

## Rolleston Neighbourhood Plan Regulation 16

Comment reference	Name of consultee	Section of Neighbourhood Plan	Representation
1.	National Grid	General comment	<p>National Grid has appointed Wood to review and respond to development plan consultations on its behalf. We are instructed by our client to submit the following representation with regards to the above Neighbourhood Plan consultation.</p> <p><b>About National Grid</b> National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales and National Grid Electricity System Operator (NGESO) operates the electricity transmission network across the UK. The energy is then distributed to the eight electricity distribution network operators across England, Wales and Scotland.</p> <p>National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.</p> <p>National Grid previously owned part of the gas distribution system known as 'National Grid Gas Distribution limited (NGGDL). Since May 2018, NGGDL is now a separate entity called 'Cadent Gas'.</p> <p>To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect National Grid's assets.</p>

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			<p><b>Specific Comments</b>  An assessment has been carried out with respect to National Grid’s electricity and gas transmission apparatus which includes high voltage electricity assets and high-pressure gas pipelines.</p> <p>National Grid has identified that it has <b>no record</b> of such apparatus within the Neighbourhood Plan area</p> <p><b>Electricity Distribution</b>  The electricity distribution operator in East Staffordshire Council is Western Power Distribution. Information regarding the transmission and distribution network can be found at: <a href="http://www.energynetworks.org.uk">www.energynetworks.org.uk</a></p> <p><b>Appendices - National Grid Assets</b>  Please find attached in:</p> <ul style="list-style-type: none"> <li>• Appendix 1 provides a map of the National Grid network across the UK.</li> </ul>
2.	Environment Agency	General	<p>Thank you for consulting us on the above document which was received on 15 March 2019.</p> <p>We have reviewed the Draft Rolleston on Dove Neighbourhood Development Plan Rolleston on Dove Neighbourhood Development Plan with regard to main river flood risk and in our Strategic Overview role and wish to make the following comments:</p>

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			<p>We have commented on a previous version of the plan in June 2018 and have the following comments with regard to main river flood risk and in our strategic overview for flood risk:</p> <p>As previously advised, the River Dove (main river) forms the northern boundary of the plan area and has a well-defined floodplain (Flood Zones 2 and 3) which covers approximately one third of the parish. Tutbury Mill Fleam (main river) is located within this floodplain area, south of the River Dove. The Rolleston Brook (main river) bisects the parish and has associated areas of floodplain and properties at risk of flooding. There are Environment Agency maintained flood defences on the Tutbury Mill Fleam. Environment Agency flood warning areas cover Rolleston and Alder Moor.</p> <p>There are also a number of ordinary watercourses as well as large areas at risk of surface water flooding. Staffordshire County Council as Lead Local Flood Authority should be consulted on these matters.</p> <p>Vision and Aims</p> <p>We support Aim 6 regarding flood risk which has been amended in line with our previous comments.</p> <p><b>7. Environment</b> Flooding We consider that this section could be improved by 'setting the scene' and clearly explaining the source and nature of the flood risk within the plan area before the more detailed text currently included.</p> <p><i>For example: Flooding is a significant issue within the parish of Rolleston and will be addressed through a specific policy in the Neighbourhood Development Plan. The main causes of this risk are the River Dove which</i></p>

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			<p><i>forms the northern boundary of the parish, Tutbury Mill Fleam which is located in the River Dove floodplain and Rolleston Brook which bisects the parish. Surface water runoff also causes flooding, often in combination with river flooding. In 2014 Staffordshire County Council identified that there were four main drainage routes.....</i></p> <p><i>Flooding has occurred on a number of occasions, with the March 2018 event being the most recent severe occurrence when Station Road, one of the major arteries through the village, was closed to through traffic. Much of the recent flooding was due to the surface water drainage system being overwhelmed with overland flows and the surface water network being unable to discharge into the Rolleston Brook when either the River Dove or Rolleston Brook have high flows. This is exacerbated by passing traffic causing bow waves. River flooding affects various locations in the village including Brookside in particular. Flooding from Beacon Hill and surface water generally.....</i></p> <p><i>Works to reduce surface water flood risk have recently been completed by Staffordshire County Council and further works are planned to install property level resilience measures part funded by a grant from the Environment Agency. The latest information on flood risk is available on the Environment Agency website: <a href="https://www.gov.uk/check-flood-risk">https://www.gov.uk/check-flood-risk</a> Environment Agency flood warning areas cover the River Dove and Rolleston Brook. Information on current flood warnings is on the Environment Agency website, <a href="https://flood-warning-information.service.gov.uk/warnings">https://flood-warning-information.service.gov.uk/warnings</a> , as well as the latest information on river levels <a href="https://flood-warning-information.service.gov.uk/river-and-sea-levels">https://flood-warning-information.service.gov.uk/river-and-sea-levels</a></i></p> <p><b>8. Policies</b></p>

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			<p>Housing H1: Housing Development We welcome the inclusion of the final bullet point on flood risk as previously recommended but advise it should be amended to read ‘...towards Flood Zone 1.</p> <p>Character and Design D1: Green Infrastructure We welcome the inclusion of the final paragraph as previously recommended. D2: Design of New Development We welcome the inclusion of the paragraphs regarding SuDS and culverts as previously recommended.</p> <p>Natural Environment NE1: Flood Risk We consider that this policy could be further strengthened and be more aspirational and aligned with the vision and aims of the plan. We suggest that the following measures be included in the policy:</p> <ul style="list-style-type: none"> <li>• all new development should be directed away from those areas at highest flood risk, i.e. towards Flood Zone 1.</li> <li>• new development proposals must also demonstrate that they will not increase flood risk elsewhere both in and out of the parish.</li> <li>• new development should consider future flood risk and, where appropriate, include measures that mitigate and adapt to the anticipated impacts of climate change.</li> <li>• all developments should create space for water by restoring floodplains and contributing towards blue and green infrastructure.</li> <li>• all new development, including infill development and small scale development, to incorporate sustainable drainage systems (SuDS) to reduce flood risk and manage surface water and to ensure that runoff does not increase the risk of flooding elsewhere. Any SuDS features should be located outside of the 1% (1 in 100) plus climate change</li> </ul>

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			<p>flood extent. Long-term maintenance arrangements for all SuDS should also be in place for the lifetime of the development and agreed with the relevant risk management authority.</p> <ul style="list-style-type: none"> <li>• for greenfield development sites, the surface water runoff generated as a result of the development should not exceed the greenfield runoff rate. For developments on brownfield sites, there should be a substantial reduction in the existing runoff rate and where possible the runoff should be reduced to the equivalent greenfield rate.</li> <li>• existing open watercourses should not be culverted. Where feasible, opportunities to open up culverted watercourses should be sought to reduce the associated flood risk and danger of collapse whilst taking advantage of opportunities to enhance biodiversity and blue / green infrastructure.</li> <li>• development should be set back at least 8 metres from any watercourse to allow access for maintenance and restoring the natural floodplain.</li> <li>• implementation of natural flood management measures will be encouraged and promoted to contribute towards delivering a reduction in local and catchment-wide flood risk and the impacts of climate change as well as achieve other wider environmental benefits.</li> </ul> <p><b>Community Facilities OS2: Protection of Local Green Spaces</b> We support the designation of local green spaces and the inclusion of the reference to managing and mitigating flood risk in the narrative.</p>
3.	Severn Trent Water	General	<p>Thank you for the opportunity to comment on your consultation. We have provided some commentary below around your proposed policies as well as the ongoing/upcoming development sites within the Parish. Please keep us</p>

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			<p>informed when your plans are further developed when we will be able to offer more detailed comments and advice.</p> <p><b>Policy D1: Green Infrastructure</b>  We resonate with your view around utilising green infrastructure and green open space to protect and enhance local flood defences and drainage features. We feel strongly that green open space can be used to retrofit Sustainable Urban Drainage Systems which can provide wider amenity and biodiversity benefits to the local area outside of the obvious flood relief and water quality aspects.</p> <p><b>Policy NE1: Flood Risk</b>  This policy goes the extra mile in asking new development to restrict surface water flows to greenfield run-off rates. We appreciate this is in response to sensitive flooding events which have adversely impacted the local area and its residents, but this is a policy we aspire to see by default.</p> <p>We also support your promotion of using Sustainable Urban Drainage Systems (SUDS) and would like to highlight the financial incentives we can offer developers (detailed later in this document) in relation to utilising SUDS.</p> <p><b>Policy OS2: Protection of Local Green Spaces</b>  Again the focus in this policy to preserve and enhance Local Green Spaces so that community, wildlife and amenity benefits can be maximised is something we feel passionately about.</p> <p><b>Proposed Developments</b>  College Fields ESBC planning reference P/2012/00636 100 dwellings;</p>

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			<ul style="list-style-type: none"> <li>• In line with comments from the Sewer Capacity Assessment report which can be seen alongside the planning application; the impact of the proposed development on the sewerage network is considered negligible.</li> </ul> <p>Craythorne Road Residential development ESBC planning reference: P/2016/01507 32 bungalows and two apartments;</p> <ul style="list-style-type: none"> <li>• We have previously assessed this site with detailed modelling and found the sites impact on the local sewerage network to be low risk.</li> </ul> <p>Brookhouse 13 homes: ten conversions and three new dwellings P/2016/01659;</p> <ul style="list-style-type: none"> <li>• Due to the scale of this development it is unlikely to cause a detriment to the local sewerage system so long as surface water is managed sustainably in line with policies described throughout the Neighbourhood Development Plan.</li> </ul> <p>For your information we have set out some general guidelines in the remainder of the document that may be useful to you.</p> <p><b>Position Statement</b></p> <p>As a water company we have an obligation to provide water supplies and sewage treatment capacity for future development. It is important for us to work collaboratively with Local Planning Authorities to provide relevant assessments of the impacts of future developments. For outline proposals we are able to provide general comments. Once detailed developments and site</p>

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			<p>specific locations are confirmed by local councils, we are able to provide more specific comments and modelling of the network if required. For most developments we do not foresee any particular issues. Where we consider there may be an issue we would discuss in further detail with the Local Planning Authority. We will complete any necessary improvements to provide additional capacity once we have sufficient confidence that a development will go ahead. We do this to avoid making investments on speculative developments to minimise customer bills.</p> <p><b>Sewage Strategy</b></p> <p>Once detailed plans are available and we have modelled the additional capacity, in areas where sufficient capacity is not currently available and we have sufficient confidence that developments will be built, we will complete necessary improvements to provide the capacity. We will ensure that our assets have no adverse effect on the environment and that we provide appropriate levels of treatment at each of our sewage treatment works.</p> <p><b>Surface Water and Sewer Flooding</b></p> <p>We expect surface water to be managed in line with the Government's Water Strategy, Future Water. The strategy sets out a vision for more effective management of surface water to deal with the dual pressures of climate change and housing development. Surface water needs to be managed sustainably. For new developments we would not expect surface water to be conveyed to our foul or combined sewerage system and, where practicable, we support the removal of surface water already connected to foul or combined sewer.</p>

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			<p>We believe that greater emphasis needs to be paid to consequences of extreme rainfall. In the past, even outside of the flood plain, some properties have been built in natural drainage paths. We request that developers providing sewers on new developments should safely accommodate floods which exceed the design capacity of the sewers.</p> <p>To encourage developers to consider sustainable drainage, Severn Trent currently offer a 100% discount on the sewerage infrastructure charge if there is no surface water connection and a 75% discount if there is a surface water connection via a sustainable drainage system. More details can be found on our website  <a href="https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance/infrastructure-charges/">https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance/infrastructure-charges/</a></p> <p><b>Water Quality</b>  Good quality river water and groundwater is vital for provision of good quality drinking water. We work closely with the Environment Agency and local farmers to ensure that water quality of supplies are not impacted by our or others operations. The Environment Agency’s Source Protection Zone (SPZ) and Safe Guarding Zone policy should provide guidance on development. Any proposals should take into account the principles of the Water Framework Directive and River Basin Management Plan for the Severn River basin unit as prepared by the Environment Agency.</p> <p><b>Water Supply</b>  When specific detail of planned development location and sizes are available a site specific assessment of the capacity of our water supply network could be made. Any assessment will involve carrying out a network analysis exercise to investigate any potential impacts.</p>

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			<p>We would not anticipate capacity problems within the urban areas of our network, any issues can be addressed through reinforcing our network. However, the ability to support significant development in the rural areas is likely to have a greater impact and require greater reinforcement to accommodate greater demands.</p> <p><b>Water Efficiency</b></p> <p>Part G of Building Regulations specify that new homes must consume no more than 125 litres of water per person per day. We recommend that you consider taking an approach of installing specifically designed water efficient fittings in all areas of the property rather than focus on the overall consumption of the property. This should help to achieve a lower overall consumption than the maximum volume specified in the Building Regulations.</p> <p>We recommend that in all cases you consider:</p> <ul style="list-style-type: none"> <li>• Single flush siphon toilet cistern and those with a flush volume of 4 litres.</li> <li>• Showers designed to operate efficiently and with a maximum flow rate of 8 litres per minute.</li> <li>• Hand wash basin taps with low flow rates of 4 litres or less.</li> <li>• Water butts for external use in properties with gardens.</li> </ul> <p>To further encourage developers to act sustainably Severn Trent currently offer a 100% discount on the clean water infrastructure charge if properties are built so consumption per person is 110 litres per person per day or less. More details can be found on our website <a href="https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance/infrastructure-charges/">https://www.stwater.co.uk/building-and-developing/regulations-and-forms/application-forms-and-guidance/infrastructure-charges/</a></p>

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			<p>We would encourage you to impose the expectation on developers that properties are built to the optional requirement in Building Regulations of 110 litres of water per person per day.</p> <p>We hope this information has been useful to you and we look forward in hearing from you in the near future.</p>
4.	Historic England	General	<p>Thank you for the above consultation and Historic England remains supportive of the Vision and objectives set out in the Plan and our comments on the previous (Regulation 14) version of the Plan remain valid. That is:</p> <p><i>“Historic England has no adverse comments to make upon the draft plan which we feel takes a reasonably proportionate approach to historic environment issues pertaining to Rolleston. We commend the emphasis on locally responsive and sustainable design and on community consultation at pre-application stage”.</i></p> <p>Beyond those observations we have no further substantive comments to make. I hope you find this advice helpful.</p>
5.	Trent and Dove Housing	General	<p>The Association has the following comments:</p> <ul style="list-style-type: none"> <li>➤ As the draft Plan identifies a need for older persons facilities and well designed new developments to meet local needs but has no detail on actual numbers (apart from a 2013 housing need survey), there is a need for an updated housing need survey to provide this detail;</li> </ul>

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			<ul style="list-style-type: none"> <li>➤ The draft Plan is not supportive of development outside the development boundary but there is no mention of rural exception sites which would be an option to help meet identified local housing need.</li> </ul>
6.	Staffordshire County Council	General	<p>Thank you for consulting the County Council on the Neighbourhood Plan for Rolleston on Dove. We commented on earlier iterations of the plan directly with the Parish Council and note the majority of our suggestions have been taken on board. Please find below the detailed comments we have to make on the content of the Plan.</p> <p><b>Flood Risk</b> It is acknowledged that the Plan points out the particular problems of flooding in the village and contains reference to flooding and/or drainage in the policies H1, D1, D2, and NE1.</p> <p><b>High Speed Connectivity</b> It is noted that the policy around high speed internet connectivity has been updated following our previous comments. However, since then government position on Broadband seems to be crystallising around the provision of ‘full fibre’, which in turn will facilitate the roll out of 5G. As such it is recommended that the plan remove reference to 3G, 4G, satellite, and microwave options. Also to reflect current reference to speeds a minimum of 30Mbps, which is the EU standard, should be used in the plan at 8.D4.2.</p> <p>Our earlier response made reference to ensuring new sites incorporate suitable ducting if it is not possible to provide broadband connections at the time of construction. We note this has not been included and would suggest that the matter is reconsidered. The inclusion of ducting during the</p>

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			<p>construction of footways/highway facilitates easier provision of connections at a later date when wider provision becomes available and negates the need for future excavations in the footway, which can be prohibited for a period on new highways.</p> <p><b>Historic Environment</b>  The Neighbourhood Plan includes eight aims the third of which seeks to ensure that development will 'complement and enhance the historic rural character' and this aim is to be welcomed. However, other than this the plan still makes little reference to the historic environment beyond a brief history and passing references to the Conservation Area and the presence of Listed Buildings.</p> <p>The conservation and enhancement of the historic environment is included in Chapter 12 of National Planning Policy Framework (NPPF) and East Staffordshire Borough Council's adopted Local Plan (Strategic Policy (SP) 25: Historic Environment).</p> <p>The baseline evidence for the Local Plan utilised the East Staffordshire Historic Environment Character Assessment (HECA) (2013) whose aim was to provide a detailed assessment of the historic environment character which evaluated the impact of medium to large scale housing development within the District. Appendix 1 included an assessment of the immediate historic landscape character around Rolleston-on-Dove and its associated heritage assets. The Neighbourhood Plan may benefit from incorporating the conservation and enhancement of the historic environment as one of its policies and the HECA may provide a useful starting point. The document can be found at</p>

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			<p data-bbox="927 308 2000 379"> <a href="https://www.staffordshire.gov.uk/environment/Environment-and-countryside/HistoricEnvironment/Assessments.aspx#EastStaffordshireHEA">https://www.staffordshire.gov.uk/environment/Environment-and-countryside/HistoricEnvironment/Assessments.aspx#EastStaffordshireHEA</a> </p> <p data-bbox="927 419 2000 715"> Further information on the historic environment of Rolleston-on-Dove parish can be obtained from the Staffordshire Historic Environment Record, which records all the known archaeological sites, monuments and buildings within the county. It also includes the results of the Historic Landscape Character (HLC), which was undertaken between 2003 and 2006 and was used to underpin the HECA. Further information can be found at <a href="https://www.staffordshire.gov.uk/environment/Environment-and-countryside/HistoricEnvironment/Historic-environment-record.aspx">https://www.staffordshire.gov.uk/environment/Environment-and-countryside/HistoricEnvironment/Historic-environment-record.aspx</a>. </p> <p data-bbox="927 754 2000 928"> The Neighbourhood Plan may also benefit from a more detailed understanding of the character of the village itself, which could provide a benchmark for considering what may constitute good design within the local environment of Rolleston-on-Dove, particularly in areas outside of the Conservation Area. </p>

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7.	Gladman	General	<p><b>1.1 Context</b></p> <p>1.1.1 Gladman specialise in the promotion of strategic land for residential development and associated community infrastructure. From this experience, we understand the need for the planning system to deliver the homes, jobs and thriving local places that the country needs.</p> <p>1.1.2 These representations provide Gladman’s response to the current consultation on the submission version of the Rolleston on Dove Neighbourhood Plan (RoDNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.</p> <p>1.1.3 Through these representations, Gladman provides an analysis of the RoDNP and the policy decisions promoted within the draft Plan. Comments made by Gladman through these representations are provided in consideration of the RoDNP suite of policies and its ability to fulfil the Neighbourhood Plan Basic Conditions as established by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) and supported by the Neighbourhood Plan chapter of the PPG1.</p> <p>1.1.4 These representations will focus on the following matters:</p> <ul style="list-style-type: none"> <li>- Legal compliance;</li> <li>- National Planning Policy and Guidance; and</li> <li>- Neighbourhood plan policies</li> </ul>

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			<p>2.1.1 Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The Basic Conditions that the RoDNP must meet are as follows: 2.1.2 Through the preparation of the neighbourhood plan it is important for the Steering Group to ensure that the policies contained in the Plan are in accordance with the Basic Conditions as set out above. If regard has not been given to the basic conditions through the drafting of policies that are to be contained in the neighbourhood plan, then there is a real risk that the policies may be found inconsistent with the basic conditions when the plan reaches independent examination and may be unable to proceed to referendum. 2.2.1 On 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework (NPPF2018). This publication forms the first revision of the Framework since 2012 and implements changes that have been informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and the draft NPPF2018 consultation. This version was itself superseded on the 19th February 2019, when MHCLG published a further revision to the NPPF (2019) which implements further changes to national policy,</p> <p><b>2.1 Legal Requirements</b></p> <p><b>2.2 a)</b> Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;</p> <p><b>b)</b> Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order;</p>

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			<p>c) Having regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order;</p> <p>d) The making of the neighbourhood plan contributes to the achievement of sustainable development;</p> <p>e) The making of the neighbourhood plan is in general conformity with the strategic policies contained within the development plan for the area of the authority; and</p> <p>f) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.</p> <p>g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.</p> <p><b>2.2 National Planning Policy Framework, &amp; Planning Practice Guidance National Planning Policy Framework</b></p> <p>On 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework (NPPF2018). This publication forms the first revision of the Framework since 2012 and implements changes that have been informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and the draft NPPF2018 consultation. This version was itself superseded on the 19th February 2019, when MHCLG published a further revision to the NPPF (2019) which implements further changes to national policy,</p>

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			<p>relating to the Government’s approach for Appropriate Assessment as set out in Paragraph 177, clarification to footnote 37 and amendments to the definition of ‘deliverable’ in Annex 2.</p> <p>2.2.2 The NPPF (2019) sets out the Government’s planning policies for England and how these are expected to be applied. In doing so it sets out the requirements of the preparation of neighbourhood plans within which locally-prepared plans for housing and other development can be produced. Crucially, the changes to national policy reaffirms the Government’s commitment to ensuring up to date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, paragraph 13 states that:</p> <p>2.2.3 Paragraph 14 further states that:</p> <p><b>“The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.”</b></p> <p><b>“In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:</b></p>

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			<p><b>a. The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;</b></p> <p><b>b. The neighbourhood plan contains policies and allocations to meet its identified housing requirement;</b></p> <p><b>c. The local planning authority has at least a three-year supply of deliverable housing sites (against its five-year supply requirement, including the appropriate buffer as set out in paragraph 73); and</b></p> <p><b>d. The local planning authority’s housing delivery was at least 45% of that required over the previous three years.”</b></p> <p>2.2.4 The NPPF (2019) also sets out how neighbourhood planning provides local communities with the power to develop a shared vision for their area in order to shape, direct and help deliver sustainable development needed to meet identified housing needs. Neighbourhood plans should not promote less development than set out in Local Plans and should not seek to undermine those strategic policies. Where the strategic policy making authority identifies a housing requirement for a neighbourhood area, the neighbourhood plan should seek to meet this figure in full as a minimum. Where it is not possible for a housing requirement figure to be provided i.e. where a neighbourhood plan has progressed following the adoption of a Local Plan, then the neighbourhood planning body should request an indicative figure to plan taking into account the latest evidence of housing need, population of the neighbourhood area and the most recently available planning strategy of the local planning authority.</p> <p>2.2.5 In order to proceed to referendum, the neighbourhood plan will need to be tested through independent examination in order to demonstrate that they are compliant with the basic conditions and other legal requirements before they can come into force. If the Examiner identifies that the neighbourhood</p>

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			<p>plan does not meet the basic conditions as submitted, the plan may not be able to proceed to referendum.</p> <p><b>2.3 Planning Practice Guidance</b></p> <p>2.3.1 Following the publication of the NPPF (2018), the Government published updates to its Planning Practice Guidance (PPG) on 13th September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans.</p> <p>2.3.2 Although a draft neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan, it is important for the neighbourhood plan to provide flexibility and consider the reasoning and evidence informing the emerging Local Plan which will be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested against. For example, the neighbourhood planning body should take into consideration up-to-date housing needs evidence as this will be relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. Where a neighbourhood plan is being brought forward before an up-to-date Local Plan is in place, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan. This should be undertaken through a positive and proactive approach working collaboratively and based on shared evidence in order to minimise</p>

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			<p>any potential conflicts which can arise and ensure that policies contained in the neighbourhood plan are not ultimately overridden by a new Local Plan.</p> <p>2.3.3 It is important the neighbourhood plan sets out a positive approach to development in their area by working in partnership with local planning authorities, landowners and developers to identify their housing need figure and identifying sufficient land to meet this requirement as a minimum. Furthermore, it is important that policies contained in the neighbourhood plan do not seek to prevent or stifle the ability of sustainable growth opportunities from coming forward. Indeed, the PPG emphasises that; 2.3.4 With further emphasis that;</p> <p><b>“...blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence”</b>  <b>“.... All settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.”</b></p> <p>2.3.5 Accordingly, the RoDNP will need to ensure that it considers the latest guidance issued by the SoS so that it can be found to meet basic conditions (a) and (d).</p> <p><b>3 DEVELOPMENT PLAN</b></p> <p><b>3.1 Adopted Development Plan</b></p>

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			<p>3.1.1 To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.</p> <p>3.1.2 The adopted Development Plan relevant to the preparation of the RoDNP and the Development Plan that the RoDNP will be tested against consists of the East Staffordshire Local Plan adopted in October 2015 and covers the period up to 2031.</p> <p>3.1.3 As identified in Strategic Policy 6, the Council is committed to undertaking a review of the Local Plan every five years to assess the current and future levels of need and demand for housing to provide an appropriate basis for longer term housing and employment provision. The Parish Council should therefore be mindful that the Council will likely start work on a new draft Local Plan in the near future. Accordingly, the policies within the RoDNP should be designed as flexibly as possible to minimise any potential conflicts with any future Local Plan Review. A failure to include enough flexibility may affect the longevity of the RoDNP as conflicts will be superseded by any subsequent Local Plan. This degree of flexibility is required to ensure that the RoDNP is capable of being effective over the duration of its plan period and not ultimately superseded by s38(5) of the Planning and Compulsory Purchase Act 2004, which states that:</p> <p>‘if to any extent, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be).’</p>

Comment reference	Name of consultee	Section of Neighbourhood Plan	Representation
			<p>3.1.4 It is recommended that the Parish Council discuss the relationship between the emerging Local Plan and Neighbourhood Plan and request a housing target figure so that both documents can be aligned going forward</p> <p>4 NEIGHBOURHOOD PLAN POLICIES</p> <p>4.1 Context</p> <p>4.1.1 These representations are made in response to the current consultation on the pre-submission version of the RoDNP, under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This chapter of the representation highlights the key points that Gladman raise with regard to the content of the RoDNP as currently proposed. As currently proposed, Gladman believe that a number of the policies require further modification/amendment, before they can be considered consistent with the Neighbourhood Plan Basic Conditions.</p> <p>4.2 Policy H1: Housing Development</p> <p>4.2.1 The above policy states all housing development will be considered for approval if located in sustainable locations. These include, strategic sites, within the settlement boundary of Rolleston on Dove and small-scale infill development.</p> <p>4.2.2 Gladman raise concerns with the above policy as it appears to be more onerous than that contained in the adopted Development Plan. Indeed, the policy states that development will only be considered acceptable if it is located within the settlement boundary. This is an onerous approach to development. Gladman would be opposed to the use of settlement boundaries if these were to preclude otherwise sustainable development</p>

Comment reference	Name of consultee	Section of Neighbourhood Plan	Representation
			<p>opportunities from coming forward. The Framework is clear that sustainable development should go ahead without delay in accordance with the presumption in favour of sustainable development. The use of settlement boundaries to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord to the positive approach to growth as required by the Framework and is therefore in conflict with basic condition (a). Indeed, Gladman note the first Examiner’s Report to the Stretton Neighbourhood Plan which stated that:</p> <p>“The NPPF establishes a presumption in favour of sustainable development. It states that Neighbourhood Plans should plan positively to support local development, shaping and directing development in their area. Furthermore, the NPPF supports a prosperous rural economy taking a positive approach to new development. Policy S1 does not have regard to the NPPF in this respect and fails to define what development could be permitted in these areas.</p> <p>My conclusions on this policy are that the policy does not meet the basic conditions and should be deleted...”</p> <p>4.2.3 The PPG is clear that all settlements can play a role in delivering sustainable development, so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence<sup>4</sup>. Gladman recommend that the above policy is modified so that it allows for a degree of flexibility. The following wording is put forward for consideration:</p> <p>“When considering development proposals, the Rolleston on Dove Neighbourhood Plan will take a positive approach to new development that reflects the presumption in favour of sustainable development contained in</p>

Comment reference	Name of consultee	Section of Neighbourhood Plan	Representation
			<p>the National Planning Policy Framework. Applications that accord with the policies of the Development Plan and the Rolleston on Dove Neighbourhood Plan will be supported particularly where:</p> <ul style="list-style-type: none"> <li>- Provide new homes including market and affordable housing; or</li> <li>- Opportunities for new business facilities through new or expanded premises; or</li> <li>- Infrastructure to ensure the continued vitality and viability of the neighbourhood area.</li> </ul> <p>Development adjacent to the existing settlement will be permitted provided that any adverse impacts do not significantly and demonstrably outweigh the benefits of development.”</p> <p>4.2.4 Indeed, this approach was taken in the examination of the Godmanchester Neighbourhood Plan. Paragraph 4.12 of the Examiner’s Report states:</p> <p>“...Policy GMC1 should be modified to state that “Development ...shall be focused within or adjoining the settlement boundary as identified in the plan.” It should be made clear that any new development should be either infill or of a minor or moderate scale, so that the local distinctiveness of the settlement is not compromised. PM2 should be made to achieve this flexibility and ensure regard is had to the NPPF and the promotion of sustainable development. PM2 is also needed to ensure that the GNP will be in general conformity with the aims for new housing development in the Core Strategy and align with similar aims in the emerging Local Plan.”</p> <p>4.2.5 Furthermore, Gladman raise concerns relating to the criteria needed to demonstrate sustainable development. Specific concerns relate to ‘not</p>

Comment reference	Name of consultee	Section of Neighbourhood Plan	Representation
			<p>encroach into the open countryside' and 'not involve the loss of high-grade agricultural land. These criteria go over and above the requirements of the Framework.</p> <p>4.2.6 Gladman submit that new development can often be in countryside gaps without leading to the physical or visual merging of settlements, eroding the sense of separation between them or resulting in the loss of openness and character. Gladman do not consider that this policy should be progressed if it is to be used as a measure to prevent sustainable development opportunities from coming forward. Furthermore, national policy allows for development on Best and Most Versatile (BMV) land and only seeks to direct development towards areas of poorer quality and does not set out an outright restriction on development of BMV land. This element of the policy is therefore not consistent with the requirements of national policy and is therefore not in accordance with basic conditions (a) and (d).</p> <p>4.3 Policy H2: Housing Mix and Affordable Provision</p> <p>4.3.1 In principle, Gladman support the general thrust of this policy which seeks to ensure an appropriate mix of new housing types. However, we would question the reference in the supporting text relating to the Nationally Described Space Standards. The Written Ministerial Statement 2015 (WMS) makes clear that technical standards relating to the construction, internal layout or performance of new dwellings should not be progressed within a neighbourhood plan. Whilst NDSS is not specifically referenced in the policy wording it should be the removed from the supporting text.</p> <p>4.4 Policy D4: High Speed Connectivity</p>

Comment reference	Name of consultee	Section of Neighbourhood Plan	Representation
			<p>4.4.1 The above policy requires new housing and commercial development to incorporate high speed internet connectivity. Whilst this is an admirable aim, further clarity is needed on how this infrastructure is expected to be delivered. In this regard, Gladman remind the Parish Council that the delivery of communications infrastructure is the responsibility of infrastructure providers in the telecommunications and broadband industry to secure connectivity of this nature and is not the responsibility of developers.</p> <p>4.5 Policy OS1: Protection of Views of Local Importance</p> <p>4.5.1 It is noted that the above policy seeks to protect and enhance local views identified by the local community. This policy must allow a decision maker to come to a view as to whether locations contain physical attributes that would ‘take it out of the ordinary’ rather than seeking to implement a blanket approach to protect areas which may not have any landscape significance. An area’s pleasant sense of openness to the open countryside cannot on its own amount to a land which should be protected. It is concerning that the emphasis of this element of the policy is very much on the ‘protection’ of key views rather than seeking to integrate sustainable development opportunities within the existing landscape within the neighbourhood area.</p> <p>4.6 Policy OS2: Protection of Local Green Spaces</p> <p>4.6.1 The above policy seeks to designate several parcels of land as Local Green Space (LGS). Gladman take this opportunity to remind the Parish Council that in order to designate land as LGS, the Parish Council must ensure that it is able to demonstrate robust evidence to meet national policy requirements as required by the Framework. The Framework makes clear at</p>

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			<p>paragraph 100 that the designation of LGS “should only be used where the green space is:</p> <p>a) In reasonably close proximity to the community it serves;</p> <p>b) Demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</p> <p>c) Local in character and is not an extensive tract of land.” (emphasis added)</p> <p>4.6.2 The above is clear that in order to designate LGS all tests must be met. Whilst Gladman note that the supporting text provides some cursory text regarding each proposed designation, this does not relate to the tests which need to be demonstrated to justify LGS designation. In this regard, Gladman highlight several examiner’s reports for consideration:</p> <ul style="list-style-type: none"> <li>- The Sedlescombe Neighbourhood Plan Examiner’s Report recommended the deletion of an LGS measuring approximately 4.5ha as it was found to be an extensive tract of land.</li> <li>- The Oakley and Deane Neighbourhood Plan Examiners Report recommended the deletion of an LGS measuring approximately 5ha and found this area to be not local in character. Thereby failing to meet 2 of the 3 tests for LGS designation.</li> <li>- The Alrewas Neighbourhood Plan Examiner’s Report identifies that both sites proposed as LGS in the neighbourhood plan to be extensive tracts of</li> </ul>

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			<p>land. The Examiner in this instance recommended the deletion of the proposed LGSs which measured approximately 2.4ha and 3.7ha.</p> <ul style="list-style-type: none"> <li>- The Freshford and Limpley Neighbourhood Plan Examiner's Report identified that the six LGS proposed did not meet the criteria required by the Framework either collectively or individually. Indeed, the Examiner identified that the combination of sites comprised of an extensive tract of land. The Examiner also considered that the protection of fields to 'prevent agglomeration between the settlement areas...is not the purpose of Local Green Space designation'.</li> <li>- The Eastington Neighbourhood Plan Examiner's Report recommended the deletion of three LGS (16ha and 2ha) considered to be extensive tracts of land. The third proposed LGS was deleted due to the lack of evidence demonstrating its importance and significance to the local community.</li> <li>- The Tatenhill and Rangemore Neighbourhood Plan Examiner's Report recommended the deletion of 2 LGS comprising of 4.3ha and 9.4ha.</li> <li>- The Norley Examiner's Report identified a total of 13 parcels of land to be designated as LGS. The Examiner recommended at §4.98 that the 'identification of these extensive tracts of agricultural land was contrary to NPPF policy' and recommended that the policy should be deleted. The proposed LGS measured in the range of 1ha – 4.3ha.</li> <li>- The Malpas and Overton Neighbourhood Plan Examiner's Report recommended the deletion of policy LC4 which included a total 42 LGS. The Examiner identified that 'a number of identified sites do not meet one or all of these requirements.' With regard to the third criteria the Examiner recommended that sites 16, 17 and 40 be deleted as they are 'relatively</li> </ul>

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			<p>extensive tracts of countryside'. The size of these sites ranged from 3.4ha – 16ha. In this instance, the Examiner also highlighted the importance of contacting landowners at an early stage about proposals to designate land as LGS. The Examiner was unable to identify any evidence of a targeted consultation with landowners.</p> <p>4.6.3 Further, there is no basis for seeking protection for sites adjacent to proposed LGS, in effect extending these parcels of LGS to include the setting of the areas. The policy currently does not accord with the requirements of the Framework and the circumstances upon which development on an LGS designation would be supported. Indeed, it is noted that these heritage assets are locally designated. Gladman therefore take this opportunity to make the parish council aware that national policy only requires consideration of an application on the significance of a non-designated heritage asset to be considered in determining the application and does not completely rule out development which may influence the significance of a non-designated heritage asset. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The Plan would be better served if the locally identified non-designated heritage assets were removed from Policy OS2 and included as a separate policy consistent with the requirements of national policy and sets out the two separate balancing exercises which need to be undertaken with regard to development effecting heritage assets.</p> <p>5 CONCLUSIONS</p> <p>5.1 Assessment against Basic Conditions</p>

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			<p>5.1.1 Gladman recognises the Government’s ongoing commitment to neighbourhood planning and the role that such Plans have as a tool for local people to shape the development of their local community. However, it is clear from national guidance that the RoDNP must be consistent with national planning policy and guidance. If the plan is found not to meet the Basic Conditions at Examination, then the plan will be unable to progress to referendum.</p> <p>5.1.2 As detailed through these submissions, we suggest that greater flexibility must now be built into the RoDNP’s proposals. Should the RoDNP proceed and fail to plan for this flexibility, there is a real risk that its proposals will need to be reviewed upon the emerging Local Plan’s adoption, to remain an up-to-date part of the Development Plan for the parish.</p>
8.	Mr Clive Winfield	Conflict with ESBC Policy – NDP Page 63 Open Spaces NPPF Audit	<p>The Open Spaces NPPF Audit on Page 63 conflicted with ESBC policy – it states that the “Plantation by the old swimming pool” is not allocated for development, whereas this property is allocated for development ESBC planning reference P/2005/01419.</p> <p>The above omission also contravened NPPF Paragraph 11 (Plans and decisions should apply a presumption in favour of sustainable Development) and Paragraph 117 (Planning policies and decisions should promote an effective use of land).</p>

Comment reference	Name of consultee	Section of Neighbourhood Plan	Representation
			<p>Recommendation: "Plantation by the old swimming pool" should be deleted from the list of designated local green spaces as it is under development and does not meet the audit criteria stated in NDP Page 63 (Open Spaces NPPF Audit).</p>
9.	Mr Clive Winfield	Duplication of ESBC protections	<p>Designation of private properties in the Rolleston-on-Dove NDP duplicates provided by ESBC under conservation areas, tree preservation orders and planning permissions and the Rolleston Parish Council have demonstrated they do not have the professional planning resources available to prepare and manage the NPD's application to in accordance with principles of good government established in the ESBC Area Plan "Local-Plan-2012-2031-FINAL", the ESBC "Revised Statement of Community Involvement", and the ESBC "Code of Conduct for Councillors", particularly where private properties are concerned.</p> <p>The "Plantation by the old swimming pool" is already subject to three layers of ESBC protection being the subject of planning conditions, a blanket Tree Preservation order, and being within a Conservation Area. The addition of a fourth layer of protection run by unqualified parish councillors and volunteers is inconsistent with NPPF Paragraph 3 The plan should (f) ... serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).</p>
10.	Mr Clive Winfield	Danger to the public arising from risks arising from confusion	<p>The Rolleston NDP creates potential for the public to cause damage to themselves or property through trespass on private property. This is inconsistent with the ESBC Area Plan "Local-Plan-2012-2031-FINAL" 1.33 which states that a priority of the Borough's Sustainable Community Strategy</p>

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		between public and private property	<p>(SCS) is reduction in crime. This potential is caused by failure to follow the Neighbourhood Planning Policy Framework, as follows:</p> <p>(1) On Rolleston NDP Page 56, Policy OS2: Protection of Local Green Spaces, the Rolleston NDP fails to following NPPF distinction between “open space” (described in Paragraph 96 as being for sport and creation), and “local green spaces” (described in Paragraph 99 as being green).</p> <p>(2) On Rolleston NDP Page 56, Policy OS2: Protection of Local Green Spaces, and pages 50-55, the Rolleston NDP intersperses the following public properties (with public access), and private properties (with no public access), without highlighting the different access rights. The properties were: ten public properties with public access, one sports ground with no public access (“Cricket pitches”), one curtilage of a private dwelling house with no public access (“Orchard adjacent to South Hill”) and one curtilage of a private dwelling house with no public access, being developed under ESBC planning reference /2005/01419 (“Plantation by the old swimming pool”).</p> <p>Recommendation: Rolleston-on-Dove NDP should be withdrawn, re-written after appropriate consultation, and re-submitted. Private properties should be removed from the local green space designation to avoid confusion leading to potential for trespass, damage to people and property, and potential for consequent litigation against Rolleston Parish Council and its officials and its volunteers, and ESBC and its officials.</p>
11.	Mr Clive Winfield	The Open Spaces NPPF Audit on <u>Page 63</u>	The Open Spaces NPPF Audit on <u>Page 63</u> was not competent as it was not supported by evidence or explanation of whether the evaluation process ensured all private properties in the village were considered fairly and equally

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			<p>in when selecting which private properties should be designated as draft local green spaces. Only two private dwelling house curtilages , “Plantation by the old swimming pool” allocated for development as a dwelling house under ESBC planning reference P/2005/01419 and “Orchard adjacent to South Hill”, of the approximately 1,400 dwelling house curtilages in the village were picked out for draft local green space designation, despite the fact that many of the other 1,400 properties met the criteria described on Page 63 and Pages 50-55, for example those on the Hall Grounds, Brookside, and Church Road.</p> <p>Criteria attached to each draft designated local green space in section 8.4 on <u>pages 50-55</u> were subjective and not evenly applied to all properties in the villages. Only two of the approximately 1,400 residential properties were picked out for draft local green space designation, despite the fact that many of the other 1,400 properties met the criteria. For example:</p> <p>(1) tall trees within the “Plantation by the old swimming pool” are described as “indicating the entrance to the village from the west”. There was no evidence of how the many other tall trees in the village were considered, nor how the entrances to the village from other directions were considered. The entrance to the village is not indicated by the tall trees but by a sign 300 metres to the west of those trees, and by other neighbouring buildings and trees;</p> <p>(2) tall fruit trees are mentioned as being within the “Orchard adjacent to South Hill”, but there is no evidence of how other tall fruit trees and orchards in the village were considered; (3) many other properties, such as those on the Hall Grounds, Brookside, and Church Road, have curtilages with tall trees and historic buildings and were not included for designation, even though they have greater impact on the village as they are closer to the village centre; (4) there is no evidence of how the many fields, hedgerows and other green</p>

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			<p>areas bordering the settlement area were considered as potential local green spaces;</p> <p>(5) there is no evidence of how open spaces other than the cricket pitches were considered, such as the recreation ground, school fields and ground surrounding the Scout Hut;</p> <p>(6) there was no evidence that Rolleston Parish Council acted to draw objective balance between the opinions of those parties expressing opinion in favour of other people’s curtilages being designated at local green spaces, and the opinions of the owners of the curtilages designated at local green spaces;</p> <p>(7) the effective result that some members of the community were unfairly picking upon two private dwelling house curtilages, and this is being facilitated by the Rolleston Parish Council using the Rolleston-on-Dove NDP.</p> <p>The above subjectivity contravened EU Human Right Charter Article 21.1 “ Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.” and Article Human Rights Act 1998 Schedule 1 Article 8.1 “Everyone has the right to respect of his private and family life, his home and his correspondence.” (Human Rights observance is a basic condition set out in the Basic Conditions Statement and PSA guidance for examiners require the Examiner to consider Human Rights issues)</p> <p>The above selection procedure also contravened the following principles of ESBC Code of Conduct for Councillors Appendix 1: General principle 3 (Objectivity) - Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias; General principle <b>5 (Openness)</b> - Councillors should act and take decisions in an open</p>

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			<p>and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing; Article 3.4 - Councillors must not bully any person; Article 3.6 - Councillors must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.</p> <p>Recommendation: Rolleston-on-Dove NDP should be withdrawn, re-written after appropriate consultation, and re-submitted. Selective designations of private properties are unfair, vindictive, divisive and conflict with the NDP Page 8 Aim No. 5 “To protect the community spirit”, especially when for they duplicate protection provided by ESBC under conservation areas, tree preservation orders and planning permissions.</p>
12.	Mr Clive Winfield	<b><u>Consultation process</u></b>	<p>The Regulation 14 consultation and community engagement conducted in October and November 2018 excluded the owner of the “Plantation by the old swimming pool”, in contradiction of Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, even though he was an interested party, owns that property and works weekly in the village on that property which was proposed for local green space designation, and even though his interest as owner of the “Plantation by the old swimming pool” in the property’s description in the NP as a potential local green space was known to Rolleston Parish Council, and even though his contact details were known to the Rolleston Parish Council. The Consultation Statement March 2019 and Paragraph 2.2 of the Draft NP were incorrect and incomplete as they did not describe or justify this exclusion.</p> <p>The above omission contradicted the principles in the ESBC Area Plan “Local-Plan-2012-2031-FINAL” 1.36 (which stated that in order to make sure that planning strategy addresses the right issues and to understand the</p>

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			<p>effects of the strategy the Council should assemble an extensive evidence base made up of two elements: the views of the local community and others with a stake in the future of the area.</p> <p>The above omission contradicted the principles established in the ESBC “Revised Statement of Community Involvement” paragraphs 3.8 (listen and act on feedback), 3.10 (Keep people/communities informed throughout the process), 3.12 (Methods of community involvement).</p> <p>The above omission contradicted the NPPF paragraph 39 requirement for “Good quality pre-application discussion”. Furthermore when the owner of the “Plantation by the old swimming pool” objected to not having been consulted, was referred by EBSC to a volunteer unqualified in planning co-opted by the PC, the volunteer unqualified in planning referred him back to EBSC and the Parish Clerk. The Parish Clerk referred him back to EBSC, Regulation 16 and the Examiner. This was not good quality pre-application discussion.</p> <p>The “Consultation Regulation 14 Comments Appendix” was incomplete as it did not include responses from the community in the original engagement process (described in Rolleston NDP paragraph 3.3) that gave rise to the proposed open and local greenspace designations, therefore it was impossible to consider objectively why two private dwelling house curtilages , “Plantation by the old swimming pool” (allocated for dwelling house development under ESBC planning reference P/2005/01419) and “Orchard adjacent to South Hill”, were set apart from approximately 1400 private dwelling house curtilages for proposed green space designation, and juxtaposed amongst public open spaces and public local green spaces in the NP. Rolleston Parish Council subsequently refused to make such information available to the owner of the “Plantation by the old swimming pool”. This</p>

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			<p>refusal contravened the principles of EU Human Right Charter Article 42 which states “Right of access to documents: Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, bodies, offices and agencies of the Union, whatever their medium.”</p> <p>The Consultation Statement March 2019 supporting the current Regulation 16 consultation was not competent as Comment 39 was not included in full and could not be viewed or considered by the public (this comment related to an earlier version of the NP prior to the October 2018 version considered in the October/November 2018 Regulation 14 consultation and community engagement).</p> <p>Recommendation: Rolleston-on-Dove NDP should be withdrawn and consultation should be reperformed.</p>
13.	Heatons Planning on behalf of Mr and Mrs Wain	Local Green Space Designation	<p>I act on behalf of Mr and Mrs Wain of 234 Station Road, Rolleston on Dove, Burton on Trent DE13 9AD (“my clients”) to submit representations to the submission stage consultation on the Rolleston on Dove Neighbourhood Development Plan (“the draft NP”). My clients have lived in their home, 234 Station Road for over 50 years. Their home is a semi-detached dwelling located to the South of Station Road. Included within their landholding is a piece of land to the north of Station Road.</p> <p>This piece of land is proposed to be designated within Policy OS2 of the draft NP as a “Local</p>

Comment reference	Name of consultee	Section of Neighbourhood Plan	Representation
			<p>Green Space” (LGS) under the title “LGS12 - Orchard adjacent to South Hill”. This is shown on maps contained within the draft NP. My clients object in the strongest possible terms to this proposed designation.</p> <p>I have been provided with a copy of previous representations made by Mr and Mrs Wain to previous stages of the draft NP. I have also reviewed the available documents which has led to the submission draft NP. I have also undertaken a visit to the site and the surrounding area.</p> <p>For the reasons set out herein (which accompany the completed response form provided at enclosure), I have serious concerns with the ability of the draft NP to comply with the basic conditions set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) (“the 1990 act”) and with the process adopted to date by the Neighbourhood Plan Group (“NPG”).</p> <p>The concerns largely arise from the selection of my client’s land as an LGS and the interaction between this policy proposal and National Planning Policy, Guidance and caselaw. All of which point to there being insufficient justification to designate my clients land as LGS.</p> <p>There is also concern over the conduct of the NPG in relation to the consultation process and a lack of meaningful engagement with my clients. The motivation of the NPG to designate my clients land as a LGS remains unclear. This is compounded by the lack of reasonable and robust evidence to confirm that the proposed policy meets the relevant requirements of the NPPF.</p> <p><b>Basic Conditions</b></p>

Comment reference	Name of consultee	Section of Neighbourhood Plan	Representation
			<p>Paragraph 8 of Schedule 4B of the 1990 Act requires a draft neighbourhood plan to meet 'basic conditions' which includes:</p> <ul style="list-style-type: none"> <li>• having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;</li> <li>• the making of the neighbourhood development plan contributes to the achievement of sustainable development;</li> <li>• the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area); and</li> <li>• the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.</li> </ul> <p>My clients consider that the draft NP fails to accord with basic conditions as it fails to have proper regard to national policies and advice contained within the guidance issued by the Secretary of State, namely the Planning Practice Guidance ("PPG"). We also question the ability of the proposed policy in its approach to achieving sustainable development objectives as we do not consider that it can deliver any genuine outcome that meets a logical planning purpose.</p> <p>Paragraph 47 of the PPG requires the group preparing the draft NP to be "inclusive and open in the preparation of its neighbourhood plan....and ensure the wider community:</p>

Comment reference	Name of consultee	Section of Neighbourhood Plan	Representation
			<ul style="list-style-type: none"> <li>• Is kept fully informed of what is being proposed;</li> <li>• Is able to make their views known throughout the process;</li> <li>• Has opportunities to be actively involved in shaping the emerging neighbourhood plan;</li> <li>• <u>Is made aware of how their views have informed the draft neighbourhood plan</u> (My emphasis underlined).</li> </ul> <p>Notwithstanding the efforts of the NPG to engage, their approach has prevented my client from playing an “active role” in the preparation of the draft NP by a refusal to engage with my client’s objections and substantiate through evidence why their land has been proposed as a LGS. This is contrary to paragraph 15 of the “Neighbourhood Planning” section within the PPG.</p> <p>My clients were not aware that their land is proposed as LGS until May 2018 whereby a draft plan had been progressed with relevant policies included.</p> <p>As part of providing a commentary on the consultation process a “Comments Tracker” is provided as an appendix to the “Consultation Statement”. Item 67 records discussions between Mr Wain and a representative of the NPG. This accurately confirms that my clients were anticipating a response from the NPG to objections made. My client has informed me that he was simply “directed to the website for the Neighbourhood Plan”. Clearly this is inadequate as my client would only be able to view the information against which objections had been made which included a lack of evidence and justification to substantiate the proposed policy designation. Under the column “Group Review 30-11-18” an outcome is recorded as “noted no</p>

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			<p>action". This is misleading and does not reveal how my clients involvement in the process has informed the draft NP.</p> <p>What is perhaps more relevant is Item 70 of the "Comments Tracker" which provides in full a record of objections made by my clients in November 2018. It is notable that my clients representation clearly stated:</p> <p>"We would welcome the opportunity to <u>discuss this issue further</u> with the Neighbourhood Plan Group and examine the evidence relied upon.....We look forward <u>to a response in due course so that this matter can be resolved</u>" (My emphasis underlined).</p> <p>Under the column "Group Review 30-11-18" an outcome is simply recorded as "noted".</p> <p>There has been no response or evidence to explain how my clients concerns have informed the draft NP and as such my clients have been unable to reach a view as to how they have informed the draft NP. The draft NP is directly contrary to the PPG in this regard.</p> <p>In practical terms, the need to engage is further highlighted paragraph 21 of the PPG which states that:</p> <p>"Management of land designated as Local Green Space will remain the responsibility of its owner. <u>If the features that make a green area special and locally significant are to be conserved, how it will be managed in the future is likely to be an important consideration.</u> Local communities can consider how, with the landowner's agreement, they might be able to get involved, perhaps</p>

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			<p>in partnership with interested organisations that can provide advice or resources.” (my emphasis underlined).</p> <p>On this basis we would again suggest that this “important consideration” as per the PPG cannot be discharged. As such the policy cannot meet the “basic conditions” as set out by the regulations. This is of course irrespective of whether agreement on management provisions could be made, which I would very much doubt.</p> <p><b>The Proposed LGS Designation</b></p> <p>In moving to the proposed designation of my client’s land which also relates to “basic conditions” compliance; the designation of it as LGS is a significant policy designation and effectively means that once designated, it provides protection that is comparable to that for Green Belt land.</p> <p>This is therefore one of the most restrictive designations in national planning policy. As such, the NPG should ensure that proposed designations such as this can meet the requirements of national policy.</p> <p>Paragraph 100 of the NPPF confirms that the designation of LGS should only be used:</p> <ul style="list-style-type: none"> <li>• “Where the green space is in reasonably close proximity to the community it serves;</li> <li>• Where the green area is demonstrably special to a local community and holds a</li> </ul>

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			<p>particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</p> <ul style="list-style-type: none"> <li>• Where the green area concerned is local in character and is not an extensive tract of land.”</li> </ul> <p>The NPG should be well aware of ‘exceptional nature’ of the LGS designation as it has been a contentious issue previously. This is recognised by the examiners of the earlier attempt at preparing a NP for Rolleston on Dove.</p> <p>In the Rolleston-on-Dove Examiners Report connected to a previously withdrawn NP (October 2013), Examiner Christopher Collison held:</p> <p>“The Framework recognises that local communities, through neighbourhood plans, should be able to identify for special protection green areas of particular importance to them. The Local Green Space designation should only be used where the green space is local in location and character and is special to the local community holding a particular local significance.”</p> <p>In respect of the College Playing Fields site (which was deleted and benefits from planning permission for residential development) he stated: “On my site visit I did not see anything to indicate that this land was available for public recreational use. <u>In addition I cannot identify any particular feature of this land that would distinguish it, from the vast majority of other land surrounding the village nor can I see that it has any particular merit for special designation</u>” (my emphasis underlined).</p>

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			<p>The same approach applies in this instance, as is readily evident from the enclosed photographs provided at enclosure 2.</p> <p>Other assistance can be found in the examiners reports for “Chapel-en-le-Frith” NP. In the report (January 2015), Examiner Janet Cheesley observed at paragraphs 158 and 159 that:</p> <p>“I must emphasise that in order for an area to be designated as a Local Green Space, <u>it has to meet all the criteria for designation</u>” (My emphasis underlined).</p> <p>The Examiner dealt with the individual sites in some detail and deleted those that did not meet all the relevant tests. Her comments in respect of 7. Target Wall Field and woodland adjacent to Warmbrook at 170 should be noted:</p> <p>“170. <u>It is not the purpose of the Local Green Space designations to include countryside land that provides wider views of the countryside.</u>” (My emphasis underlined) This approach applies in this instance where the site comprises countryside land which is read visually as part of wider surrounding countryside, please refer to paragraph 7.14 of the draft NP and photographs 1 and 9 contained as part of enclosure 2.</p> <p>It is relevant to undertake further analysis of the circumstances relating to my client’s land and the proposed LGS designation. It is noted that the analysis of and policies for “Local Green Space” are contained within a section titled “Community Facilities”. This is understood with regard to some of the other candidate sites for designation as Local Green Space, however it is unreasonable to classify my client’s land as a “Community Facility” when</p>

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			<p>objective analysis is undertaken as to whether it “serves” the community of Rolleston on Dove. (This test is set out by the relevant caselaw<sup>1</sup>).</p> <p>Page 54 of the draft NP describes my client’s land. It states that:  “<i>This small parcel of land on the north side of Station Road, adjacent to the route of the old railway, is an old established orchard with a number of tall fruit trees. It is an attractive and colourful feature at the beginning of Station Road particularly when the trees are in blossom and in autumn when they fruit prolifically. It has been carefully looked after by a local resident [the landowner] for many years with loving care</i>”.</p> <p>The “Open Spaces NPPF Audit” provided at pages 63 and 64 of the draft NP records my client’s land as being a “privately owned orchard with mature fruit trees”. It is classified as having significance being derived from its “Beauty” and “Tranquil” [sp] nature. It is considered that the land “contributes to ‘well being’”.</p> <p>My client’s land forms part of a wider landholding associated with their private dwelling.</p> <p>Although it is separated by a main route leading into the village, it has been used in connection with the private enjoyment of my clients dwelling for over 50 years.</p> <p>Today, it is very much a private piece of land, laid to grass containing nothing more than a limited number of trees, of which (less than 10) are fruit trees. It also includes a domestic garage / storage building. Various versions of a</p>

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<sup>1</sup> [Legard, R \(On the Application Of\) v The Royal Borough of Kensington and Chelsea \[2018\] EWHC 32 \(Admin\) \(12 January 2018\)](#)

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			<p>garage / storage building have existed continuously on the land prior to the 1940's. This building is actively used in connection with the occupation of my clients home for the parking of family cars and the storage of equipment used in the maintenance of their landholding. It benefits from an access to the public highway.</p> <p>The land is not a "Facility" as such to anyone other than my clients who wish to continue to manage and enjoy their land without unnecessary and unjustified controls.</p> <p>The land is typical of the countryside which surrounds Rolleston on Dove. This is described by paragraph 7.14 of the draft NP which states that:</p> <p>"Much of the agriculture around Rolleston on Dove now uses fairly large fields. There is an area stretching north from Station Road, particularly between The Jinnie Inn and the line of the old railway, where fields are relatively small, with well-maintained hedges....."</p> <p>My client's land lies in the area stretching between the Jinnie Inn and the line of the old railway where there are numerous similar fields and paddocks. Interestingly none of these other areas have been proposed for LGS designation. Neither is this area identified as having any particular significance derived from its beauty or tranquillity. It is nothing more than typical of the countryside surrounding the settlement.</p> <p>The land has long been (and will continue to be) subject to responsible management by my clients. Recently work has been required on the land to maintain drainage and undertake work to the trees, this work has been carried out by my clients in conjunction with a professional Arborist. The</p>

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			<p>Arborist has advised upon the condition and long term management of the trees.</p> <p>This has included selective tree removal and pruning which has been fully justified. No justification to any external bodies is required as none of the trees are protected (by Tree Preservation Order). Similarly the numbers of trees removed would not require a felling licence to be obtained from the Forestry Commission.</p> <p>Even if the examiner were to consider the features of the site of significance to warrant the designation as LGS, this designation and the policy wording could not restrict similar work to that already carried out to maintain the site. It is entirely possible given the condition of trees that any remnant significance derived from the fruit trees contained within the site would further diminish with time. We maintain however that the trees within this site do not contribute to any “particular local significance”.</p> <p>I enclose photographs which show the land in question. From these it is possible to draw conclusions as to its visual qualities - or indeed lack thereof. The land is in visual terms typical of the surrounding pattern of fields which surround the settlement. Also given the proximity to Station Road, a main route into Rolleston on Dove, the land cannot be described as ‘tranquil’.</p> <p>Policy OS2 which designates my clients land as Local Green Space is focussed upon maintaining “open and green character”, “community use” and “community, wildlife, amenity and other values”. However, the framing of such spaces is stated as being around “heritage assets”. The policy requires “facilities to support the community use of space”. Furthermore, the list of LGS sites is prefaced by the phrasing: “The local green spaces around the</p>

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			<p>following heritage assets provide an important open setting which must be maintained” (my emphasis underlined).</p> <p>This goes to the heart of whether my client’s land is “demonstrably special” to the local community and “holds a particular local significance” through for example its “beauty, historic significance, recreational value, tranquillity or richness of its wildlife”.</p> <p>However, the obvious focus in this instance is “community use” and “historic significance”, not the beauty or tranquillity highlighted within the “Open Spaces NPPF Audit”.</p> <p>Notwithstanding this, with respect to the NPG, by no objective measure does my client’s land have any prospect of “community use”, nor does it enjoy any defined historic significance.</p> <p>It has no defined relationship with either designated or non-designated heritage assets, it is distant from the defined conservation area and other heritage assets such as listed buildings.</p> <p>Furthermore, the published materials (at enclosure 3) relating to the “Jinny Trail” which is perhaps a non-designated heritage asset makes no reference to my clients land as having any historic or other association.</p> <p>Finally, in reference to enclosure 4 it is readily appreciated that the site has no public access.</p> <p>Conclusions The draft NP does not accord with the basic conditions in relation to the proposed LGS designation of my client’s land for the following reasons:</p>

Comment reference	Name of consultee	Section of Neighbourhood Plan	Representation
			<ul style="list-style-type: none"> <li>• The proposed policy contravenes national policies and guidance issued by the secretary of state, because:</li> <li>• It does not contain any recognisable features that would distinguish it from the vast majority of other land surrounding the village. It is merely countryside land that provides at most wider views of the countryside.</li> <li>• It is not a community facility. It has no relationship with any surrounding heritage assets and the land itself is not a heritage asset.</li> <li>• The proposed policy would not contribute towards the achievement of sustainable development because:</li> <li>• The policy designation would serve no meaningful planning purpose because (as a corollary of the lack of meaningful engagement) contain any management provisions to preserve the features that are identified as being important by the NPG.</li> </ul> <p>It is considered that the only option is for the proposed designation of my client's land as Local Green Space to be deleted from the draft NP.</p> <p>I would be pleased to discuss this issue further with the NPG or the appointed examiner in due course.</p> <p>(see also enclosures)</p>
14.	The Coal Authority	General comment	Having reviewed your document, I confirm that we have no specific comments to make on it.
15.	Louise Morris, Transforming The Trent Valley,	General Comment	I wish to make a comment on the Rolleston-on-Dove Neighbourhood Development Plan.

Comment reference	Name of consultee	Section of Neighbourhood Plan	Representation
	Staffordshire Wildlife Trust		<p>My comment is brief and relates to section 9: Non planning issues - Community Projects.</p> <p>I would like to request that the paragraph 9.5 is updated to reflect the positive outcome of the scheme referred to under which the Brook Hollows project falls. I recommend the following re-wording (in purple):</p> <p>9.4 Over the years, residents and the local Civic Trust, have pushed for works to be completed on the area and for the lake to be de-silted. ESBC have now included Brook Hollows into a wider project (known as Transforming the Trent Valley) to open access to the lower Trent region. Proposals seek to de-silt the lake, include measures to mitigate the silt build up, and improve the woodland paths. It will also include provision for educational opportunities such as school visits and additional signage. This work is underway and is being assisted by ESBC, with support from the Environment Agency, Staffordshire Wildlife Trust, Historic England, various local schools, fishing groups, scouts and guide groups.</p> <p>9.5 Transforming the Trent Valley has successfully secured funding from The National Lottery Heritage Fund and the scheme launched on 1st April 2019. Brook Hollows will be funded through this scheme with match funding from the parish and borough councils. Work is due to commence towards the end of 2019.</p>
16.	East Staffordshire Borough Council	General comments	<p>East Staffordshire Borough Council made comments on the regulation 14 draft plan. Several comments have resulted in changes to the plan. However, below are those comments that remain outstanding. It is acknowledged that</p>

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			<p>many of the comments do not relate to the basic conditions but will aid the legibility, clarity and implementation of the neighbourhood plan.</p> <ul style="list-style-type: none"> <li>• Figure 1 – re-title to correctly say ‘Neighbourhood Area’.</li> </ul> <p><b><u>Aims</u></b></p> <p>4 – cannot require all development to improve public parking, applications can only mitigate their own impact or provide additional benefits where this is directly related to the development</p> <p>5 – Not sure how this aim relates to planning?</p> <p>6 – The Neighbourhood Plan cannot be used to determine planning applications outside of the Neighbourhood Area and so the reference to ‘or elsewhere’ needs to be removed</p> <p><b><u>Strategic Context</u></b></p> <p>5.2 This sentence is too restrictive - there may be development outside the settlement boundary (barn conversions, agricultural buildings, rural exception etc).</p> <p>5.11 – the footnote does not include a reference or web link</p> <p>Figure 11 – consider this is the wrong place for this table, is this the standard the plan aims to include as a policy?</p> <p>5.24 – Consider that ‘no interest’ is perhaps rather misleading. Clinical Commissioning groups now operate differently and so the planning system is required to operate within this structure. The traditional delivery of GPs is changing with the delivery of larger, multi service clinics in more central areas. Clinical Commissioning Groups (CCGs) were created following the</p>

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			<p>Health and Social Care Act in 2012, and replaced Primary Care Trusts on 1 April 2013. They are clinically-led statutory NHS bodies responsible for the planning and commissioning of health care services for their local area.</p> <p>6.5 – footnote 5 is not referenced</p> <p><b><u>Policies</u></b></p> <p><b><u>Policy H1:</u></b></p> <ul style="list-style-type: none"> <li>• It is acknowledged that the plan now refers to what is meant by small scale infill</li> <li>• Change “to be sustainable, development must...” to “to be acceptable, development must...”</li> <li>• 4 is not necessary as this would be covered by the NPPF and Local Plan policies. Unless there are specific infrastructure requirements in Rolleston?</li> <li>• The policy generally needs to be aware/acknowledge that there will be some housing development outside the settlement boundary which is acceptable in planning terms – such barn conversions and the sub division of houses and those schemes which are rural exception sites.</li> </ul> <p><b><u>Policy H2:</u></b></p> <p>The policy needs to separate smaller schemes (those less than 10 dwellings which would require a suitable mix on site) and major schemes (those over 11 dwellings where affordable housing and a wider mix subject to a S106 would be expected).</p> <p>Definition of how applicants are expected to justify housing need would be useful.</p>

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			<p>Previously it was recommend that the technical standards go into the policy, rather that the interpretation text however it is acknowledged that the ministerial statement titled <i>Planning update March 2015</i> states that Neighbourhood plans should not be used to apply the new national technical standards.</p> <p><b><u>Policy D1</u></b></p> <p>With reference to on site contributions – does the policy mean off site contributions?</p> <p><b><u>Policy D3</u></b></p> <p>The garage size comment is not useful for decision makers – it would be better to make reference to a specific size standard so the garage is a usable space for both a car parking space and storage of other household items, such as bicycles.</p> <p><b><u>Policy OS1</u></b></p> <p>Suggest the policy is reworded to something such as ‘<b>Developments that affect these views and vistas must be supported with a Design and Access Statement which demonstrates how the proposal would impact them. Schemes to improve and enhance them will be encouraged.</b>’</p> <p><b><u>Policy NE1</u></b></p> <p>What if one of these criteria can’t be achieved or is not a viable option (for example, the last one may be difficult to do in all circumstances) – does the application fail? In planning, it is not always reasonable to require proposals to improve the current situation, only to mitigate the proposals impact.</p>

<b>Comment reference</b>	<b>Name of consultee</b>	<b>Section of Neighbourhood Plan</b>	<b>Representation</b>
			It is recommended that the plan include a monitoring section to set out how will the success of the Neighbourhood Plan will be monitored?