits the types and scale of development that might be acceptable. Thus making an exception for what might be a fairly large development may undermine the policy, so it might be safer to remove any land the parish feels would be able to take school extensions or new development from the LGS designation. Even if the policy stays as it is, the acceptability of the policy to SCC needs to be checked, and the desirability of providing off-site open space verified. If the latter is required, it would tend to suggest that the open space loss on-site might</p>	

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			<p>compromise the role of the site as an LGS.</p> <p><u>Before para 98</u> – insert a ‘Protection of Local Community Facilities’ heading here.</p> <p><u>Policy B15</u> -‘Locality’ describes Community Assets as follows: <i>“Community assets are land and buildings owned or managed by community organisations. These assets cover a wide spectrum and include town halls, community centres, sports facilities, affordable housing and libraries. Not all land and buildings are community assets. We believe that land and buildings are only community assets if they are capable of generating a profit that can be reinvested into activities that benefit the community.”</i> If the parish want to designate community assets, they need to be specifically identified, and the proposed means of managing each one set out. If this is not what is intended here, another term to replace ‘community asset’ is necessary.</p> <p>Also, at the end of the Policy, delete “Parish Council” and insert “local planning authority”.</p> <p><u>Policy B16</u> Simply asking for new school playing fields and facilities to be made available to the community may not be enforceable in a s.106 agreement because it can be down to the Head Teacher’s discretion as to whether or not facilities are opened to the public. It might be better to strengthen the Policy slightly by requiring the new school to be designed from the outset to be dual-use to allow public access to certain facilities when not being used by the pupils (without compromising the security of the rest of the school).</p> <p><u>Section 6 – Aspirations and Priorities</u> - It might be prudent to make it clear that this is not part of the NP, but an appendix to it. If it is intended to include these as NP proposals, then means</p>	

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			<p>of implementation, including evidence of landowner agreement, funding etc, needs to be given.</p> <p><u>Appendix 1</u> – delete list of Submission Local Plan 2014 policies, as the content –and numbering- of them are likely to change. The NP has to be in general conformity with the 2006 Local Plan. Not really necessary to set out NPPF policies, either.</p> <p>Housing Strategy: Policy B4 – Character Areas</p> <p>1. The policy states that <i>all</i> new development should be subdivided into different character areas. This will not be possible or appropriate for developments of one or just a few buildings. It is questionable at what scale of development this becomes feasible and appropriate.</p> <p>2. The policy says that each of these [character areas] should have its own identity achieved through the use of a variety of scale, <i>density</i>, enclosure and materials. This implies that housing character areas must have different densities, which may not always be appropriate and which would definitely not be appropriate if it meant segregation of different types and tenures of housing. The new East Staffordshire Local Plan is likely to require that different sizes and tenures of housing shall be fully integrated by means of dispersal around a site. The word density should therefore be removed. I suggest the policy should avoid being prescriptive, as follows: “...should have its own identify achieved <i>by using such means as</i> variety of scale, <i>style</i>, enclosure and materials.”</p> <p>Policy B7 – Health and Well-Being</p> <p>1. The policy as written refers to all development. However it</p>	

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			<p>will not be applicable to all development. Some aspects appear to specifically relate to new housing development. Hence the policy could usefully be clearer about which types of development are meant.</p> <p>2. Consultation with the community about the preferred approach to food growing; who are the community? The community which will live on new housing sites will be new community not existing residents.</p> <p>19<sup>th</sup> March 2015</p>	
BR002	Sport England	B7,B8, B14, B16, Objective 1, Objective 7, Section 6, Table 1, Vision	<p>Policy B7 – sports activity makes a significant contribution to physical and mental wellbeing. This should be acknowledged in this policy and the protection/provision of sports facilities seen and planned for as part of fulfilling this objections.</p> <p>Policy B8 – this policy should cross reference the more recently adopted East Staffordshire Outdoor Sports Investment and Delivery Plan in relation to the provision of sports pitches and outdoor sports facilities, as well as the open space SPD.</p> <p>Policy B14 – this policy protects certain sports facilities (Branston Golf Course and Branston Cricket Club for example) but does not justify why these sports facilities are more important to protect than others. Ref. to the recently adopted Outdoor Sports Investment and Delivery Plan for East Staffordshire would inform which outdoor sports sites need to be protected for sports reasons (as opposed to biodiversity etc.) and policy should be informed and compliant with this evidence base. See comments on Objective 1 and B14 re school sports</p>	Yes



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			<p>playing field protection.</p> <p>Sport England generally supports securing access to school playing fields for community use (par 99). Care however needs to be taken as new schools are now built to minimum standards with the area of playing field dictated by pupil numbers.</p> <p>Expansion of existing schools (some of which already have sub-standard outdoor sports provision, puts more pressure on this space but it means the grass playing fields, do not have sufficient capacity to offer community use (grass being a natural resource with limitations on usage).</p> <p>Policy B14 and 15 protect open space and existing local community facilities but, other than par. 100 and Policy B16 that related just to a new school, there does not appear to be a policy to PROVIDE new facilities? Certainly in relation to sport there is not enough outdoor sports provision and the Outdoor Sports Investment and Delivery Plan recommends measures to address this, such as a network of sports hubs.</p> <p>Policy B16 – the policy objectives of maximising open space on the school and making playing field and other school facilities available for community use is in principle supported.</p> <p>Education funding will only fund basic provision of indoor and outdoor sports facilities to meet curricular needs. Given the shortfall in playing fields and sports hall capacity in the Borough, being able to increase the school footprint to provide a bigger area of playing field and upgrading the sports hall specification to one that is suitable for community use (e.g. has better changing rooms, a reception area, more storage etc.) is important if this policy is deliverable. The need for the community facilities has already been established via the</p>	

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			<p>Outdoor Sport plan referred to above as well as some sports hall modelling undertaken by Sport England to inform the Local Plan. In order to deliver this objective/policy however will require some CIL/S106 monies to be directed at the school to supplement education funding to ensure the school is fit for purpose as a community facility.</p> <p>Playing fields and any new sports facilities designed for community use should be designed to accord with Sport England's design guidance (see link below) to ensure it is fit for purpose.</p> <p><a href="http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/">http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/</a></p> <p>Sport England therefore recommends CIL/S106 monies are identified and targeted at the school and that new sports facilities are required to meet SE standards (as opposed to more basic education build standards).</p> <p>School Expansion: Objective 1 – school expansion is inevitable at a time of population growth but we are experiencing some pressures on outdoor sports facilities on school sites due to building plans. More pupils need more classrooms and this is often planned to be constructed on the playing fields that can lead to losses. It is as important to have outdoor space for learning and activity as well as indoor but the outdoor space is often being compromised as it is green and flat and easy/cheap to develop. It would help if the policy in the NP would seek to ensure any school expansion did not take place if it would cause loss of playing field.</p> <p>Objective 7 – to maintain and enhance existing community</p>	

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			<p>facilities – this is supported but there will be a need for new community facilities too? The Outdoor Sport and Recreation Investment and Delivery Plan for example has identified a need for additional sports facilities, one action of delivery is a new sports hub immediately adjacent to the NP area boundary, to meet the needs of new homes built within the NP area.</p> <p>Section 6 – (i) Given policy seeks to deliver a new secondary school, which will need to be enhanced/enlarged for it to be suitable for community use as well as curricular use, then policy and priorities for S106/CIL funding should be identified in this section of the plan.</p> <p>(ii) Given there is an identified need to provided additional sports facilities to meet deficits/growth in demand (as set out in the Outdoor Sport and Delivery Plan), these priorities should also be identified and prioritised. Whilst the new sports hub is located just outside the NP boundary there may be a case here for some cross boundary investment given the need arises within the NP area but the solution is planned just outside.</p> <p>Table 1, page 20. Does this table protect all existing playing fields in the NP area? If not, why not – it only appears to protect one cricket field? It would make the plan more robust and compliant if both protected all existing and planned for additional facilities, especially as Par 47 notes the shortfall of playing field that the East Staffordshire Outdoor Sports Investment and Delivery Plan seeks to resolve by the allocation of 5 sports hubs across the district, one of which is immediately adjacent to the NP area and will be needed to support growth in demand arising from housing in the NP area. This could be a</p>	

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			<p>critical link in order to secure CIL (see par 52) for its delivery or development.</p> <p>Vision - There is an absence of vision around improved health and wellbeing – is this intended? It would appear to be a gap given there are specific policies on this theme (B7).</p>	
BR003	Coal Authority	All	<p>Thank you for the notification of the 9 February 2015 consulting The Coal Authority on the above</p> <p>The Coal Authority is a non-departmental public body which works to protect the public and the environment in coal mining areas. Our statutory role in the planning system is to provide advice about new development in the coalfield areas and also protect coal resources from unnecessary sterilisation by encouraging their extraction, where practical, prior to the permanent surface development commencing.</p> <p>As you will be aware the neighbourhood plan area is located within the defined coalfield although it lies on the deep coal resource only. No surface coal resources are present and no mining legacy risks are present in the plan area. Therefore The Coal Authority has no specific comments to make on the Neighbourhood Plan.</p> <p>In the spirit of ensuring efficiency of resources and proportionality it will not be necessary for you to provide The Coal Authority with any future updates to the emerging Neighbourhood Plan. This letter can be used as evidence for the legal and procedural consultation requirements.</p>	No

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			<p>The Coal Authority wishes the plan team every success with the preparation of the Neighbourhood Plan.</p> <p>Yours sincerely</p> <p><b>Miss Rachael A. Bust</b> <i>B.Sc.(Hons), MA, M.Sc., LL.M., AMIEnvSci., MInstLM, MCMI, MRTPI</i>  <b>Chief Planner / Principal Manager</b></p>	
BR004	Environment Agency - Sarah Dawson	B8	<p>I refer to your email of the 9 February 2015 concerning the above. We have reviewed the information and have the following response:</p> <p>We welcome the changes made as recommended in our response of 8 July 2014 to Kay Lear, namely in Policy B8 in regards to sustainable drainage p41 and in Policy B10 in regards to flooding p43.</p> <p><b>Mrs Sarah Dawson</b>  <b>Planning Advisor (Sustainable Places Team)</b></p>	

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B005	Natural England	Whole document	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England (NE) has reviewed the Branston Neighbourhood Development Plan (BNDP) and considers that, in general terms, it addresses the natural environment extremely well. We commend the BNDP Steering Group and its partners for the production of a Plan which heralds a confident and positive position towards the natural environment. In addition, NE offer the following comments:</p> <p><b><u>Branston Neighbourhood Development Plan 2014-2031 (BNDP)</u></b></p> <p>Clearly, the BNDP Area will be subject to considerable change over the Plan period given the substantial new residential and mixed use developments which are planned to come forward during this period (paragraph 10). This document will, therefore, be vitally important not only in helping to improve the area for the existing communities, but also in helping shape the design of the new development including its integration with existing development and amenities. With this in mind, we welcome and support the BNDP's adoption of a multi-functional green infrastructure (GI) approach towards the conservation, enhancement and creation of green networks and spaces within the Plan Area (paragraph 51).</p>	

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			<p>Multi-functional GI can involve habitats and green spaces resulting from a need to mitigate or compensate for unavoidable losses or impacts, in addition to spaces which may not be priority habitat but which provide a wide range of functions of benefit to the development and community.</p> <p>Such functions include improved flood risk management, provision of accessible green spaces, climate change adaptation, biodiversity and landscape enhancement (including better functionality of local ecological networks) as well as quality of life benefits for the local community (including health and economic well-being and access to wildlife).The provision of GI is supported by the National Planning Policy Framework (NPPF, DCLG March 2012).</p> <p>Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England <a href="#">Green Infrastructure web pages</a>.</p> <p><b>3. Key Issues Facing Branston</b></p> <p><i>Issue 5 – Cycling and Walking (paragraph's 39 &amp; 40)</i>  NE supports identification of the need to improve facilities which encourage cycling and walking throughout the Plan Area specifically including connectivity from the urban area to the open countryside. We also support identification of the need to extend and improve the existing cycle and pedestrian route networks. Connectivity to Branston Water Park</p>	

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			<p>via the Trent and Mersey Canal towpath would appear a significant opportunity area that needs exploring. We advise such opportunities are considered alongside those relating to the wider GI network.</p> <p><i>Issue 7 – Community Facilities (paragraph’s 46 &amp; 47)</i>  We support the need to consider the impacts on existing services, including existing open space and sports provision, that the new development proposed may incur and recommend further provision be provided, as required. We advise that multi-functional GI be considered an option in this provision, as appropriate.</p> <p><i>Issue 8 – Protection of Local Green Space and Countryside (paragraph’s 48 – 51)</i>  We support recognition of the need to protect and enhance existing green spaces for people <u>and</u> wildlife, as appropriate. We welcome the inclusion of a specific reference to GI and the needs of local biodiversity (paragraph 51). We further support recognition of opportunities to improve accessibility to the River Trent, Battlestead Hill and the National Forest Adventure Farm as part of improvements to the area’s GI network. NE recognises there is a clear overlap here with the cycling and walking opportunities identified at Issue 5.</p>	



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			<p><b>4. Vision and Objectives</b> (minor numbering amendment required within BNDP)</p> <p><i>Vision</i> NE supports. No amendments required.</p> <p><i>Objectives</i> 4. Recommend amendment to 'To improve cycle and walking <u>network</u> ...etc' as this encompasses 'creation' of new routes as well as enhancement of existing.</p> <p>6. Recommend amendment to 'To protect <u>and enhance</u> local green <u>infrastructure</u> ...etc' to ensure this encompasses wider GI amenities than simply 'green spaces'.</p> <p><b>5. Branston NDP Policies</b></p> <p><i>5.1 – Integrating New Development into Branston (Policy B1)</i> NE supports. No amendments required.</p>	

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			<p><i>5.3 - Shaping What Happens on New Development Sites (paragraph's 77-82)</i>  NE welcomes the recognition of the relevance of Natural England's 'Trent Valley Washlands' National Character Area (NCA) profile and the associated Statement's of Environmental Opportunity. We also support the recognition of the 2009 East Staffordshire GI Strategy and its intended multi-functional GI approach towards open space and networks. No amendments required.</p> <p><i>Landscape Design and the Natural Environment (paragraph's 83- 91); Policy B6 – Local Landscape Character; Policy B7 – Health and Well Being</i>  NE supports. No amendments required.</p> <p><i>Policy B8 - Landscaping and Protecting Biodiversity</i>  NE commends this Policy for the protection and enhancement of local biodiversity. It seeks to support and enhance specific site's of recognised ecological value as well as seeking to maximise opportunities to enhance a wide range of GI and priority habitat. NE also welcomes the inclusion of the objectives of the Central Rivers Initiative (CRI) and National Forest, both of which we are familiar and support. No amendments required.</p>	

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			<p><i>Policy B9 – Open Space in New Developments</i>  We commend and support the proposed adoption of a GI approach for all new public open space proposals in the interests of both local people and wildlife. We welcome the reference of the need to consider and promote connectivity via open space proposals, in both design and layout. No amendments required.</p> <p><i>Local Green Space (96-97, Policy B14 and Table 1)</i>  NE does not have the local knowledge to provided support for individual areas identified for protection (Table 1). We would simply add that identified areas of protected local green space should also be considered as with regards their potential multi-functional GI value and connectivity opportunities.</p> <p><b><u>Other Advice</u></b>  The following is offered as general advice to assist Branston Parish Council and the Neighbourhood Plan Steering Group:</p> <p>We would like to draw your attention to the joint guidance issued by Environment Agency, English Heritage, Forestry Commission and Natural England which can be found at <a href="http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/LIT_6524_7da381.pdf">http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/LIT_6524_7da381.pdf</a></p>	

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			<p><b>Sites of Special Scientific Interest (SSSIs)</b>  We note that there are no SSSI's within the BNDP Area boundary. Neither do any lie within close proximity to the Area boundary.</p> <p><b>Protected species</b>  We recommend that reference is made to the Natural England Standing Advice for Protected Species which is available on the gov.uk website. It helps local planning authorities better understand the impact of development on protected or priority species should they be identified as an issue at particular developments. This also sets out when, following receipt of survey information, the authority should undertake further consultation with Natural England.</p> <p><b>Local Sites</b>  From our understanding of the Plan Area from the BNDP, there are a number of Local Site's of ecological importance designated either within, or directly adjoining, your Plan Area (i.e. Branston Gravel Pits Local Wildlife Site [LWS]; Battlestead Hill and the Rough LWS; Drakelow Wildfowl Reserve LWS; Trent Valley Washlands LWS; Shobnall Dingle LWS; Pool Green LWS and Branston Water Park Local Nature Reserve [LNR]). There are more within the surrounding locality. You will be able to obtain information on non-statutory sites and species records from the Staffordshire Wildlife Trust and/or the Local Biological Records Centre.</p>	

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			<p>Such information should be considered when assessing sites for development and / or assessing an area's potential for new or enhanced GI.</p> <p><b>Opportunities for enhancing the natural environment</b>  Neighbourhood plans may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.  Opportunities to incorporate features into new build or retro fitted buildings  which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes should also be considered as part of any new development proposal, and this could be written into policy in the neighbourhood plan.</p> <p>We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.</p> <p>For any queries relating to the specific advice in this letter <u>only</u> please contact Susan Murray on 0300 060 2967. For any new consultations, or to provide further information on this consultation please send your correspondences to <a href="mailto:consultations@naturalengland.org.uk">consultations@naturalengland.org.uk</a>.</p>	

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BR006	Staffordshire County Council – James Chadwick	Issue 3 - Schools/ Policy B16	<p>In relation to paragraph 30, in addition to the sites identified, any eligible residential development proposed in this and other parts of Burton will necessitate education contributions to be made towards additional primary and secondary school places to accommodate the additional children likely to be generated by the development. Contributions will be relative in scale and kind to the level of development proposed.</p> <p>Policy B16</p> <p>We acknowledge the Parish Council’s support in relation to the provision of a new secondary school in Branston in principle. At this time the County Council is still working to identify suitable site(s) for new primary and secondary schools within Burton. It is noted that the Policy requires the new school site to be made available community use, which could have implications for the overall land and building requirement being larger than the standard for just the education need. For example separate changing rooms, or other facilities could be necessary for community use or a playing pitch may need to be artificial grass rather than turf to extend its use. Reference to this point should be included in paragraph 99 to ensure that development respond to the policy and not just the school size criteria set out nationally by the Department for Education.</p> <p>It should be noted that any new school will be an academy, and therefore management of any community use arrangement would be for the academy to administer, and would be outside of the control of the Local Authority.</p> <p>SCC will continue to work with ESBC in relation to the Local Plan to seek that land is allocated for new primary and secondary schools across the town in line with the requirement to mitigate the impact of the proposed level of growth in the local plan.</p>	Yes

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BR006	Staffordshire County Council – James Chadwick	Policy B6 - <i>Local Landscape Character</i>	<p>This policy is welcomed in the main for its aims to ensure that development takes account of the local environment in terms of landscape character, historic and natural features. This is comprehensively laid out in the first three paragraphs of the policy. The fourth paragraph makes reference to the ‘Historic Environment Character Assessment (HECA): East Staffordshire’ (August 2013) carried out by Staffordshire County Council on behalf of the Borough Council and lists one character type, 18/19th Century Planned Enclosure, for specific protection. The areas covered by the HECA were determined by the Borough Council and the results aimed to inform the local plan and the SHLAA in particular. The (HECA) included land within Branston parish lying to the south of Forest Road, east of Aviation Lane and west of the A38 (incorporating Sinai Park) as identified in Appendix 3 of the Neighbourhood Plan document. The remainder of the parish was not included within the HECA and should development come forward in these areas separate assessments to take account of the requirements of Policy B6 should be undertaken. The HECA therefore does not cover the area that appears to be set out in Policy B6. It also did not recommend any ban on development of the areas of 18th/19th century planned enclosure.</p> <p>The Historic Landscape Characterisation project, completed 2006 and held as a GIS dataset within the Staffordshire Historic Environment Record identifies that the majority of the parish is comprised of a field pattern described as ‘18th/19th century planned enclosure’. The HECA (as laid out in Appendix 3 of the Neighbourhood Plan) identifies that the ‘18th/19th century planned enclosures’ is well preserved and makes a positive contribution to the landscape of the area. Thus the HECA recommended that the ‘maintenance and/or enhancement of the historic landscape fabric in this area would contribute significantly to the areas unique ‘sense of place’ to ensure the legibility of the local historic landscape...for the benefit of present and future generations’</p>	

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			<p>The HECA was undertaken in August 2013 and since that date a number of planning permissions have been granted within the area of '18th/19th century planned enclosure' which will cumulatively impact upon the rural character of this landscape. It is considered that this landscape as a whole will be compromised by development as it stands.</p> <p>As such paras 1-3 of Policy B6 should ensure that historic landscape issues are sufficiently considered in future by developers without the need for the statement regarding protection from new development found in para 4. It is therefore recommended that the final sentence of para 4 of Policy B6 is removed as it is unnecessary; it is not supported by the evidence available; and it is not clear what precise area is to be afforded protection by the Policy as the description and map in Appendix III do not coincide.</p>	



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BR006	Staffordshire County Council – James Chadwick	Para 105	<p>In paragraph 105 the Plan refers to the imposition of a weight restriction on the B5017. The Highway Authority have previously considered in detail a 7.5T weight limit along the B5017 and have dismissed this on a number of grounds. We have given a number of options and recommendations of proposed alternate schemes to which there have been S106 contributions secured towards future implementation. These include improved signing along the main arterial routes to direct HCV's to appropriate A roads (A515 , A50 and A38), along with measures to change the visual appearance of the area with the introduction of traffic calming and other measures. We are also looking at rear access roads off the terrace houses in Shobnall Road.</p> <p>We have always been clear, open and honest about the use of this road by HCV's and that a 7.5T weight limit would not work in terms of practicality or enforcement. Such a measure also prevents the key movement of freight and goods along a strategic route to which a number of businesses rely upon. We have also liaised with an action group called STAG and they have been previously advised that we do not support a weight limit.</p> <p>These points were raised in our consultation response to the last iteration of the plan. It is therefore recommended that specific reference to a weight limit on the B5017 be removed and replaced with wording that suggests the Parish Council will continue to work with the Highway Authority to explore opportunities to reduce the impact of HCV use on the B5017. As further justification for the above attached to this response is a report commissioned in 2012 to consider the impact of HCV traffic on the B5017 and recommendations to help alleviate</p>	

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			<p>some of the impacts.  <b>REPORT ATTACHED AS SEPARATE APPENDIX</b></p>	
BR006	Staffordshire County Council – James Chadwick	Aspirations and Priorities	<p>Page 54 sets out the Aspirations and Priorities of the document and includes creating an “avenue of trees down both sides of Tatenhill Lane” there should be a note at the end of this which states that it will be “subject to surveys”. There are a number of services that have been located in verges, which prevent tree planting. There are design solutions that can resolve many areas of conflicts with planting, however the expense can often make projects unviable.</p>	

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BR007	The National Forest Company – Philip Metcalfe	All	<p>Thank you for consulting the National Forest Company of the submission version of the Neighbourhood Plan.</p> <p>The National Forest Company welcomes the amendments that have been made to the Neighbourhood Plan since the last consultation exercise. These amendments address the issues raised by the National Forest Company during that consultation and we have no further comments to raise at this time.</p> <p>We would be grateful if you could continue to notify us of the progress of this Neighbourhood Plan.</p> <p>Kind regards,</p> <p><b>Philip Metcalfe</b>   Green Infrastructure &amp; Planning Officer</p>	Yes

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BR008	Peter Boland, English Heritage	Whole document	<p><b>BRANSTON SUBMISSION DRAFT NEIGHBOURHOOD PLAN</b></p> <p>Thank you for the consultation on the above neighbourhood plan. English Heritage commends and fully endorses the Plan which in our view represents an extremely positive evolution as compared to earlier drafts. We are very pleased and gratified to note that our previous comments have been largely addressed and incorporated.</p> <p>We consider Policy B3- Design to be suitably strongly worded and support its' intentions. We consider Policy B4 to be an interesting approach which we endorse as a way of avoiding housing estate "monoculture" but would suggest the policy would be strengthened by (for the avoidance of any doubt) adding to the last sentence ...materials <i>taking full account of the design principles set out in Policy B3.</i>"</p> <p>We are pleased to see Policy B5 Protection of Local Heritage Assets and the clear explanation as to how the assets will be offered to East Staffordshire Borough Council for adoption into their Local List. However, we are a little concerned that the current wording of the policy would leave assets of clear significance to the local community effectively unprotected until their formal adoption. In our view it would be entirely appropriate to remove the reference to adoption of the Local List from the start of the first sentence to then simply state <i>"Proposals requiring consent which affect Local Heritage Assets....."</i></p> <p>Then in due course a Council Local List Policy might also be brought to bear. A way of lending weight to this approach, which we would recommend, is to offer the current list to the County Council for incorporation into the County Historic</p>	Did not say, assume yes.

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			<p>Environment Record (HER). This would afford the assets further formal status as Heritage Assets and make them a material planning consideration. Debbie Taylor the County Landscape Archaeologist is the relevant contact and I am copying her into this e-mail.</p> <p>We support Policy B6 Local Landscape Character and B14 Local Green Space. Regarding B6 we have a minor concern in that in the second paragraph the policy currently requires that “.....woodland and hedgerow network are <i>enhanced</i>.....” English Heritage has noted that in several Examiners Reports into other neighbourhood plans a requirement for enhancement has been struck out as going beyond statutory requirements that refer to “conserve or enhance”- so that effectively maintaining the status quo is acceptable. This potential issue might be avoided by using the wording “.....woodland and hedgerow network are <i>conserved and as appropriate enhanced</i>.....”.</p> <p>I hope you find this advice helpful. If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.</p>	

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BR009	Stuart Wells, Pegasus Group	Whole document	<p><b><u>Branston Neighbourhood Plan Consultation Response</u></b> <b><u>Comments on behalf of Gallagher Estates Ltd</u></b></p> <p>Gallagher Estates Ltd are grateful for the opportunity to make observations about the 'Branston Neighbourhood Development Plan 2012 – 2031 Regulation 16 Submission'. Gallagher Estates Ltd are supportive of the proactive approach of the Parish Council to engage in the planning process and the manner in which it seeks to identify and deliver upon the aspirations of the community.</p> <p>Accordingly there is much within the Neighbourhood Plan that is supported. There are a considerable range and number of policies that, in large part, meet the basic conditions as required by Schedule 4B of the Town and Country Planning Act 1990 (as amended). By way of example, a key objective of the Neighbourhood Plan is to deliver development that is of a high design quality. In turn there are a number of policies (B3, B4, B8, B9, B10, B11) that seek to ensure that this is delivered. This approach pays due regard to national policy and advice, contributes to the achievement of sustainable development and is in general conformity with the strategic policies contained within the adopted and emerging Development Plan.</p> <p>There are, however, parts of the Neighbourhood Plan that fall short of meeting the basic conditions. This is of concern as the Plan will not be successful at independent examination unless it can be demonstrated how the basic conditions are met. The purpose of making these representations is, therefore, to draw attention to those parts of the Neighbourhood Plan that do not meet the basic conditions in order that the opportunity can be taken to make appropriate amendments and allow the Neighbourhood Plan to progress.</p> <p><b><i>Issue 8 – Protection of Local Green Space and Countryside &amp; Policy B14</i></b> <b><i>Protection of Local Green Space</i></b></p> <p>This is a key area of concern and is somewhat confusing. Clarification and appropriate amendments are therefore necessary for reasons that are explained below.</p> <p>Gallagher Estates Ltd did submit representations to the previous Draft of the Neighbourhood Plan including, in particular to the then proposed Policy B17 entitled Protection of Local Green Space. The Parish Council will be familiar with the nature of</p> <p>these representations which are summarised in the Consultation Statement of October 2014. In essence, Gallagher Estates Ltd set out the reasons why it was contrary to national guidance to designate the land at Henhurst Hill / Postern Road as a protected green space.</p> <p>In particular reference was made to the provisions of the National Planning Policy Framework (NPPF), paragraph 77. This is unequivocal in setting out that: "The Local Green Space designation will not be appropriate for most green areas or open spaces". It was set out, by Gallagher Estates Ltd, that the land at Henhurst Hill / Postern Road did not meet the paragraph 77 criteria for designation as a Local Green Space. In particular the previous representations emphasised that the paragraph 77 criteria are clear that the designation should not be applied to an extensive tract of land such as that at Henhurst Hill / Postern Road.</p>	yes

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			<p>In light of the above we have noted the amendments to the Protection of Local Green Space policy (now proposed policy B14) in the Regulation 16 submission. This now lists eight sites which are proposed to be protected with an attendant explanation of why they are to be protected and plans are included which identify the sites. The land at Henhurst Hill / Postern Road is no longer identified within the policy as a protected area. There is no reference to the land within the attendant paragraphs (paragraphs 96 &amp; 97, Table 1) and the land is not identified on a plan. Cross reference to the Parish Council comments in response to the previous Gallagher Estates Ltd representations state that: <i>"The Parish Council accepts that the area is an extensive tract of land.....Therefore the area should be removed from the policy protecting local green space"</i>.</p> <p>The removal of the proposed protected Local Green Space designation from the land at Henhurst Hill / Postern Road is welcomed. The deletion, on the face of it, removes the direct conflict with the NPPF, paragraph 77. However any reading of the Neighbourhood Plan as a whole leads to confusion as to what, exactly the intention is in relation to land in the Henhurst Hill / Postern Road area. This is contrary to national advice as contained in the Planning Practice Guidance which requires the policies of a neighbourhood plan to be 'clear and unambiguous' (ID 41-041-20140306, Practice Guidance).</p> <p>The confusion begins on reading Issue 8, paragraphs 48 to 51 including Table 1 (pages 20 &amp; 21). Table 1 lists a number of 'Proposed Green Areas for Protection'. A number of these are consistent with Table 1 which accompanies Policy B14 which is to be expected. There are, however, a number of additional areas listed many of which are in the Henhurst Hill / Postern Road area namely: Aviation Lane, Aviation Lane play area, Land at Postern Road / The Paddock, land at Henhurst Ridge to Tatenhill Adventure Park and the Area by Forest Road. There are no plans contained within the document which identify the location of each of these additional areas. The accompanying paragraph 49 which immediately precedes Table 1 states that the Neighbourhood Plan will seek to identify and protect locally important green spaces to ensure that they remain undeveloped and are of benefit to local residents and wildlife for the foreseeable future.</p> <p>In light of the above it is therefore unclear as to whether the Neighbourhood Plan, when read as a whole, is or is not seeking to protect any, some or all of the land in the Henhurst Hill / Postern Road area as a green space. Clarity is required on this point as it is unclear to the reader and certainly would be to any decision maker. Attendant amendments are required to the Neighbourhood Plan. In making any amendments we would again draw attention to the previous comments of Gallagher Estates Ltd that the designation of land in</p>	

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			<p>this area as a protected Local Green Space would be in direct conflict with the NPPF and is not capable of meeting the basic requirements.</p> <p><b>Policy B6 – Local Landscape Character</b></p> <p>The Parish Council's response to Gallagher Estates Ltd representations to the previous Draft plan appear to reveal, as set out above, an acceptance that it would be contrary to the NPPF, paragraph 77 to designate land at Henhurst Hill / Postern Road as a protected Local Green Space. Having drawn that conclusion the Parish Council go on to state that: <i>"in order to protect this much valued and historically significant area from development the Parish Council considers that additional wording should be provided in the policy protecting local landscape character"</i> (Consultation Statement, October 2014, page 15). In short, it would appear that the Parish are working to an agenda that this land should be protected from development into the future.</p> <p>To that end additional wording has been added to Policy B6 as follows: <i>"Land to the north of the Parish around Postern Road / Henhurst Hill is identified as a historic landscape, providing an example of 18<sup>th</sup> / 19<sup>th</sup> century planned enclosure and therefore this area is protected from new development"</i>. It is indicated that the evidence which supports this is contained within the <i>"Staffordshire County Council's Historic Environment Assessment, East Staffordshire, 2013"</i>. Closer inspection of this evidence does not, however, support the policy approach proposed by the Parish Council and does not support the view that this area should be protected from new development.</p> <p>First and fundamentally the land in the vicinity of Henhurst Hill / Postern Road that was proposed as a Local Green Space in the previous draft of the Plan as Site 1 in Policy B17 is <u>not</u> located within the Barton-under-Needwood and Burton-upon-Trent / Rolleston-on-Dove Historic Environment Character Zone 9 (BRHECZ 9) – Outwoods and Sinal Park. This character zone covers an area to the east of Aviation Lane and does not extend as far west as Postern Road. As such there is no evidence to support a view that this area of land should be protected from development on the basis of an identified historic landscape importance. It is clear from the Planning Practice Guidance relating to Neighbourhood Plans that the choices made need to be supported by proportionate and robust evidence (ID 41-040-20140306). In this case, the choice to prevent development at Henhurst Hill / Postern Road from development on the basis of historic landscape is not supported by the evidence and is therefore contrary to the Practice Guidance and not capable of meeting the basic conditions.</p> <p>It is noted that there is an area of land to the east of Aviation Lane, south of Forest Road that does fall within Character Zone 9. This does not mean, however, that development simply cannot take place within that area. That is not the intention or conclusion of the County Council's historic environment assessment work. There is no suggestion being made by the County Council that development should be precluded, rather recommendations are given as to how any development proposals should address the historic environment assets within the area. Indeed this view is shared by Border Archaeology who have considered the evidence on behalf of our client Gallagher Estates Ltd.</p>	



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			<p>In so doing they make the point that the land in this area forms only a small part of character zone 9 and, notwithstanding examples of 18<sup>th</sup> / 19<sup>th</sup> planned enclosure are certainly not rare at either a local or regional level. They conclude that the intrinsic value of this area (east of Aviation Lane) is such that it should not be regarded as an impediment to development. Indeed it is of note that land to the south of Forest Road has been granted planning permission for 300 dwellings. In addition land at Lower Outwoods Road has also been granted planning permission for 250 dwellings. Both of these development schemes are located within Character Zone 9 and are subject to the same 18<sup>th</sup> / 19<sup>th</sup> century planned enclosure designation. The conclusion that must be drawn is that this designation does not justify the protection of an area from development.</p> <p>In light of the above paragraph 126 of the NPPF is of note. This requires historic assets to be conserved in a manner appropriate to their significance. The Neighbourhood Plan suggestion that the historic landscape in this area is of such significance that it is protected from new development is disproportionate and not appropriate to its significance. It is therefore not capable of meeting the basic conditions.</p> <p><b>Achievement of Sustainable Development</b></p> <p>In order to meet the basic conditions the Plan must contribute to the achievement of sustainable development. There is a concern that the approach of the Neighbourhood Plan to seek to preclude development in the Henhurst Hill / Postern Road area for the long term could undermine strategic and, fundamentally sustainable aspirations of the Local Authority for growth. This approach is therefore at risk of failing the basic conditions.</p> <p>Land in the Henhurst Hill / Postern Road area is undoubtedly sustainably located. It is in close proximity to the existing community and the urban area of Burton-upon-Trent. There can be little doubt that Burton-upon-Trent will remain a focal point for growth in East Staffordshire in the longer term, as a result of its role as the most sustainable settlement within the Borough. Whilst no land in this area is included as a residential allocation in the submission version of the Local Plan, should the Examination (currently on going) of the new Local Plan require additional housing delivery within the current plan period, or should longer term growth require the release of additional sites, then some land which falls within this area is considered suitable for development.</p> <p>The future allocation of land for development in this location could serve to support and deliver on a number of the policy aspirations of the Neighbourhood Plan that might not otherwise be delivered. Indeed, the Planning Practice Guidance makes it clear that the role of the Neighbourhood Plan can be to consider how any additional infrastructure requirements might be delivered (ID 41-045-20140306). A key example of this is that development in this location could facilitate the provision of a new secondary school.</p> <p>The delivery of schooling within the Neighbourhood Plan area is a key issue (Key Issue 3) which the Plan seeks to address. The need for a new secondary school is a theme running throughout the Neighbourhood Plan culminating in proposed Policy B16 which sets out that the Parish Council will support the provision of a new secondary school in Branston, in principle. Paragraph 32, page 11 of the Neighbourhood Plan references the Burton-upon-Trent School Site Search report (July 2014) which concluded that there is a need for a new secondary school in Burton to be located to the west of the A38. The report suggests a</p>	

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			<p>short list of sites for further investigation. Reference to that report reveals that one of the short listed sites (Area of Search 11: Land south of Henhurst Hill) does fall within the Henhurst Hill / Postern Road area.</p> <p>As the Parish Council is aware Gallagher Estates Ltd control land in the Postern Road / Henhurst Hill area. As set out above, this is land which can contribute to the sustainable development of the District either in the short or longer term. Gallagher Estates Ltd recognises and acknowledges that the land can and should contribute to the social dimension of sustainable development. Indeed the NPPF at paragraphs 6 and 7 makes clear this is one of the principal purposes of the planning system. It is for this reason that, as part of any comprehensive, sustainable development proposals for this area, Gallagher Estates Ltd would make available the land necessary for the provision of a secondary school to meet the needs of the wider area. Indeed this is something that has been relayed to both the County Council and the District Council through the representations that have been submitted on behalf of Gallagher Estates Ltd to the current Local Plan process. In essence the land in the Henhurst Hill / Postern Road area has, as part of a comprehensive and sustainable development proposal, the potential to meet the Neighbourhood Plan objective to deliver a secondary school.</p> <p>There are other examples of how development in this area can support and deliver on policies of the Neighbourhood Plan. The Plan looks toward improved accessibility to the National Forest Adventure Farm and places a significant emphasis on creating healthy lifestyles through the provision of comprehensive green infrastructure and green networks. Development in this area has the potential to deliver on these Neighbourhood Plan objectives. Development in this area would promote and enhance the area's existing landscape qualities by creating a public parkland and allowing potential access into the rural area, allowing greater access and enjoyment of the countryside and access to the Adventure Farm. Development in this area would also be highly permeable with a comprehensive pedestrian / cyclist movement strategy which can work with the surrounding highway, footpath and cycleway networks. Again, these are examples of how sustainable development can be achieved in this location in a manner that delivers on the policy objectives of the Neighbourhood Plan.</p> <p><b>Conclusion</b></p> <p>As a result of this response we wish to reiterate that there is no evidence to support the prevention of development into the longer term in the Henhurst Hill / Postern Road area either by means of a Local Green Space designation or as an important historic landscape. For all of the reasons we have highlighted such an approach would be in conflict with national guidance and would fail to contribute to the achievement of sustainable development. As such we do not consider that the current provisions of the Neighbourhood Plan in relation to the areas we have identified are capable of meeting the basic conditions. Moreover the approach overlooks a potential opportunity to deliver on key objectives of the Neighbourhood Plan including, in particular, the provision of a secondary school.</p> <p>In light of the above we would very much hope that our representations are fully considered and suitable amendments are made in order to ensure that the Plan meets the basic conditions. Given the concerns expressed in these representations we would, on behalf of our client, respectfully request that as part of any Examination into the</p>	

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			<p>Neighbourhood Plan there is a hearing session in order that these issues can be adequately examined by the Independent Inspector.</p> <p>In the interim should you have any queries or wish to discuss any of the observations set out above then please feel free to contact me.</p>	
BR010	Ian Dickinson Canal River Trust	Whole document	<p>Thank you for consulting the Canal &amp; River Trust on the above document.</p> <p>We are pleased to see that the comments made by the Trust on the draft plan consultation in July 2014 have been noted, and that the plan continues to support use of the canal towpath as a recreational resource and a sustainable link to the surrounding area for pedestrians and cyclists to use.</p> <p>The Trust would be happy to discuss further with the Parish Council how best to work together to identify and secure investment for towpath improvements to help further encourage it's use as a community resource, and thus meet the aims of the Neighbourhood Development Plan.</p>	Yes

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BR011	Anna McCombe, NHS property services	Whole document	<p>Thank you for the opportunity to comment on the above document. The following comments are submitted by NHS property Services (NHSPS).</p> <p><b>Foreword</b>  NHSPS manages, maintains and improves NHS properties and facilities, working in partnership with NHS organisations to create safe, efficient, sustainable and modern healthcare and working environments. NHS Property Services has a clear mandate to provide a quality service to its tenants and minimise the cost of the NHS estate to those organisations using it. Any savings made are passed back to the NHS.</p> <p><b>Basic Conditions</b>  A draft neighbourhood plan can only be put to a referendum and made if it meets each of a set of basic conditions. The basic conditions are set out in paragraph 8(2) of schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.</p> <p>Protection of Local Community Facilities  Policy B15 restricts the change of use of existing local community facilities to other uses. Local health facilities are specifically identified as local community facilities.</p> <p>Whilst para 70 of the NPPF states that planning policies and decisions should ‘guard against the unnecessary loss of valued facilities and services’, the overarching objective of this same para is to ensure the delivery of facilities and services for the community.</p> <p>Policies aimed at preventing the change of use of local community facilities, where healthcare is included within its definition, can have a harmful impact on the NHS’s ability to</p>	Yes

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			<p>ensure the delivery of facilities and services for the community. Where such policies are overly restrictive, the disposal of unneeded and unsuitable healthcare facilities for best value can be prevented or delayed. This has a direct impact on the provision and quality of healthcare facilities and services, as it can prevent or delay the reinvestment of capital in modern and fit for purpose facilities and require ongoing revenue to be spent on maintaining inefficient parts of the estate.</p> <p>It is important to notes that there are separate, rigorous testing and approval processes employed by NHS commissioners to identify unneeded and unsuitable healthcare facilities. These must be satisfied prior to any property being declared surplus and put up for disposal.</p> <p>NHSPS welcomes Policy B15’s recognition that the use of local community facilities can be changed where it can be demonstrated that there is no longer a need for the facility. However, the current policy wording is not precise and it is unclear exactly how a lack of ‘need’ could be demonstrated to the satisfaction of the parish Council.</p> <p>With its current wording the NDP does not effectively meet basic condition 9a0, as it does not have adequate regard to national policy in relation to the need to deliver facilities and services for the community. As delivering local facilities and services for the community is an important factor in sustainable development, the NDP does not effectively contribute towards teh achievement of sustainable development and therefore does not comply with basic condition (d).</p> <p>To meet the BC, Policy B15 should be modified as follows:</p>	

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			<p><i>Local community facilities such as local health facilities, community centres, youth centres, libraries, education facilities, care homes, community health facilities and religious buildings will be protected as Community Assets. There will be a presumption in favour of the re-use of such facilities for health and community type uses. The change of use of existing facilities to other uses will not be permitted unless the following can be demonstrated:</i></p> <p><i>a) the proposal includes alternative provision, on a site within the locality, of equivalent or enhanced facilities. Such sites should be accessible by public transport, walking and cycling and have adequate car parking; or</i></p> <p><i>b) there is no longer a need for the facility, <del>and this can be demonstrated to the satisfaction of the Parish Council</del></i></p> <p>Please notify me of the council's decision.</p>	
BR012	Davies and Co	Whole document and particularly Policy B14	<p>Dear Sir/Madam,</p> <p><b>Branston Neighbourhood Plan – Consultation Response</b>  <b>Comments on behalf of Henhurst Hill/Postern Road Land Consortium</b></p> <p>We act on behalf of the Henhurst Hill/Postern Road Landowners Consortium; namely the Hall Trust, the Robinson Newstead, and Hill families, and wish to make observations about the "Branston Neighbourhood Development Plan 2012 – 2031 Regulation 16 Submission".</p> <p>We are encouraged by the pro active approach of the parish council to engage in the planning process and the manner in which it seeks to identify and deliver upon the aspirations of the community.</p> <p>There are a considerable range and number of policies that, in large part, meet the basic conditions as required by Schedule 4B of the Town and Country Planning Act 1990 (as amended). By way of example, a key objective of the Neighbourhood Plan is to deliver development that is of a high design quality. In turn there are a number of policies (B3, B4, B8, B9, B10, B11) that seek to ensure that this is delivered. This approach pays due regard to national policy and advice, contributes to the achievement of sustainable development and is in general conformity with the strategic policies contained within the adopted and emerging Development Plan.</p>	

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			<p><b>Issue 8 and Policy B14 – Protection of Local Green space and Countryside</b></p> <p>The landowners consortium partnering developer Gallagher Estates Ltd have submitted comments via "Pegasus" also and we concur with their view in reference to the proposed policy B17 – entitled Protection of Local Green Space. The National Planning Policy Framework (NPPF) paragraph 77 clearly states that <b>“the local green space designation will not be appropriate for most green areas or open spaces”</b>. Protection of local green space and countryside – issue 8 and policy B14 – Protection of Local Green Space - The land at Henhurst Hill/Postern Road does not meet the criteria set out in paragraph 77 of the NPPF for designation as a local green space.</p> <p>Whilst we have noted the amendments to the Protection of Local Green Space policy (B14) and this now lists 8 sites proposed to be protected, notwithstanding the land at Henhurst Hill/Postern Road no longer being identified within this policy as a protected area, there is no reference to the specific land areas within paragraphs 96 and 97, and also the land is not identified on a specific plan. The removal of the proposed protected local green space designation from the land at Henhurst Hill/Postern Road is welcomed, however, any reading of the neighbourhood plan as a whole leads to confusion as to what, exactly is the intention in relation to the land at Henhurst Hill/Postern Road area this is contrary to national advice as contained in the Planning Practice Guidance which requires the policies of a neighbourhood plan to be clear and unambiguous.</p> <p>There is further confusion, with respect, in reading issue 8 (paragraphs 48-51) in as such that none of the land areas referred to in table 1 (pages 20 and 21) has any reference to a specific plan within the document identified the location of each additional "areas for protection" (14 land areas in total).</p> <p>A greater clarity is required on this point as it is unclear to the reader and certainly would be to any decision maker.</p> <p><b>Policy B6 Local Landscape Character</b></p> <p>It is noted within Policy B6 <i>Land around Postern Road/Henhurst Hill is identified as a historic landscape providing an example of 18/19<sup>th</sup> Century Planned Enclosure, and therefore, this area is protected from new development</i>". The Staffordshire County Council's Historic Environment Assessment East Staffordshire 2013 does not support the Parish Council's approach in this regard. We would respectfully submit that the land in the vicinity of Henhurst Hill/Postern Road being identified as a historic landscape does not accord with National Planning Practice Guidance relating to Neighbourhood plans that the choices made need to be supported by <b>"proportionate and robust evidence"</b>. There is no such evidence submitted within the plan, and it is therefore, contrary to Practice Guidance and not capable of meeting the basic conditions.</p> <p>In light of the above, the Neighbourhood Plans suggestion that the historic landscape in this area is of such significance that it is protected from new development, is disproportionate and not appropriate to its significance, and as such, does not meet the requirements of Paragraph 126 of the NPPF.</p>	

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			<p><b>Sustainable Development</b></p> <p>The approach of the Neighbourhood Plan to seek to preclude development in the Henhurst Hill/Postern Road area for the long term could, undermine strategic and fundamentally sustainable aspirations of the local authority for growth and as such this approach is therefore at risk of failing the basic conditions.</p> <p>Henhurst Hill/Postern Road land area is sustainably located for the following reasons:-</p> <ul style="list-style-type: none"> <li>• It is in close proximity to the existing community and the urban area of Burton upon Trent</li> <li>• Burton upon Trent will remain a focal point for growth in East Staffordshire in the longer term, as a result of its role as the most sustainable settlement within the Borough</li> <li>• Whilst it is accepted that this area of land is not included as a residential allocation, should the Examination in public require additional housing delivery within the current Plan period then some land which falls within this area is considered suitable, available, and deliverable for development</li> </ul> <p>Furthermore, the future allocation of land for development in this location could serve to support and deliver on a number of the policy aspirations of the Neighbourhood Plan that might not otherwise be delivered. A key example of this is that development in this location could facilitate the provision of a new secondary school, indeed, concurring with National Planning Practice Guidance which makes it clear that the role of the Neighbourhood Plan is to consider how any additional infrastructure requirements might be delivered.</p> <p>The delivery of schooling within the Neighbourhood Plan area is a key issue and the need for a new Secondary School is the theme running throughout the Neighbourhood Plan, culminating in proposed Policy B16. The Plan concludes that there is a need for a new Secondary School in Burton upon Trent to be located to the West of the A38 and there is reference in the Burton upon Trent Site Search Report (July 2014) that one of the shortlisted sites is land south of Henhurst Hill and hence falling within the Henhurst Hill/Postern Road area. The Parish Council is aware that the Henhurst Hill Land Owners Consortium and Gallagher Estates control land in the Postern Road/Henhurst Hill area and as such this land can contribute to a sustainable development of the district in the short or longer term. Indeed the NPPF in Paragraphs 6 and 7 makes clear that this is one of the principal purposes</p> <p>of the planning system. My clients and Gallagher Estates have relayed to both the County Council and the District Council through representations that it would make available the land necessary for the provision of the secondary school to meet the needs of the wider area. In essence, the land in the Henhurst Hill/Postern Road area has, part of a comprehensive and sustainable development proposal, the potential to meet the neighbourhood plan objective to deliver a secondary school.</p> <p>The plan looks toward improved accessibility to the National Forest Adventure Farm and places significant emphasis on creating healthy lifestyles through the provision of comprehensive green infrastructure and green networks. Development in this area would promote and enhance the areas existing landscape qualities by creating a public parkland and allowing potential access into the rural area, allowing greater access and enjoyment of the countryside and access to the Adventure Farm. Furthermore, development in this area would also be highly permeable with a comprehensive pedestrian/cyclist movement strategy which can compliment the surrounding highway, footpath and cycleway networks. Sustainable development can therefore be achieved in this location in a manner that delivers on the policy objectives of the neighbourhood plan.</p>	



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			<p><b>Summary</b></p> <ul style="list-style-type: none"> <li>• There is no evidence to support the proposed designation of local green space or important historic landscape of the Henhurst Hill/Postern Road area of land, this approach would prevent development into the longer term, and it would certainly be in conflict with National Planning Guidance and would fail to contribute to the achievement of sustainable development</li> <li>• We do not consider the current provisions of the neighbourhood plan in relation to the areas we have identified, is capable of meeting the basic conditions. Furthermore, the plan overlooks a potential opportunity to deliver key objectives, in particular the provision of a secondary school</li> </ul> <p>We trust that on the basis of our recommendations, suitable amendments will be made to the plan to ensure that it does meet the basic conditions, and we would, on behalf of our clients respectively request that as part of the examination into the neighbourhood plan there is a hearing session in order these issues can be adequately examined by the Independent Inspector.</p> <p>Please do contact us if you have any queries or wish to discuss any of the observations set out in this letter.</p>	

