

DECISION STATEMENT

NEIGHBOURHOOD PLAN PROCEEDING TO REFERENDUM

1. Branston Neighbourhood Development Plan

1.1 I confirm that the Branston Neighbourhood Plan, as revised according to the modifications set out below, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Plan can therefore proceed to referendum. The referendum will be held on 23rd July 2015.

1.2 I also declare that I have no personal or prejudicial interest in respect of this decision.

Signed



Sal Khan
Head of Service

2. Background

2.1 On 25th June 2012 Parish Council requested that, in accordance with section 5(1) of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”), their parish area be designated as a neighbourhood area, for which a Neighbourhood Plan will be prepared.

2.2 The Council confirms that for the purposes of section 5 (1) of the Regulations the Parish Council is the “relevant body” for their area.

2.3 In accordance with section 6 of the Regulations, East Staffordshire Borough Council placed on their website these applications, including parish boundary maps, details of where representations could be sent, and by what date, for a six week period 10th October to November 21st 2012. In addition, it publicised the application by issuing a press release, although maps and individual letters did not appear with this. Similarly, the relevant

application, together with details of where representations could be sent, and by what date, were advertised within the appropriate parish via the Parish Councils.

2.4 The Borough Council designated the Parish Council by way of Executive Decision of the appropriate Deputy Leader on 29th November 2012.

2.5 In accordance with Regulation 7, the decision to designate the Parish Council was advertised on the Council website together with the name, area covered and map of the area.

2.6 The Parish Council consulted on a pre-submission version of their draft Neighbourhood Plan between 16th June and 28th July 2014 fulfilling all the obligations set out in Regulation 14.

2.7 The Parish Council submitted their Neighbourhood Plan to East Staffordshire Borough Council on February 2nd 2015 in accordance with Regulation 15.

2.8 The Borough Council publicised the submitted Plan and its supporting documents for 6 weeks between February 9th and March 23rd 2015 in accordance with Regulation 16.

2.9 Mr. Terry Heselton was appointed to examine the Plan, and the Examination took place between 25th March and 4th May 2015.

2.10 The Examiner concluded he was satisfied that the Neighbourhood Plan was capable of meeting the legal requirements set out in the Localism Act 2011, including meeting the basic conditions, subject to the modifications set out in his report, set out below.

2.11 Schedule 4B s.12 to the Town and Country Planning Act 1990, as inserted by the Localism Act 2011, requires that a local authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each recommendation. If the authority is satisfied that, subject to the modifications made, the draft Neighbourhood Plan meets the legal requirements and Basic Conditions as set out in legislation, a referendum must be held on the making of the Plan by the Borough Council. (If the local authority is not satisfied that the plan meets the basic conditions and legal requirements then it must refuse the proposal.) A referendum must take place and a majority of residents must vote in favour of the Neighbourhood Plan (50% plus one vote) before it can be 'made'.

2.12 The Basic Conditions are:

1. Has regard to national policy and guidance from Secretary of State
2. Contributes to sustainable development
3. Is in general conformity with the strategic policy of the development plan for the area or any part of that area

4. Does not breach or is otherwise compatible with EU obligations – this includes the SEA Directive of 2001/42/EC
5. The making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species regulations 2010(d) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats &c) Regulations 2007 section 9(e) (either alone or in combination with other plans or projects).

3. Examiner's Recommendations and Local Authority's Response(Regulation 18(1))

3.1

Examiner's Recommendation	Section in Examined Document	Decision and Reason	New Text if Applicable
<p>Recommendation 01 Clarify which sites referred to in paragraphs 10 and 21 have the benefit of planning permission and identify these on a map.</p>	<p>Introduction Paras 10 and 21</p>	<p>Yes, for clarification</p>	<p>1) Para 10, fourth line, after "...South of Branston" add "all of which now have planning permission." 2) Para 21, Table, replace heading "Proposed and approved developments" with "Developments with Planning Permission" [Technically, Howards Transport has a lapsed permission for residential , and currently there is a fresh application for residential being considered by the Council on exactly the same site. The principle of residential on the site has been established. If this information was to be inserted in the NP it would soon be out of date.] 3) Insert new map showing the outline of these planning proposals</p>
<p>Recommendation 02 Incorporate additional information in Issue 3 regarding the process for securing financial contributions from development toward the provision of additional primary and secondary school places, and the scope for enhancing school facilities to support dual use through section 106 contributions and potentially through CIL.</p>	<p>Introduction – Issue 3, para 30</p>	<p>Yes, for clarification</p>	<p>Add to the end of para 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>Recommendation 03 Amend Table 1 in paragraph 49 to ensure consistency</p>	<p>Introduction -Issue 8</p>	<p>Yes, for consistency</p>	<p>Amend title of Table 1 to "Green Areas Put Forward By the Community" . Delete heading "Areas for Protection",</p>

<p>with Policy B14, including recommended modifications to Policy B14, and amend paragraph 51 so that reference to green infrastructure is expressed as an issue rather than a policy intention.</p>	<p>Table 1 and para 51</p>	<p>with later change</p>	<p>“Aviation Lane”, “Aviation Lane play area”, Land at Postern Road/The Paddock”, “Henhurst Ridge to Tatenhill Adventure Park”, “Area by Forest Road” and “Land to rear of Battlestead Hill”.</p> <p>Delete para 50, replace with: “Some of the major developments granted permission may afford the opportunity to improve access to the River Trent, Battlestead Hill, and the National Forest Adventure Farm as major recreational and environmental resources in the area. “</p> <p>Amend para 51 to read:” The major developments which have been granted planning permission will be adopting a Green Infrastructure (GI) approach in order to meet Local Plan policies. This means that, within and around the development, green networks and spaces will be required that meet a range of needs at the same time, including taking account of local biodiversity and promoting areas as “green lungs” for recreation and exercise. “</p>
<p>Recommendation 04 Replace objective 2 with the following wording “To ensure future development makes appropriate provision for new infrastructure and services that is directly related to the development, including identified educational and other local needs priorities’.</p>	<p>Para 54, Objective 2</p>	<p>Yes, to improve clarity</p>	<p>Replace objective 2 with the following wording “To ensure future development makes appropriate provision for new infrastructure and services that is directly related to the development, including identified educational and other local needs priorities’.</p>
<p>Recommendation 05 Replace ‘routes’ with ‘networks’ in objective four.</p>	<p>Para 54, Objective 4</p>	<p>Yes, to include suggestion from Nat.England</p>	<p>Replace ‘routes’ with ‘networks’ .</p>

<p>Recommendation 06 Insert 'and enhance' after 'protect' in objective six.</p>	<p>Para 54, Objective 6</p>	<p>Yes, to include suggestion from Nat.England</p>	<p>Insert 'and enhance' after 'protect'.</p>
<p>Recommendation 07 Insert 'recreational and sports' after 'community facilities' in objective seven.</p>	<p>Para 54, Objective 7</p>	<p>Yes, to include suggestion from Sport England</p>	<p>Insert 'recreational and sports' after 'community facilities'</p>
<p>Recommendation 08 a) On page 3 change the title of 'Parish and Map 1' to 'Map 1 – Branston Neighbourhood Plan Area', and thicken the boundary line. b) In paragraph 3 change 'contiguous' to 'coterminous'. c) In paragraph 42 change 'when' in the last line to 'if.' d) On page 22 change the number preceding the Vision and Objectives heading from '5' to '4'.</p>	<p>Parish Map (page 3), Para 3, Para 42, Vision and Objectives heading page 22.</p>	<p>Yes, to correct factual errors</p>	<p>a) On page 3 change the title of 'Parish and Map 1' to 'Map 1 – Branston Neighbourhood Plan Area', and thicken the boundary line. b) In paragraph 3 change 'contiguous' to 'coterminous'. c) In paragraph 42, add to end of sentence "...if this is introduced by East Staffordshire Borough Council." d) On page 22 change the number preceding the Vision and Objectives heading from '5' to '4'.</p>
<p>Recommendation 09 Restructure Section 5 so that it is easier to differentiate between individual sub sections and so all policies are preceded by a relevant explanation and justification.</p>	<p>Section 5</p>	<p>Yes, to aid clarity</p>	<ul style="list-style-type: none"> • Move all explanatory text so that it precedes the Policy to which it refers. • Ensure that sub headings and Policy titles are the same. • Change font etc to differentiate between headings and sub headings .
<p>Recommendation 10 Create a new sub section for policies B14 and B15 entitled '5.3: Protecting Local community Facilities and Green Space', after sub section 5.2: Shaping What Happens on New Development Sites.</p>	<p>Section 5</p>	<p>Yes, to aid clarity, but suggest some alternative</p>	<ul style="list-style-type: none"> • Before para 91 insert new heading "5.4 Housing and Urban Development" • Before para 96, delete sub heading "Local Green Space" and replace with new heading "5.5 Protecting Local Community Facilities and Green

		improvements	Space',
<p>Recommendation 11</p> <p>a) Correct the lists of 'saved' Local Plan policies which are identified in a 'box' at the end of each section,</p> <p>b) Delete references to emerging Local Plan policies in the 'box' at the end of each section</p> <p>c) Delete Appendix 1</p>	<p>Lists of cross-referenced policies at end of policies; Appendix 1</p>	<p>Yes, to avoid Plan going out of date prematurely</p>	<p>Correct the lists of 'saved' Local Plan policies which are identified in a 'box' at the end of each section,</p> <p>b) Delete references to emerging Local Plan policies in the 'box' at the end of each section</p> <p>c) Delete Appendix 1</p>
<p>Recommendation 12</p> <p>a) Insert 'and where appropriate' between 'safe walking' and 'cycling and mobility vehicle routes' in the second line of paragraph 1.</p> <p>b) Delete 'below' in line 3 of paragraph 1.</p> <p>c) Insert 'where appropriate' after 'valued by the community and' in the second line of paragraph 2.</p> <p>d) Incorporate additional explanation in the accompanying text to the effect that development will be expected to improve or contribute to the improvement of established pedestrian routes within the Plan area where these are related to the development.</p> <p>e) Delete all 'non existing' routes from the list of existing pedestrian routes after paragraph 2,</p> <p>f) Incorporate a map identifying the existing pedestrian routes referred to in the policy and insert 'as shown on Map X' after 'The following routes' in the first line of paragraph 2.</p> <p>g) Delete paragraph 3 including the list of potential improvements, and incorporate these as aspirations</p>	<p>Policy B1</p>	<p>Yes, to improve clarity, flexibility and compliance with NPPF</p>	<p>a) Insert 'and where appropriate' between 'safe walking' and 'cycling and mobility vehicle routes' in the second line of paragraph 1.</p> <p>b) Delete 'below' in line 3 of paragraph 1.</p> <p>c) Insert 'where appropriate' after 'valued by the community and' in the second line of paragraph 2.</p> <p>d) Add to end of para 57: "In addition, development will be expected to improve or contribute to the improvement of established pedestrian routes within the Plan area where these are related to the development."</p> <p>e) Delete all 'non existing' routes from the list of existing pedestrian routes after paragraph 2,</p> <p>f) Incorporate a map identifying the existing pedestrian routes referred to in the policy and insert 'as shown on Map X' after 'The following routes' in the first line of paragraph 2.</p> <p>g) Delete paragraph 3 including the list of potential improvements, and incorporate these as aspirations and priorities in the non development plan part of the Plan (Section six)</p>

and priorities in the non development plan part of the Plan (Section six)			
<p>Recommendation 13</p> <p>a) Extend Map 2 to cover the entire Neighbourhood Plan area and show the Plan area boundary.</p> <p>b) Enhance the legibility of the map.</p> <p>c) Change the map title to 'Wider Pedestrian Routes'.</p> <p>d) Correct inconsistencies between the map and the map legend.</p>	Map 2, page 26.	Yes, to enhance legibility and accuracy	<p>a) Extend Map 2 to cover the entire Neighbourhood Plan area and show the Plan area boundary.</p> <p>b) Enhance the legibility of the map.</p> <p>c) Change the map title to 'Wider Pedestrian Routes'.</p> <p>d) Correct inconsistencies between the map and the map legend.</p>
<p>Recommendation 14</p> <p>Delete Policy B2 and incorporate additional text in the Plan explaining that improvements to public transport will be sought through negotiation on s106 contributions and CIL and incorporate some examples of the type of improvements to be sought in the aspirations section of the Plan.</p>	Policy B2	Yes, the intention of the Policy is included in Local Plan policies, and there is no supporting text for the Policy.	<ul style="list-style-type: none"> • Delete Policy B2. • Insert at end of para 57: "Improvements to public transport will be sought through negotiation on s106 contributions and CIL, if this is introduced by East Staffordshire Borough Council. Examples of the specific public transport improvements the community has highlighted as being desirable are set out in Section 6 below. • Add in to Section 6 actual examples of public transport improvements the community identified
<p>Recommendation 15</p> <p>a) Delete paragraph 2 and substitute the following "Building heights are expected to reflect the predominant character of the area. While development is expected to be predominantly two storeys or less, development higher than two storeys may be acceptable in certain locations where this would harmonise with the character of the area and the sites</p>	Policy B3	Yes, to improve positivity and update cross-referencing	<p>a) Delete paragraph 2 and substitute the following "Building heights are expected to reflect the predominant character of the area. While development is expected to be predominantly two storeys or less, development higher than two storeys may be acceptable in certain locations where this would harmonise with the character of the area and the sites surroundings and be acceptable with regard to design and other considerations"</p>

<p>surroundings and be acceptable with regard to design and other considerations”</p> <p>b) Delete ‘as set out in the East Staffordshire Design Guide SPD’ in the second line of paragraph 1 and insert ‘taking account of the most up to date design guidance adopted by East Staffordshire Borough Council’</p> <p>c) Delete ‘the guidance in the West Midlands Historic Farmstead Project’ in paragraph 5 and insert ‘up to date guidance adopted by Staffordshire County Council and East Staffordshire Borough Council regarding historic farmsteads’</p> <p>d) Incorporate additional text in the accompanying explanation to provide more information about the Staffordshire Farmstead Guidance and SPD/guidance produce by East Staffordshire Borough Council and English Heritage.</p>			<p>b) Delete ‘as set out in the East Staffordshire Design Guide SPD’ in the second line of paragraph 1 and insert ‘taking account of the most up to date design guidance adopted by East Staffordshire Borough Council’</p> <p>c) Delete ‘the guidance in the West Midlands Historic Farmstead Project’ in paragraph 5 and insert ‘up to date guidance adopted by Staffordshire County Council and East Staffordshire Borough Council regarding historic farmsteads’</p> <p>d) Incorporate additional text in the accompanying explanation to provide more information about the Staffordshire Farmstead Guidance and SPD/guidance produce by East Staffordshire Borough Council and English Heritage.</p>
<p>Recommendation 16 Delete Policy B4.</p>	<p>Policy B4</p>	<p>Yes. The policy is not workable except on very large developments</p>	<p>Delete Policy B4.</p>
<p>Recommendation 17</p> <p>a) In paragraph 65 insert ‘designated’ before ‘heritage assets’ in line one and substitute ‘harm this irreplaceable asset’ for ‘adversely affect this’, in line three.</p> <p>b) Change the heading immediately before paragraph 68 to ‘Locally Significant Heritage Assets’.</p>	<p>Paras 65 to 76</p>	<p>Yes, to improve clarity</p>	<p>a) In paragraph 65 insert ‘designated’ before ‘heritage assets’ in line one and substitute ‘harm this irreplaceable asset’ for ‘adversely affect this’, in line three.</p> <p>b) Change the heading immediately before paragraph 68 to ‘Locally Significant Heritage Assets’.</p> <p>c) Amend paragraph 71, second sentence, to read :”The NPPF defines heritage assets as including both designated</p>

<p>c) Amend paragraph 71 to more accurately explain the difference between designated heritage assets and non-designated heritage assets, and to describe the role of the Local Planning Authority in producing 'Local Lists', with reference to the Planning Practice Guidance, and insert the amended paragraph before paragraph 68,</p> <p>d) In paragraph 68 substitute 'Local Planning Authority' for 'Council'.</p> <p>e) In paragraph 73 substitute 'conserve' for 'protect' in line 2.</p> <p>f) Delete the second sentence in paragraph 73.</p> <p>g) Replace paragraph 74 with the following 'The following features, buildings, structures and spaces, as defined on Map x, are considered to be local heritage assets worthy of protection:'.</p> <p>h) Check the accuracy of the descriptions of individual local heritage assets in para 74</p> <p>i) Delete the following features from the list of local heritage sites included in paragraph 74 ; 'Fir trees at the top of Clays Lane, outside the land of No's 1 and 2 Clays Lane', and 'Oak tree on Clays Lane Park, adjacent on playing field to No 110 Clays Lane'</p> <p>j) Incorporate a map in the Plan identifying the individual features in the amended list of local heritage sites.</p> <p>k) In paragraph 75 insert 'statutory' before 'listing' in line 2.</p> <p>l) In paragraph 76 insert 'which will supersede the list of local heritage assets identified in this Plan' after 'heritage assets in Branston'</p>			<p>heritage assets (listed buildings, conservation areas, scheduled ancient monuments, registered parks and gardens, etc) and non-designated heritage assets (those assets meriting consideration in planning decisions, but not formally designated, such as those that might appear on a 'Local List'). Planning Policy Guidance (Paragraph 041 of 'Conserving and enhancing the historic environment') states that "Local lists incorporated into Local Plans can be a positive way for the local planning authority to identify non-designated heritage assets against consistent criteria so as to improve the predictability of the potential for sustainable development." The Local Planning Authority intends to undertake work on preparing a Local List, and the identification of assets in Neighbourhood Plans is an important first step to creating a consistent and defensible List."</p> <p>Insert the amended paragraph before paragraph 68.</p> <p>d) In paragraph 68 substitute 'Local Planning Authority' for 'Council'.</p> <p>e) In paragraph 73 substitute 'conserve' for 'protect' in line 2.</p> <p>f) Delete the second sentence in paragraph 73.</p> <p>g) Replace paragraph 74 with the following 'The following features, buildings, structures and spaces, as defined on Map x, are considered to be local heritage assets worthy of protection:'.</p> <p>h) Check the accuracy of the descriptions of individual local heritage assets in para 74</p> <p>i) Delete the following features from the list of local heritage sites included in paragraph 74 ; 'Fir trees at the top</p>
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			<p>of Clays Lane, outside the land of No's 1 and 2 Clays Lane', and 'Oak tree on Clays Lane Park, adjacent on playing field to No 110 Clays Lane'</p> <p>j) Incorporate a map in the Plan identifying the individual features in the amended list of local heritage sites.</p> <p>k) In paragraph 75 insert 'statutory' before 'listing' in line 2.</p> <p>l) In paragraph 76 insert 'which will supersede the list of local heritage assets identified in this Plan' after 'heritage assets in Branston'</p>
<p>Recommendation 18</p> <p>a) In the first paragraph of Policy B5 delete 'Once the Local Heritage List for Branston has been approved by East Staffordshire Borough Council, and substitute 'Local Heritage Asset as defined on Map x and listed in paragraph xx,' for 'building or structure on the Local heritage List'.</p> <p>b) Substitute 'identified as Local Heritage Assets on Map x and listed in paragraph xx' for 'on the Local Heritage List' in the third paragraph.</p> <p>c) Insert an additional paragraph at the end of the policy as follows 'The local heritage assets protected by this policy will be superseded by heritage assets on a Local List of non designated heritage assets when this is prepared by East Staffordshire Borough Council'.</p>	Policy B5	Yes, to reflect future preparation of	<p>a) In the first paragraph of Policy B5 delete 'Once the Local Heritage List for Branston has been approved by East Staffordshire Borough Council, and substitute 'Local Heritage Asset as defined on Map x and listed in paragraph xx,' for 'building or structure on the Local heritage List'.</p> <p>b) Substitute 'identified as Local Heritage Assets on Map x and listed in paragraph xx' for 'on the Local Heritage List' in the third paragraph.</p> <p>c) Insert an additional paragraph at the end of the policy as follows 'The local heritage assets protected by this policy will be superseded by heritage assets on a Local List of non designated heritage assets when this is prepared by East Staffordshire Borough Council'.</p>
<p>Recommendation 19</p> <p>a) Delete 'Staffordshire County Council's Planning for Landscape Change SPG' in the fourth line of paragraph 1 and insert 'the most up to date landscape character assessment and associated guidance produced by Staffordshire County Council'.</p>	Policy B6	Yes, to update and to make the policy more flexible	<p>a) Delete 'Staffordshire County Council's Planning for Landscape Change SPG' in the fourth line of paragraph 1 and insert 'the most up to date landscape character assessment and associated guidance produced by Staffordshire County Council'.</p> <p>b) Insert 'conserved and where appropriate' after</p>

<p>b) Insert 'conserved and where appropriate' after 'hedgerow network are' in line 3 of the second paragraph.</p> <p>c) Delete paragraph 4</p>			<p>'hedgerow network are' in line 3 of the second paragraph.</p> <p>c) Delete paragraph 4 starting "There will be a presumption..."</p>
<p>Recommendation 20</p> <p>a) Delete 'sites' and insert 'defined as major residential for planning application purposes,' in the first paragraph.</p> <p>b) Insert 'where appropriate' after 'cycling/walking networks' in the first paragraph.</p> <p>c) Insert 'sports facilities' after 'open spaces,' in the first paragraph, and incorporate a reference to the contribution made by sports activities to physical and mental wellbeing in paragraph 86.</p> <p>d) Insert 'including existing and new residents' after 'the community' in the third paragraph.</p>	Policy B7	Yes, to improve clarity	<p>a) Delete 'sites' and insert 'defined as major residential for planning application purposes,' in the first paragraph.</p> <p>b) Insert 'where appropriate' after 'cycling/walking networks' in the first paragraph.</p> <p>c) Insert 'sports facilities' after 'open spaces,' in the first paragraph, and in paragraph 86 insert at end: "The provision of new and improved sports facilities as a result of developer contributions from new development will also contribute positively to improving physical and mental wellbeing."</p> <p>d) Insert 'including existing and new residents' after 'the community' in the third paragraph.</p>
<p>Recommendation 21</p> <p>a) Replace the first part of paragraph 1 with the following : 'Development proposals and associated landscaping schemes should conserve and where appropriate enhance designated nature conservation assets, including...'</p> <p>b) Delete the fifth bullet point 'the Creation of the National Forest'</p> <p>c) Insert 'creating wildlife habitats', after 'opportunities' in the second paragraph.</p> <p>d) Provide an explanation in the accompanying text about the different nature conservation designations and identify the individual assets on a map.</p>	Policy B8	Yes, to improve clarity, and remove over-prescription	<p>a) Replace the first part of paragraph 1 with the following : 'Development proposals and associated landscaping schemes should conserve and where appropriate enhance designated nature conservation assets, including...'</p> <p>b) Delete the fifth bullet point 'the Creation of the National Forest'</p> <p>c) Insert 'creating wildlife habitats', after 'opportunities' in the second paragraph.</p> <p>d) Provide definitions of the following either in a Glossary or in para 88: Sites of Biological Interest ; Biodiversity Alert Sites; Ancient Woodland; 'priority habitats'; and the Central Rivers Initiative (= a partnership of local authorities, companies and other organisations seeking to optimise</p>

<p>e) Provide an explanation about the definition and purpose of 'priority habitats' and the Central Rivers Initiative in the accompanying text.</p> <p>f) Insert 'New hedgerows should be planted and' before 'Existing woodland' and insert 'where appropriate' after 'should be retained' in the third paragraph.</p> <p>g) Delete the fifth paragraph</p>			<p>economic and tourism related opportunities in the restored gravel landscapes of the Trent Valley south of Burton upon Trent)</p> <p>e) Insert a new map to identify the individual assets listed in the Policy</p> <p>f) Insert 'New hedgerows should be planted and' before 'Existing woodland' and insert 'where appropriate' after 'should be retained' in the third paragraph.</p> <p>g) Delete the fifth paragraph</p>
<p>Recommendation 22</p> <p>a) Delete 'East Staffordshire Borough Council Open Space Supplementary Planning Document (Adopted September 2010)' in the third line of paragraph 1 and insert 'the most up to date Open Space Standards and Guidance adopted by East Staffordshire Borough Council'.</p> <p>b) Provide an explanation about the definition and purpose of 'priority species' in the accompanying text.</p> <p>c) Delete 'enhance habitats and sites of special biodiversity interest' in the third bullet point at the end of paragraph three, and insert 'conserve and enhance designated nature conservation assets'.</p>	Policy B9	Yes, to update and provide more clarity	<p>a) Delete 'East Staffordshire Borough Council Open Space Supplementary Planning Document (Adopted September 2010)' in the third line of paragraph 1 and insert 'the most up to date Open Space Standards and Guidance adopted by East Staffordshire Borough Council'.</p> <p>b) In third bullet, third para, replace "priority species" with "Staffordshire Biodiversity Action Plan (SBAP) Priority Species"</p> <p>c) Delete 'enhance habitats and sites of special biodiversity interest' in the third bullet point at the end of paragraph three, and insert 'conserve and enhance designated nature conservation assets'.</p>
<p>Recommendation 23</p> <p>Replace the final paragraph with the following wording 'Development approved in areas with a medium – high probability of flooding following a sequential flood risk test, should be designed to be flood resilient'.</p>	Policy B10	Yes, to align with NPPF	<p>Replace the final paragraph with the following wording 'Development approved in areas with a medium – high probability of flooding following a sequential flood risk test, should be designed to be flood resilient'.</p>
<p>Recommendation 24</p> <p>Delete the last paragraph of the policy</p>	Policy B13	Yes, consequence of	<p>Delete the last paragraph of the policy</p>

		deleting Policy B4	
<p>Recommendation 25</p> <p>a) Delete Branston Golf Course, Branston Cricket Ground, Regatta Allotments, and Land near to Howards Transport from the policy and accompanying table.</p> <p>b) Delete the last paragraph of the policy</p> <p>c) Correct the description of the ‘special qualities and local character’ of Regents Park Open Space in the accompanying table.</p> <p>d) Delete reference to ‘proximity’ in the heading of the second column in the table, and insert an explanation in the accompanying text to the effect that as all the designated sites fall within the built up area they are considered to satisfy the requirement to be located in close proximity to the local community.</p>	Policy B14	Yes, to conform with NPPF	<ul style="list-style-type: none"> • Delete “How each of the sites meets these criteria is set out in Table 1 below:” Replace with “ A number of sites were put forward by the community as follows:” • Rename Table 1 “Analysis of Sites Put Forward for Consideration as Local Green Spaces” and re-number as Table 2. • Revise Table 1 (now 2) as shown in ANNEXE 1 below. • Add new text underneath Table, as follows: “The following sites meet the criteria set out in National Planning Policy Framework para 77 for the designation of Local Green Spaces: Toadhole; Clays Lane Park; Beans Covert; and Regents Park open space. Branston Golf Club, Branston Cricket Club and Regatta Allotments are very important open spaces in the community. Whilst they do not meet the NPPF criteria, they are covered by legislation and Local Plan policies, and their protection will be a significant material consideration in considering any planning application that might affect them.” • Delete Branston Golf Course, Branston Cricket Ground, Regatta Allotments, and Land near to Howards Transport from Policy B14. • Delete last paragraph of Policy.

			<ul style="list-style-type: none"> • Retain ALL the site plans - Maps 4.1 to 4.8.
<p>Recommendation 26</p> <p>a) Insert 'Proposals involving the loss of' at the beginning of the policy,</p> <p>b) Delete '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' in lines 3-5.</p> <p>c) Delete 'the following can be demonstrated' in line 5.</p> <p>d) Insert 'It can be demonstrated to the satisfaction of the Local Planning Authority that' at the beginning of sub paragraph b), and insert 'or the premises are unsuitable or not viable for the continued provision of the service', after 'need for the facility,' and delete 'and this can be demonstrated to the satisfaction of the Parish Council'.</p>	Policy B15	Yes, to provide flexibility and clarity	<p>a) Insert 'Proposals involving the loss of' at the beginning of the policy,</p> <p>b) Delete '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' in lines 3-5.</p> <p>c) Delete 'the following can be demonstrated' in line 5.</p> <p>d) Insert 'It can be demonstrated to the satisfaction of the Local Planning Authority that' at the beginning of sub paragraph b), and insert 'or the premises are unsuitable or not viable for the continued provision of the service', after 'need for the facility,', and delete 'and this can be demonstrated to the satisfaction of the Parish Council'.</p>
<p>Recommendation 27</p> <p>a) Delete 'East Staffordshire Local Plan' and insert 'higher tier plans'.</p> <p>b) Delete the second sentence and insert 'Appropriate provision should be made through the planning system to ensure that provision of open space on new and improved school sites is maximised wherever possible and that the design of new schools would enable community use of playing fields, sports halls and other school facilities'.</p> <p>c) Reposition the second sentence in paragraph 99 so that it immediately precedes the policy and</p>	Policy B16	Yes, to reflect and be in alignment with current school funding and management regulations	<p>a) Delete 'East Staffordshire Local Plan' and insert 'higher tier plans'.</p> <p>b) Delete the second sentence and insert 'Appropriate provision should be made through the planning system to ensure that provision of open space on new and improved school sites is maximised wherever possible and that the design of new schools would enable community use of playing fields, sports halls and other school facilities'.</p> <p>c) Reposition the second sentence in paragraph 99 so that it immediately precedes the policy . Para 99 to read: "There is a range of community facilities and local infrastructure which Branston Parish Council would like to</p>

<p>incorporate additional explanation about current circumstances in relation to school funding and dual use of school facilities, and the scope for securing 'enhanced school facilities' through section 106 and CIL contributions.</p> <p>d) Incorporate 'enhanced school facilities' in the list of aspirations in Section Six to be potentially secured through section 106 developer contributions and CIL.</p>			<p>see protected and/or improved in the area, in addition to certain deficits which have been identified locally. Current regulations in relation to public sector funding mean that schools are built to meet basic Department of Education criteria, and additional facilities for dual use by the community such as separate changing rooms, or enhanced space standards to provide larger sports halls, would have to be funded by other means such as section 106 or CIL monies, if the latter become available. Enhanced school facilities is therefore included in the list in Section 6 below of aspirations to be potentially secured through section 106 developer contributions and CIL."</p> <p>d) Incorporate 'enhanced school facilities' in the list of aspirations in Section Six to be potentially secured through section 106 developer contributions and CIL.</p>
<p>Recommendation 28</p> <p>a) Insert additional wording in paragraph 101 to emphasise that the aspirations and priorities identified in Section Six do not form part of the development plan,</p> <p>b) Incorporate the list of community facilities identified in paragraph 100 as an additional category in section six where improvements are considered to be desirable.</p>	<p>Section 6</p>	<p>Yes, to aid clarity</p>	<p>a) Re-write para 101 as follows: "A number of landscape enhancements, traffic management improvements, enhanced school facilities and improved facilities for pedestrians and cyclists have been identified through the consultation process on the draft plan, which would benefit Branston. Whilst these aspirations do not form a part of the formal policies of this Neighbourhood Plan, they are an indication to developers of the community's priorities. The Parish Council will work to secure funding to progress the following proposed improvements..."</p> <p>b) Incorporate the list of community facilities identified in paragraph 100 as an additional category in section six where improvements are considered to be desirable.</p>

ANNEXE 1 – New Table 1 (TO BE RE-NUMBERED TABLE 2 IN THE PLAN)

Sites Put Forward as Possible Local Green Spaces	Special Qualities and Local Character (All sites meet the Local Green Space criterion of being located in close proximity to the local community, since they are all within the built up area.)
1. Branston Golf Course	This is extensively used by the public for recreation. It is too large to meet the criteria for Local Green Spaces in the National Planning Policy Framework, but it is covered by policies protecting sports and open spaces in the 2006 and draft 2015 Local Plans.
2. Branston Cricket Club	This is a well-used leisure facility used by local residents and visitors to the Parish. It s covered by policies protecting sports and open spaces in the 2006 and draft 2015 Local Plans.
3. Regatta Allotments	These are statutory allotments and are key to the provision of local food production opportunities for local residents. As such, they are protected by statute, as well as by 2006 and draft 2015 Local Plan policies.
4. Toadhole	This provides a green wooded thoroughfare to the River Trent.
5. Clays Lane Park	This hosts a variety of sports for residents and is well-used by the local community and visitors
6. Beans Covert	This woodland is enjoyed by local residents for regular walking
7. Land near to Howards Transport	Last remaining area of green space in an area that has considerable housing development surrounding it. However, the principle of developing this site has been established, as permission for housing on the whole site has previously been granted. The permission has lapsed, but a new application has been submitted.
8. Regents Park open space	This area has considerable housing development surrounding it.

3.2 The Council concurs with the view of the Examiner that:

- subject to the modifications above, the Plan meets the Basic Conditions set out in para. 2.12 above; and that
- the referendum area should be coterminous with the neighbourhood area.

4. Availability of Decision Statement and Examiner's Report (Regulation 18(2))

This Decision Statement and the Examiners Report can be inspected online at:

<http://www.eaststaffsbc.gov.uk/planning/planning-policy/neighbourhood-plans/branston>

and in paper form at:

Customer Service Centres, Burton and Uttoxeter, during the following hours: –see link below:

<http://www.eaststaffsbc.gov.uk/Services/Pages/CustomerServiceCentres.aspx>

Or by application to the Parish Clerk, Mrs Kay Lear, PO Box 6884, Burton upon Trent, DE13 0WZ.